

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  
September 1, 2015**

**A meeting of the Fayetteville City Council was held on September 1, 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:**

1. Quarterly Financial Report - 2nd Quarter 2015, Paul Becker, Chief Financial Officer

**Agenda Additions**

**A. Consent**

1. Approval of the August 18, 2015 City Council meeting minutes.

**APPROVED**

2. **Animal Services Donation Revenue:** A resolution to approve a budget adjustment in the amount of \$39,089.00 representing donation revenue to Animal Services for the first and second quarters of 2015.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 151-15**

3. **Williams Tractor of Fayetteville:** A resolution to authorize the purchase of two (2) 2015 T590 T4 Bobcat Compact Track Loaders from Williams Tractor of Fayetteville, Arkansas in the total amount of \$101,189.02 pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by Transportation Services.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 152-15**

4. **Lewis Ford of Fayetteville:** A resolution to authorize the purchase of a 2015 Ford F250 4x4 from Lewis Ford of Fayetteville, Arkansas in the amount of \$23,075.00, pursuant to a state procurement contract, for use by Parks and Recreation.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 153-15**

5. **Bryce Davis Park and Improvements to Lake Fayetteville:** A resolution to approve a budget adjustment in the total amount of \$147,170.00 recognizing parkland dedication fees from the Northwest and Northeast Quadrants to be used for lighting at Bryce Davis Park and improvements to Lake Fayetteville.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 154-15**

6. **Fayetteville Advertising and Promotion Commission Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with the Fayetteville Advertising and Promotion Commission for the city to provide operational and maintenance services for the Town Center Parking Deck in exchange for the use of fifty-five (55) parking spaces for a period of one year with five additional one year automatic renewals.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 155-15**

7. **Federal Emergency Management Agency (FEMA) Risk Map Phase 2:** A resolution to authorize the city's participation in Phase 2 of the Risk Map program with the Federal Emergency Management Agency and the Arkansas Natural Resources Commission to update the Washington County Flood Insurance Study and Flood Insurance Rate Maps at a cost of up to \$43,658.00.

**THIS RESOLUTION WAS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION. PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 156-15**

## **B. Unfinished Business**

## **C. New Business**

1. **RZN 15-5130 (1285 E. Millsap Rd./Christian Life Cathedral):** An ordinance rezoning that property described in Rezoning Petition RZN 15-5130, for approximately 15 acres, located at 1285 E. Millsap Road from RSF-4, Residential Single Family, 4 Units per Acre, to P-1, Institutional.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5794**

2. **VAC 15-5127 (19 N. Palmer Ave./Baker):** An ordinance to approve VAC 15-5127 submitted by Allen Baker for property located at 19 N. Palmer Avenue to vacate an existing blanket water and sewer easement.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5795**

3. **ADM 15-5153 (Timber Trails Subdivision PZD Amendment):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 04-1154, Timber Trails, containing approximately 26 acres, to modify the zoning of lots 70 through 77, 98, and 99 to allow for Use Unit 8, Single Family Dwellings.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5796**

4. **Amend 172.05 (ADM 15-5088 UDC Amendment Chapter 172.05 Non-Residential Parking Requirements):** An ordinance to amend section 172.05 of the Unified Development Code to remove minimum parking standards for non-residential uses.

**THIS ORDINANCE WAS LEFT ON THE FIRST READING**

## **Announcements**

## **City Council Agenda Session Presentations**

1. Agenda Session Presentation: Alison Jumper, Regional Park Progress Update.

## **City Council Tour:**

**Adjournment: 6:47 p.m.**

| Subject:                                           | Roll         |        |  |  |  |
|----------------------------------------------------|--------------|--------|--|--|--|
| Alderman<br>Petty &<br>Schoppmeyer<br>were absent. | Petty        | Absent |  |  |  |
|                                                    | Tennant      | ✓      |  |  |  |
|                                                    | Schoppmeyer  | absent |  |  |  |
|                                                    | La Tour      | ✓      |  |  |  |
|                                                    | Long         | ✓      |  |  |  |
|                                                    | Gray         | ✓      |  |  |  |
|                                                    | Marsh        | ✓      |  |  |  |
|                                                    | Kinion       | ✓      |  |  |  |
|                                                    | Mayor Jordan | ✓      |  |  |  |

7-0

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

|                                                                                                                                                                  |                     |                |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------|--|--|--|
| <b>Subject:</b>                                                                                                                                                  | <b>Consent</b>      |                |  |  |  |
| <b>Motion To:</b>                                                                                                                                                |                     | <i>Approve</i> |  |  |  |
| <b>Motion By:</b>                                                                                                                                                |                     | <i>Marsh</i>   |  |  |  |
| <b>Seconded:</b>                                                                                                                                                 |                     | <i>Gray</i>    |  |  |  |
| <i>151-15 thru 155-15</i><br><i>Minutes</i><br><i>Approved</i><br><hr/> <i>A. 7.</i><br><i>removed</i><br><i>for</i><br><i>discussion</i><br><hr/> <i>passed</i> | <b>Petty</b>        | <i>absent</i>  |  |  |  |
|                                                                                                                                                                  | <b>Tennant</b>      | ✓              |  |  |  |
|                                                                                                                                                                  | <b>Schoppmeyer</b>  | <i>absent</i>  |  |  |  |
|                                                                                                                                                                  | <b>La Tour</b>      | ✓              |  |  |  |
|                                                                                                                                                                  | <b>Long</b>         | ✓              |  |  |  |
|                                                                                                                                                                  | <b>Gray</b>         | ✓              |  |  |  |
|                                                                                                                                                                  | <b>Marsh</b>        | ✓              |  |  |  |
|                                                                                                                                                                  | <b>Kinion</b>       | ✓              |  |  |  |
|                                                                                                                                                                  | <b>Mayor Jordan</b> |                |  |  |  |

6-0

|                                                                                                 |                                                         |                |  |  |  |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------|--|--|--|
| <b>Subject:</b>                                                                                 | <i>A. 7. - 2015 - 0375 Federal Emergency Management</i> |                |  |  |  |
| <b>Motion To:</b>                                                                               |                                                         | <i>Approve</i> |  |  |  |
| <b>Motion By:</b>                                                                               |                                                         | <i>Marsh</i>   |  |  |  |
| <b>Seconded:</b>                                                                                |                                                         | <i>Gray</i>    |  |  |  |
| <i>A. 7.</i><br><i>Removed</i><br><i>from</i><br><i>Consent</i><br><hr/> <i>Passed</i><br><hr/> | <b>Petty</b>                                            | <i>absent</i>  |  |  |  |
|                                                                                                 | <b>Tennant</b>                                          | ✓              |  |  |  |
|                                                                                                 | <b>Schoppmeyer</b>                                      | <i>absent</i>  |  |  |  |
|                                                                                                 | <b>La Tour</b>                                          | ✓              |  |  |  |
|                                                                                                 | <b>Long</b>                                             | ✓              |  |  |  |
|                                                                                                 | <b>Gray</b>                                             | ✓              |  |  |  |
|                                                                                                 | <b>Marsh</b>                                            | ✓              |  |  |  |
|                                                                                                 | <b>Kinion</b>                                           | ✓              |  |  |  |
|                                                                                                 | <b>Mayor Jordan</b>                                     |                |  |  |  |

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|                                         |                     |  |  |  |  |
|-----------------------------------------|---------------------|--|--|--|--|
| <b>Subject:</b>                         | None                |  |  |  |  |
| <b>Motion To:</b>                       |                     |  |  |  |  |
| <b>Motion By:</b>                       |                     |  |  |  |  |
| <b>Seconded:</b>                        |                     |  |  |  |  |
| <b>B. 1<br/>Unfinished<br/>Business</b> | <b>Petty</b>        |  |  |  |  |
|                                         | <b>Tennant</b>      |  |  |  |  |
|                                         | <b>Schoppmeyer</b>  |  |  |  |  |
|                                         | <b>La Tour</b>      |  |  |  |  |
|                                         | <b>Long</b>         |  |  |  |  |
|                                         | <b>Gray</b>         |  |  |  |  |
|                                         | <b>Marsh</b>        |  |  |  |  |
|                                         | <b>Kinion</b>       |  |  |  |  |
|                                         | <b>Mayor Jordan</b> |  |  |  |  |

|                   |                     |  |  |  |  |
|-------------------|---------------------|--|--|--|--|
| <b>Subject:</b>   |                     |  |  |  |  |
| <b>Motion To:</b> |                     |  |  |  |  |
| <b>Motion By:</b> |                     |  |  |  |  |
| <b>Seconded:</b>  |                     |  |  |  |  |
|                   | <b>Petty</b>        |  |  |  |  |
|                   | <b>Tennant</b>      |  |  |  |  |
|                   | <b>Schoppmeyer</b>  |  |  |  |  |
|                   | <b>La Tour</b>      |  |  |  |  |
|                   | <b>Long</b>         |  |  |  |  |
|                   | <b>Gray</b>         |  |  |  |  |
|                   | <b>Marsh</b>        |  |  |  |  |
|                   | <b>Kinion</b>       |  |  |  |  |
|                   | <b>Mayor Jordan</b> |  |  |  |  |

|                                                          |              |                                                            |          |        |  |
|----------------------------------------------------------|--------------|------------------------------------------------------------|----------|--------|--|
| Subject:                                                 |              | RZN 15-5130 (1285 E. Millsap Rd./Christian Life Cathedral) |          |        |  |
| Motion To:                                               |              | 2nd Read                                                   | 3rd Read | Pass   |  |
| Motion By:                                               |              | Gray                                                       | Gray     |        |  |
| Seconded:                                                |              | Marsh                                                      | Tennant  |        |  |
| C. 1<br>New<br>Business<br><br><u>passed</u><br><br>5794 | Petty        | absent                                                     | absent   | absent |  |
|                                                          | Tennant      | ✓                                                          | ✓        | ✓      |  |
|                                                          | Schoppmeyer  | absent                                                     | absent   | absent |  |
|                                                          | La Tour      | ✓                                                          | ✓        | ✓      |  |
|                                                          | Long         | ✓                                                          | ✓        | ✓      |  |
|                                                          | Gray         | ✓                                                          | ✓        | ✓      |  |
|                                                          | Marsh        | ✓                                                          | ✓        | ✓      |  |
|                                                          | Kinion       | ✓                                                          | ✓        | ✓      |  |
|                                                          | Mayor Jordan |                                                            |          |        |  |

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|                                                          |              |                                       |          |        |  |
|----------------------------------------------------------|--------------|---------------------------------------|----------|--------|--|
| Subject:                                                 |              | VAC 15-5127 (19 N. Palmer Ave./Baker) |          |        |  |
| Motion To:                                               |              | 2nd Read                              | 3rd Read | Pass   |  |
| Motion By:                                               |              | La Tour                               | Tennant  |        |  |
| Seconded:                                                |              | Long                                  | Gray     |        |  |
| C. 2<br>New<br>Business<br><br><u>passed</u><br><br>5795 | Petty        | absent                                | absent   | absent |  |
|                                                          | Tennant      | ✓                                     | ✓        | ✓      |  |
|                                                          | Schoppmeyer  | absent                                | absent   | absent |  |
|                                                          | La Tour      | ✓                                     | ✓        | ✓      |  |
|                                                          | Long         | ✓                                     | ✓        | ✓      |  |
|                                                          | Gray         | ✓                                     | ✓        | ✓      |  |
|                                                          | Marsh        | ✓                                     | ✓        | ✓      |  |
|                                                          | Kinion       | ✓                                     | ✓        | ✓      |  |
|                                                          | Mayor Jordan |                                       |          |        |  |

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|---------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------|-----------------|---------------|--|
| <b>Subject:</b>                                                                       | ADM 15-5153 (Timber Trails Subdivision PZD Amendment) |                 |                 |               |  |
| <b>Motion To:</b>                                                                     |                                                       | <i>2nd Read</i> | <i>3rd Read</i> | <i>Pass</i>   |  |
| <b>Motion By:</b>                                                                     |                                                       | <i>Marsh</i>    | <i>Gray</i>     |               |  |
| <b>Seconded:</b>                                                                      |                                                       | <i>Tennant</i>  | <i>Marsh</i>    |               |  |
| <b>C. 3</b><br><br><b>New</b><br><br><b>Business</b><br><br><i>passed</i><br><br>5796 | Petty                                                 | <i>Absent</i>   | <i>absent</i>   | <i>absent</i> |  |
|                                                                                       | Tennant                                               | <i>✓</i>        | <i>✓</i>        | <i>✓</i>      |  |
|                                                                                       | Schoppmeyer                                           | <i>absent</i>   | <i>absent</i>   | <i>absent</i> |  |
|                                                                                       | La Tour                                               | <i>✓</i>        | <i>✓</i>        | <i>✓</i>      |  |
|                                                                                       | Long                                                  | <i>✓</i>        | <i>✓</i>        | <i>✓</i>      |  |
|                                                                                       | Gray                                                  | <i>✓</i>        | <i>✓</i>        | <i>✓</i>      |  |
|                                                                                       | Marsh                                                 | <i>✓</i>        | <i>✓</i>        | <i>✓</i>      |  |
|                                                                                       | Kinion                                                | <i>✓</i>        | <i>✓</i>        | <i>✓</i>      |  |
|                                                                                       | Mayor Jordan                                          |                 |                 |               |  |

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|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--|--|--|--|
| <b>Subject:</b>                                                                              | Amend 172.05 (ADM 15-5088 UDC Amendment Chapter 172.05 Non-Residential Parking Requirements) |  |  |  |  |
| <b>Motion To:</b>                                                                            |                                                                                              |  |  |  |  |
| <b>Motion By:</b>                                                                            |                                                                                              |  |  |  |  |
| <b>Seconded:</b>                                                                             |                                                                                              |  |  |  |  |
| <b>C. 4</b><br><br><b>New</b><br><br><b>Business</b><br><br><i>Left on the first Reading</i> | Petty                                                                                        |  |  |  |  |
|                                                                                              | Tennant                                                                                      |  |  |  |  |
|                                                                                              | Schoppmeyer                                                                                  |  |  |  |  |
|                                                                                              | La Tour                                                                                      |  |  |  |  |
|                                                                                              | Long                                                                                         |  |  |  |  |
|                                                                                              | Gray                                                                                         |  |  |  |  |
|                                                                                              | Marsh                                                                                        |  |  |  |  |
|                                                                                              | Kinion                                                                                       |  |  |  |  |
|                                                                                              | Mayor Jordan                                                                                 |  |  |  |  |



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: September 2, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of September 1, 2015

1. A resolution to approve a budget adjustment in the amount of \$39,089.00 representing donation revenue to Animal Services for the first and second quarters of 2015.
2. A resolution to authorize the purchase of two (2) 2015 T590 T4 Bobcat Compact Track Loaders from Williams Tractor of Fayetteville, Arkansas in the total amount of \$101,189.02 pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement for use by Transportation Services.
3. A resolution to authorize the purchase of a 2015 Ford F250 4x4 from Lewis Ford of Fayetteville, Arkansas in the amount of \$23,075.00, pursuant to a State Procurement Contract, for use by Parks and Recreation.
4. A resolution to approve a budget adjustment in the total amount of \$147,170.00 recognizing Parkland Dedication Fees from the northwest and northeast quadrants to be used for lighting at Bryce Davis Park and improvements to Lake Fayetteville.
5. A resolution to approve amendment no. 2 to the contract with the Fayetteville Advertising and Promotion Commission for the City to provide operational and maintenance services for the Town Center Parking Deck in exchange for the use of fifty-five (55) parking spaces for a period of one year with five additional one year automatic renewals.
6. A resolution to authorize the City's participation in Phase 2 of the Risk Map Program with the Federal Emergency Management Agency and the Arkansas Natural Resources Commission to update the Washington County Flood Insurance Study and Flood Insurance Rate Maps at a cost of up to \$43,658.00.

# City of Fayetteville, Arkansas

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



## Meeting Agenda - Final Agenda

**Tuesday, September 1, 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*

**ELECTED OFFICIALS:**  
*Mayor Lioneld Jordan*  
*City Attorney Kit Williams*  
*City Clerk Sondra Smith*

**Call To Order****Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:**[2015-0117](#)

QUARTERLY FINANCIAL REPORT - 2ND QUARTER 2015, PAUL BECKER, CHIEF FINANCIAL OFFICER

**Agenda Additions:****A. Consent:****A. 1**      [2014-0510](#)

APPROVAL OF THE AUGUST 18, 2015 CITY COUNCIL MEETING MINUTES.

**A. 2**      [2015-0349](#)**ANIMAL SERVICES DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$39,089.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST AND SECOND QUARTERS OF 2015

**Attachments:**[2015-0349 Agenda Packet](#)[BA- 1 and 2 Qtr Donation Rev 2015](#)**A. 3**      [2015-0377](#)**WILLIAMS TRACTOR OF FAYETTEVILLE:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 T590 T4 BOBCAT COMPACT TRACK LOADERS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$101,189.02 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES

**Attachments:**[SRP - Skid Steers TRSW 6016-6017](#)

**A. 4**      [2015-0379](#)**LEWIS FORD OF FAYETTEVILLE:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 FORD F250 4X4 FROM LEWIS FORD OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$23,075.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY PARKS AND RECREATION

**Attachments:**[SRP - Ford Truck PKMN 2194](#)**A. 5**      [2015-0376](#)**BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$147,170.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHWEST AND NORTHEAST QUADRANTS TO BE USED FOR LIGHTING AT BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE

**Attachments:**[Legistar packet - PLD NW & NE](#)[BA \(Agenda Item\) - PLD Revenue Recognition 9-1-15](#)**A. 6**      [2015-0371](#)**FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION AMENDMENT NO. 2:**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT WITH THE FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION FOR THE CITY TO PROVIDE OPERATIONAL AND MAINTENANCE SERVICES FOR THE TOWN CENTER PARKING DECK IN EXCHANGE FOR THE USE OF FIFTY-FIVE (55) PARKING SPACES FOR A PERIOD OF ONE YEAR WITH FIVE ADDITIONAL ONE YEAR AUTOMATIC RENEWALS

**Attachments:**[Fayetteville A & P Commission](#)

**A. 7**      [2015-0375](#)**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
RISK MAP PHASE 2:**

A RESOLUTION TO AUTHORIZE THE CITY'S PARTICIPATION IN PHASE 2 OF THE RISK MAP PROGRAM WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE ARKANSAS NATURAL RESOURCES COMMISSION TO UPDATE THE WASHINGTON COUNTY FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AT A COST OF UP TO \$43,658.00

**Attachments:**      [2015-0375 FEMA Risk Map Phase 2](#)

**B. Unfinished Business: None****C. New Business:****C. 1**      [2015-0380](#)**RZN 15-5130 (1285 E. MILLSAP RD./CHRISTIAN LIFE  
CATHEDRAL):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5130, FOR APPROXIMATELY 15 ACRES, LOCATED AT 1285 E. MILLSAP ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

**Attachments:**      [15-5130 CC EXHIBITS](#)  
                              [15-5130 CC Docs](#)

**C. 2**      [2015-0384](#)**VAC 15-5127 (19 N. PALMER AVE./BAKER):**

AN ORDINANCE TO APPROVE VAC 15-5127 SUBMITTED BY ALLEN BAKER FOR PROPERTY LOCATED AT 19 N. PALMER AVENUE TO VACATE AN EXISTING BLANKET WATER AND SEWER EASEMENT

**Attachments:**      [15-5127 CC EX A & B](#)  
                              [15-5127 Staff Report](#)

**C. 3**      [2015-0383](#)**ADM 15-5153 (TIMBER TRAILS SUBDIVISION PZD AMENDMENT):**

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 04-1154, TIMBER TRAILS, CONTAINING APPROXIMATELY 26 ACRES, TO MODIFY THE ZONING OF LOTS 70 THROUGH 77, 98, AND 99 TO ALLOW FOR USE UNIT 8, SINGLE FAMILY DWELLINGS

**Attachments:**[15-5153 CC EX A](#)[15-5153 Staff Report](#)**C. 4**      [2015-0372](#)**AMEND 172.05 (ADM 15-5088 UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS:**

AN ORDINANCE TO AMEND SECTION 172.05 OF THE UNIFIED DEVELOPMENT CODE TO REMOVE MINIMUM PARKING STANDARDS FOR NON-RESIDENTIAL USES

**Attachments:**[15-5088 CC EX A](#)[15-5088 CC Staff reports](#)[Supplemental Materials](#)[C. 4 Additional Amend 172.05 Memo](#)**D. City Council Agenda Session Presentations:****D. 1**      [2015-0369](#)

AGENDA SESSION PRESENTATION: ALISON JUMPER, REGIONAL PARK PROGRESS UPDATE

**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 479-575-8330.*

*A copy of the complete City Council agenda is available at [www.fayetteville-ar.gov](http://www.fayetteville-ar.gov) or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.*



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Patti Mulford  
Paralegal

TO: Mayor Jordan  
City Council

CC: Jeremy Pate, Development Services Director  
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

DATE: August 25, 2015

RE: § 172.05 (C) (4) *Further administrative reductions/increases for non-residential parking requirements*

After consultation with Alderman Petty and Developmental Services Director Jeremy Pate, I have made some changes to my proposed alternative code section that would authorize the Planning staff to reduce the minimum required parking requirements for non-residential parking administratively (without requiring Planning Commission action).

This attached ordinance would authorize the City Planning Director to grant reductions to the minimum parking requirements for non-residential developments. This would be a simple administrative procedure that does not require presentation to the Planning Commission to be granted. Nor does it require an "undue hardship" to be proven by the new business, but only a short review by Planning of the parking needs and resources in the neighborhood that could be affected adversely if no minimum parking is required of a new business. In order for this City Council and future City Councils to maintain their authority over minimum parking requirements in the future, I recommend this as a substitute ordinance to the one recommended by the Planning Commission.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND § 172.05 (C) (4) TO PROVIDE CITY PLANNING STAFF THE AUTHORITY TO GRANT FURTHER REDUCTIONS TO THE MINIMUM REQUIRED PARKING FOR NON-RESIDENTIAL DEVELOPMENT**

**WHEREAS**, the City Planning staff and the Planning Commission have recommended that the City Council consider eliminating the required minimum parking requirements for non-residential development; and

**WHEREAS**, the City Council has determined that City Planning staff should have the authority on a case-by-case basis following an analysis of the existing available public parking near the proposed commercial development to reduce the required minimum parking to an appropriate level.

**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 § 172.05 (C) (4) by repealing it in its entirety and enacting a replacement § 172.05 (C) (4) as shown below:

“§ 172.05 (C) (4) *Further administrative reductions/increases.*

(a) The City Planning Director may grant further reductions to the minimum parking requirements for non-residential developments otherwise required by this section after analyzing;

(i) the availability of public parking near the proposed development;

(ii) potential adverse effects on such public parking and neighboring businesses, offices and residences of reducing or eliminating minimum parking requirements for such non-residential development;

(iii) and any other relevant considerations.

(b) Reductions or increases of parking requirements for residential developments and increases in the non-residential maximum parking limits in excess of those identified in this section shall be

allowed only as a Conditional Use upon the finding that the increase or reduction is needed and will not unduly cause an adverse effect upon persons operating, using or residing in any neighboring residential, commercial or office development.”

**PASSED** and **APPROVED** this 1<sup>st</sup> day of September, 2015.

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Patti Mulford  
Paralegal

TO: Mayor Jordan  
City Council

CC: Jeremy Pate, Development Services Director  
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

DATE: August 21, 2015

RE: **Proposed elimination of all minimum parking requirements for new commercial and office buildings**

I must caution you about the proposed elimination of all minimum parking requirements for all new commercial and office buildings. Act 1002 of 2015 entitled the "Private Property Protection Act" became effective in April 2, 2015. Its "Legislative findings" state that "(w)hen state and local regulatory program reduce the market value of private property . . . it is fair and appropriate that the . . . locality compensate the property owner for the loss in market value of the property caused by the implementation of the regulatory program."

Pursuant to the new A.C.A. § 18-15-1703 **Taking-Application** (a)(3) "To assert a taking has occurred, the regulatory program must have been implemented at the time the owner acquired title or **after the effective date of this subchapter (April 2, 2015)**, whichever is later." (emphasis added).

This provides the City of Fayetteville some protection for regulatory programs already in existence **BEFORE** April 2, 2015. However, all amendments of existing zoning or development ordinances after April 2,

2015 could endanger their viability and present a Takings Claim if a reasonable argument could be made that such regulation could cause a 20% or more reduction in the fair market value of the property regulated.

Minimum parking requirements for both residential and nonresidential developments have long been implemented in Fayetteville (and most other similarly sized cities) in order that new development would pay its own way and would not unduly inflict parking problems on nearby existing commercial, office and residential developments. Without minimum parking requirements, an office building or commercial business could develop its project in an established neighborhood and thrust all of its employees' and customers' parking needs upon available street parking that had accommodated the parking needs of the existing homes, business and offices, but now will be overloaded by the newly created parking needs of the new developments.

Especially in the Walker Park Master Plan Zoning District and other neighborhood rezonings utilizing mixed use zoning, land now being used as low density residential could be developed as restaurants, grocery and hardware stores, sporting goods, pet shops, bail bond offices and many other types of offices. A businessman could save a lot of money by only building his new restaurant, commercial store or office and furnishing no parking lot. Unfortunately, this could have a very bad effect on the surrounding neighborhood as customers and employees are then forced to park on the neighborhood streets taking the parking spaces the neighborhood had been relying upon for its own parking needs.

There are situations where a new business builds in an area in which no additional parking is needed or should be required. This would often be the case in the Entertainment Parking District. Therefore, Planning staff should be granted the authority to reduce current minimum parking requirements (even down to zero) if the situation calls for such reduction. The planners would look at the currently available public parking and determine whether a new business would overwhelm or simply use parking spaces not well utilized now. The key consideration would be to ensure a new influx of commercial workers and customers would not

unduly burden existing public parking resources nor adversely affect the parking needs of the surrounding homes and business.

Granting such authority to Planning staff would require individualized analysis of each request for reduced minimum parking, but it should ensure the proposed relaxed minimum parking regulations will not cause major neighborhood problems. If major neighborhood issues arise from businesses not being required to construct sufficient minimum parking for their employees and customers, the City Council could repeal the increased authority to reduce minimum parking without triggering a takings claim pursuant to A.C.A. § 18-15-1703.

However, if the City Council instead **repeals** the minimum parking requirements and later determines this experiment of no required parking is causing problems for existing neighborhoods, it would be dangerous to reinstate the minimum parking requirements. Minimum commercial parking requirements now require construction of parking lots often utilizing more than 20% of a proposed business's property. 20% is the level which kicks in a takings claim under the **Private Property Protection Act** meaning that **reenactment of minimum commercial parking requirements could force our taxpayers to pay a commercial developer to build his private parking lot.**

## CONCLUSION

You can accomplish the Planning Department's goal of eliminating a commercial developer's requirement pursuant to the UDC to build more parking for his employees and customers than actually needed by empowering Planning staff to reduce such minimum parking requirement to what would reasonably be needed in the particular situation all the way down to zero in an appropriate situation and location. By requiring Planning staff's review of the current parking situation and needs of the neighborhood where the commercial or office developer is proposing a new business to justify reduction of minimum parking requirements, obvious ill effects on the surrounding neighborhood of not providing any parking should be avoided.

Even more importantly, the City Council will not tie its own hands and the hands of any future City Council to require minimum parking for new commercial developments if this experiment of no required parking causes unforeseen problems in the real world. On the other hand, **if you repeal minimum required parking now, you probably will never again be able to institute required parking.** Once the City Council closes the door on required minimum parking for new businesses, it may be locked forever by the **Private Property Protection Act**. Who is so all - knowing and wise to be certain that Fayetteville will never again need minimum parking requirements for offices, restaurants and other commercial buildings?

Attached is a possible ordinance that would authorize the City Planning Director to grant variances to the minimum parking requirements for non-residential developments. This would be a simple administrative variance procedure that does not require presentation to the Planning Commission to be granted. Nor does it require an "undue hardship" to be proven by the new business, but only a short review by Planning of the parking needs and resources in the neighborhood that could be affected adversely if no minimum parking is required of a new business. In order for this City Council and future City Councils to maintain their authority over minimum parking requirements in the future, I recommend this as a substitute ordinance to the one recommended by Planning.

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  
August 18, 2015**

**A meeting of the Fayetteville City Council was held on August 18, 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, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.**

**ABSENT: Alderman Sarah Marsh and Alderman Mark Kinion**

**Pledge of Allegiance:**

**Mayor's Announcements, Proclamations and Recognitions: None**

**City Council Meeting Presentations, Reports and Discussion Items: None**

**Agenda Additions: None**

**Consent:**

Approval of the August 4, 2015 City Council meeting minutes.

***Approved***

**Bid No. 15-37 Donelson Construction Co., LLC:** A resolution to award Bid No. 15-37 and authorize a contract with Donelson Construction Co., LLC in the amount of \$151,510.00 for asphalt micro-surfacing of city streets at a cost of \$2.78 per square yard, and to approve a project contingency in the amount of \$15,151.00.

***Resolution 138-15 as recorded in the office of the City Clerk***

**Fayetteville Municipal Parking Lot 1:** A resolution to approve lease agreements for four (4) parking spaces located in Fayetteville Municipal Parking Lot 1 at 160 West Mountain Street for one (1) year with the option to renew for four (4) additional one-year terms at a monthly cost of \$50.00 per parking space.

***Resolution 139 -15 as recorded in the office of the City Clerk***

**Change Order No. 1 Leigh Earthworks, LLC:** A resolution to approve Change Order No. 1 to the contract with Leigh Earthworks, LLC in the amount of \$15,362.00 to correct the slope of existing accessible parking spaces at the Fayetteville Senior Activity and Wellness Center.

***Resolution 140-15 as recorded in the office of the City Clerk***

**State of Arkansas Equity Investment Incentive Tax Credit:** A resolution to express the City Council's support for the relocation, startup and expansion of companies in the eCommerce and retail technologies industry in the City of Fayetteville, and to support the application of overdrive brands for a state of Arkansas Equity Investment Incentive Tax Credit.

***Resolution 141-15 as recorded in the office of the City Clerk***

**Bid No. 15-45 Hi-Lite Airfield Services, LLC:** A resolution to award Bid No. 15-45 and authorize a contract with Hi-Lite Airfield Services, LLC in the amount of \$88,492.50 for the painting portion of the Airfield Pavement Marking Rehabilitation Project, and to approve a project contingency in the amount of \$4,425.00.

***Resolution 142-15 as recorded in the office of the City Clerk***

**Special Needs Assistance Program Grants:** A resolution to authorize the mayor to sign a letter of intent to accept Special Needs Assistance Program grants through the U.S. Department of Housing and Urban Development.

***Resolution 143-15 as recorded in the office of the City Clerk***

**Arkansas Historic Preservation Program Grant:** A resolution to approve a grant agreement with the Arkansas Historic Preservation Program in the amount of \$13,150.00 for travel and training, for the hiring of a qualified consultant to research and catalog historic structures, and for repair and reconstruction of fencing at Oaks Cemetery; and to approve a budget adjustment.

***Resolution 144-15 as recorded in the office of the City Clerk***

**Alderman Gray moved to accept the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 5-1. Alderman La Tour voting no. Alderman Marsh and Alderman Kinion were absent.**

**Unfinished Business:**

**RZN 15-5044 (4065 E. Huntsville Rd./The Plaza):** An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, and CS, Community Services. *At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting. At the August 4, 2015 City Council meeting, this ordinance was tabled to the August 18, 2015 City Council meeting.*

**City Attorney Kit Williams:** The attorney for the applicant supplied a signed Bill of Assurance. From a legal perspective it did follow our form and it has been properly signed. There are some terms like reasonable in there, but it is enforceable.

**Jeremy Pate,** Director of Development Services gave a brief description of the ordinance. He read the Bill of Assurance.

**City Attorney Kit Williams:** The Exhibit B which can be for the showing of the different zoning districts should be for only that and not for the lot configuration shown. This is an approval that it would be those three different zones, including the new one, which would be Neighborhood Conservation as opposed to the RSF-7. You don't do that with a Bill of Assurance, you do that at the City Council level. I would suggest that an amendment be made by City Council, if you like that zoning, before further discussion.

**Alderman La Tour:** Jeremy, how do you feel about the Bill of Assurance? Do you think this will satisfy the neighborhood and their concerns?

**Jeremy Pate:** As far as the neighborhood, from staff perspective, several of these items are development related items that we would review as part of the development, regardless. The applicant is stating for the record that they will participate to a reasonable level. Our Planning Commission determines, based on the impact of the development itself. The change from the zoning perspective such as no gas stations permitted alleviates some concern with traffic. The change to Neighborhood Conservation allows for a higher density, but they limited themselves with the maximum number of 57 lots or 4.7 units per acre. We are comfortable with that number.

**Alderman La Tour:** The Bill of Assurance isn't a bill of goods. They are making statements that we can enforce against them?

**Jeremy Pate:** Correct. A Bill of Assurance runs with the property. Even if the property is sold, it is enforceable on the next property owner.

**Mayor Jordan** explained the rules of public comment.

**Seth Hodskins**, 1128 South St. Andrews Circle: Are these lots limited to individual family residents or can they be multiple duplexes?

**Jeremy Pate:** It would be limited to Single Family residences.

**Seth Hodskins** stated he would like for the developer to have their own entrance and exit and not use his neighborhood.

**Glenda Patterson**, 1106 St. Andrews Circle stated her concerns about traffic. She spoke in opposition of the ordinance.

**Jay Ray**, 2050 South Cherry Hills Drive: Is 16 a State Highway or does Fayetteville own it?

**Mayor Jordan:** It is a State Highway.

**Jay Ray** stated his concerns about traffic.

**Dick Hovey**, 1262 South River Meadows Drive stated his concerns about high density housing. He spoke in opposition of the ordinance.

**Robert Rhoads**, Hall Estill Law Firm requested for a motion to be made for the amendment that City Attorney Kit Williams discussed. He stated it would allow the vote to be based on the change in the zoning for the 12 acres from RSF-7 to Neighborhood Conservation.

**Alderman La Tour moved to amend the ordinance to remove RSF-7 and replace with Neighborhood Conservation. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

**Robert Rhoads:** There will be a stub out that will go into River Meadows Road. It will be 300 feet of River Meadows Road. It will only effect two houses, except that it will put a little more traffic on that particular intersection. People can ingress and egress during this whole process, whether it is after or during the construction through Roberts Road. The new highway and bridge helps the traffic situation. There is always going to be traffic anywhere in Fayetteville that has any kind of population during the morning and evening hours. There would be three areas of ingress and egress that will be open and available, not just after the project is complete, but the entire time when the residential construction is being carried out. In regards to urban sprawl, please refer to the memo from the Planning Department indicating that this is in compliance with the City Plan 2030 and that the Planning Department supports this rezoning. The Planning Commission supports this.

**Alderman Gray:** The neighbors said one of the ways of getting out of this area will be through the subdivision, through Pinnacle. Is that your understanding of where the ingress and egress will be?

**Dave Jorgensen, Engineer:** We are going to have one access point onto River Meadows. We will have a new access onto Highway 16. We will also connect to an existing street on the south side of the proposed project, which is Pinnacle and that leads over to Roberts Road. We will have a stub out on the east side of the project so that if one of these days something develops, we can have direct access through that property over to Roberts Road.

**Cindy Hodskins, 1128 St. Andrews Circle:** The street that will complete Pinnacle Hills, you can turn left and go to Roberts Road or you can turn right and end up on St. Andrews. It will be the residents' choice. No one can guarantee that they are going to go to Roberts Road.

**Jay Ray:** Since it is a State Highway, does anybody have the authority to put a line?

**Mayor Jordan:** The state does, we don't.

**Jay Ray:** You can only use one lane. Is that correct?

**Don Marr, Chief of Staff:** Correct, unless the state makes the changes.

**Jay Ray:** Roberts Road is not big enough for two vehicles.

**Alderman Gray:** Is Roberts Road useable for construction traffic?

**Dave Jorgensen:** Yes. Roberts Road is a higher classification than River Meadows. It is supposed to take on more traffic than River Meadows. Eventually, Roberts Road will take on more of the traffic just because of the fact that it is classified higher. We will have to do a traffic study to accomplish some of these things that we would like to do. As listed in the Bill of Assurance we will be willing to help monetarily to install a traffic signal and additional lanes.

**Alderman Gray:** Jeremy, you support this?

**Jeremy Pate** stated that he does. He continued to discuss the area and zoning.

**Alderman Tennant:** What was the Planning Commission vote?

**Don Marr, Chief of Staff:** 6 to 1 in favor.

**Seth Hodskins:** The comment made by the engineer about Roberts Road are totally in error. It is a terrible road. It is very narrow for two cars to pass. There is lots of wash out and it is not being maintained. Construction crews and residents are not going to use that road. They are going to come into our neighborhood and make our traffic worse.

**Glenda Patterson:** Getting into River Meadows and Roberts Road is not a problem. The problem is exiting. This development will make exiting more of a problem than it already is.

**Dick Hovey** stated Roberts Road is substandard with no curbs or gutters, and has substantial pot holes. He suggested that Roberts Road be brought up to its full standards before construction begins on the new development.

**Mayor Jordan:** I think that is a very good point.

**Robert Rhoads:** The traffic that will be on River Meadows Road is 300 feet. It will impact two homes. I understand it will impact the intersection. All the construction traffic can ingress and egress right onto Highway 16 from the site.

**City Attorney Kit Williams:** When we are looking at development proposals we can direct where the construction traffic will leave a State Highway in order to be able to get to a site. Have we done that in the past?

**Chris Brown, City Engineer:** Yes. It is part of the review of a development. If there is damage done by construction traffic to areas around the development, we have sometimes had developers correct that at the end of the project.

**Jeremy Pate:** On our Master Street Plan, Roberts Road is shown as a collector's street. This is an existing road that was there when the city annexed this property many years ago. Because it has a lot of older development around it, it has not been improved in a number of years. It would be my expectation for this development that construction traffic would not access this particular area.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Gray voting no. Alderman Marsh and Alderman Kinion were absent.**

***Ordinance 5790 as Recorded in the office of the City Clerk***

**Arkansas Legacy LLC Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 15-5066, for approximately 3.98 acres, located at 1338 and 1326 W. Cleveland Street from RMF-24, Residential Multi-Family, 24 units per acre and RSF-4, Residential Single-Family, 4 units per acre to DG, Downtown General subject to a Bill of Assurance. ***At the July 21, 2015 City Council meeting, this ordinance was left on the first reading. At the August 4, 2015 City Council meeting, this ordinance was left on the second reading.***

**Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate**, Director of Development Services gave a brief description of the ordinance. He stated the applicant has requested the item to be tabled to September 15, 2015 to gain feedback from the Ward 4 meeting on August 31, 2015 about potential changes to the rezoning request.

**Alderman La Tour:** How long have they been working on this project?

**Jeremy Pate:** It has been several weeks at least.

**Alderman La Tour:** My first meeting was in February.

**Brian Teague**, Property Owner Representative: We requested to table until the September 15, 2015 meeting. We are working on making some changes to the proposal. We have discussed those with the neighbors and Mr. Pate last week. We would like a little extra time to work on formalizing those changes and present them at the Ward 4 meeting on August 31, 2015.

**Alderman Long:** We've had multiple Ward 4 meetings. We are happy to host people that want to give information at those meetings. If you did present something at that meeting and the people that were there had consensus on something that you wanted to do, that wouldn't be representative of the entire neighborhood?

**Brian Teague:** That is the best we can do. I don't quite understand.

**Alderman La Tour:** A limited number of people come to those meetings. I don't know that it will be a full representation of the neighborhood.

A discussion followed about the numerous Ward 4 meetings that have been held discussing this item.

**Alderman Long:** What is your goal?

**Brian Teague:** We have met with some of the neighbors last week talking about some potential changes to the proposal. The idea would be that those neighbors would hopefully be in favor of those changes that we make to the proposal. We would be happy to present those changes at the Ward 4 meeting, if you'll have us.

**Alderman La Tour:** We have been talking about this project since February. The Downtown General classification that you are seeking, even though you are trying to modify it and make it something else, it still comes down to that. What would be wrong with the idea of starting over with a different classification that the neighbors could live with? Why don't we have a vote on this proposal, up or down, and if it gets voted down then you can come back and start a new proposal with a classification that everyone is happy with.

**Brian Teague:** We are trying to make some changes where it could be a plan that at least proposes Single Family homes on the west and north side of the property that is more compatible with the surrounding neighborhood. We feel like we could get that done and present it at the ward meeting. We could come back at the September 15<sup>th</sup> meeting and discuss it.

**Alderman La Tour:** With my discussions with the neighbors, if the zoning classification is still Downtown General, it will have a very slim chance of gaining their approval. We need to move to the next step with a new classification.

**Brian Teague:** That is why we requested to table tonight so we can work on accommodating some of those concerns and presenting them at the ward meeting.

**Alderman Long:** I agree with Alderman La Tour. The City Council appeal process from the Planning Commission isn't truly the form for us to work out a new zoning classification for the project. This really needs to go back through the process of the Planning Commission, after going through the Planning staff in a new application process. The City Council making a decision without Planning staff and Planning Commission input, just based on a Ward 4 meeting conversation is going to be as comprehensive of an evaluation as we should have here. A new application process would be better and more appropriate.

**Brian Teague:** In my conversations with the neighbors last week, we can discuss another zoning classification without going all the way back to the start and causing the neighbors to have to go to numerous meetings. I request that you give us this time to make these changes.

**Alderman Petty:** I would support tabling. I understand the frustration. The applicant is willing to directly address the concern about Downtown General. That's encouraging and we could say ok, do that and start over or do that within the current context. The reason why I am drawn to doing it within the current context is because I try to be sensitive to the amount of time these kind of discussions take. We have been very clear that this has taken too long. If we start this over it will take at least another 60 days to come back to us. If we table it and if a consensus could be reached, it could be done in a month. If not, we are back to square one.

**Susan Gardner,** 909 Hall Avenue stated she was not approached via email or phone by the developer. She stated she has been to numerous City Council, Ward 4, and Planning Commission meetings. She stated Downtown General isn't appropriate and spoke in opposition of the ordinance.

**Archie Schaffer,** 1404 West Cleveland stated as long as Downtown General is on the table it will be hard to work it out. He spoke in opposition of the ordinance.

**Ken Gardner,** 909 Hall Avenue spoke in opposition of the ordinance.

**George Hamilton,** 1400 West Cleveland spoke in opposition of the ordinance.

**Mary Bassett,** 814 Sunset spoke in opposition of the ordinance.

**Alderman Long:** The next Ward 4 meeting is August 31, 2015 and I'm ok with having another meeting. We have had many meetings and this topic has been up for consideration since January. I view the current context as an appeal and one that in the last seven months has not been productive. For me to say that I think that is going to change in the next month given the same current context, I don't think I can do that. Assurances that are wanted from the city and the

neighborhood do not exist outside of the application process. This is an appeal of the Planning Commission's decision. I don't believe City Council is the right forum for working out zoning. The zoning should be reevaluated through a new process. We can use the Ward 4 meeting as a forum for input by the neighbors. The City Council decision should be about a decision of whether or not Downtown General zoning is appropriate for the area. I don't feel that Downtown General zoning is compatible. I ask that the City Council vote to deny the rezoning request and Planning Commission appeal based on compatibility with the neighborhood.

**Alderman La Tour:** It is paramount that parties continue to have dialogue between each other. Downtown General poisoned that whole process. We have to move beyond that to some classification that will give the neighbors assurances they need and the developer the assurances he needs. I encourage the City Council to vote down the proposal as it stands. Something needs to be done with the property. Productive property means greater tax roles for the city, housing opportunities, and profit potential for the owners.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 0-6. Alderman Marsh and Alderman Kinion were absent.**

***This ordinance Failed***

**New Business:**

**RFP No. 14-11 New World Systems Corporation:** A resolution to award RFP No. 14-11 and authorize a contract with New World Systems Corporation in the amount of \$813,651.00 to upgrade the City's Enterprise Resource Planning System, to approve a five (5) year maintenance agreement in the amount of \$840,500.00, and to approve a project contingency in the amount of \$147,000.00.

**Keith Macedo,** Information Technology Director gave a brief summary on five companion items that are on the City Council agenda. He stated the New World financial system was purchased in 1992 and is in dire need of replacing. He continued to give a brief description of the resolutions.

**Alderman La Tour:** We are spending several million dollars on the four proposals. I want to know what the new system will do that the old system didn't do. Will the new system let us email bills instead of paying for postage and paper?

**Keith Macedo:** Yes.

**Alderman La Tour:** Our current system will not allow us to do that?

**Keith Macedo:** Correct. You could pretty much do anything with a computer if you want to spend enough money on custom programming. You get to a point where you spend too much money and make things too complicated where they can be difficult to support. Our focus with this purchase is to get away from a custom software because we have had to customize this software significantly over the years.

**Alderman La Tour:** You purchased this first software package 23 years ago. The company that sold you the original package, are they not offering a newer or updated version? Is it the same company?

**Keith Macedo** stated it is the same company. He gave a brief explanation of the RFP process. He stated that New World was chosen due to the product they provided. He stated heavy negotiations occurred to get the best possible purchase price.

**Alderman La Tour:** For this item we are paying \$813,651. What was the first price that you were quoted on that project?

**Paul Becker**, Finance Director: \$1.2 million dollars was the list price originally on the first product. We negotiated very heavily, especially on the ongoing maintenance. We got that down to a reasonable price. We are dealing with two technological worlds. We are operating on an AS400 which is old technology. This is a web based system that is going to give us much more functionality. It's a credit to the Accounting Department and Budget Department that we have been able to manage with this system this long. We need this very desperately.

**Alderman La Tour:** Can you give me three to five features of the new system that you particularly like?

**Keith Macedo** stated it would improve utility billings, improve interactions with vendors, improve business licensing, give the ability to pay HMR taxes online, and improve financial transparency tools. He stated the City of Fayetteville is a willing and ready workforce.

**Don Marr**, Chief of Staff gave a brief discussion on the City of Fayetteville technology assessment and citizen feedback. He stated citizens want the ability to utilize online forms. He stated using electronics versus having to be in person not only saves citizen time, but saves time here at the city. He stated the reduced duplication of effort allows us to go longer without having to add staff. He stated adding online registration aids in the age of convenience from having to physically be in front of a city employee to sign up for things such as softball and soccer.

He stated we have a lot of capabilities coming forward that we haven't had. He stated while it is a very significant expenditure, this system touches every aspect of what we do. He stated it will make the city more available 24/7, versus the day to day basis. He stated this is an infrastructure just like a road or a park. He stated that the last software lasted 23 years and in the age of technology where the average life is three to five years is phenomenal. He believes the city is at a point today where if customers want to interact with the city electronically, which is one of the biggest request, the city has to have the tools to do that.

**Alderman Long:** I was here last year when we put it in the budget and I support it. Are you confident the transition period will go smoothly?

**Keith Macedo:** This is a very large project. It will encompass many staff members. One of the reasons we selected New World was because they have in depth knowledge of our current system.

They made some assurances to us that they have made a lot of these upgrades. We are confident they are going to do a good job for us.

**Alderman Long:** How long will their assistance contract last for our transition?

**Keith Macedo:** The ERP project is approximately 18 months. If approved, we will start this project in November.

**Alderman Tennant:** I am in full support of this. We have been talking about this for years. One of the reasons it hasn't been done up to now is because it is really difficult and time consuming. It is good that we have taken the investment of time to do this. It will reap benefits for us. It is a big deal when you negotiate and pick a vendor because you have to live with that vendor as a partner. It is difficult to say what this will mean for us in efficiency gains in man hours and cost. It is a huge step forward for us. I know it is a lot of money, but I believe we will see immediate gains.

**Alderman La Tour:** Is New World publically or privately held? How many employees?

**Mark Dvorak, New World Systems:** We are employee owned and a privately held company since September 1981. We have around 415 employees.

**Alderman La Tour:** Are there any other cities in Arkansas using this package we are investing in?

**Mark Dvorak:** Several other cities in Arkansas use the package.

**Alderman La Tour:** Can you name some of those cities.

**Mark Dvorak:** On the public safety side is Rogers and Bentonville. On the public admin side is Hot Springs and Sebastian County. We have over 380 live customers on this application.

**Alderman Gray:** I think this is a great thing. We always want Fayetteville to be on the cutting edge. This is what we need to do for both the public safety and administration. It is a huge amount of money, but you all have done your homework. I value your opinion.

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

***Resolution 145-15 as recorded in the office of the City Clerk***

**New World Systems Corporation:** A resolution to authorize a contract with New World Systems Corporation in the amount of \$1,184,576.00 to upgrade the City's Public Safety Software for police, fire and after hours city-wide services, to approve a five (5) year maintenance agreement in the amount of \$846,675.00, and to approve a project contingency in the amount of \$160,000.00.

**City Attorney Kit Williams:** There was one item left off of the title which is, and to approve a budget adjustment. It was left off inadvertently and we need to amend the resolution to add the \$622,000 budget adjustment.

**Alderman Petty moved to amend the resolution to add “and approving a budget adjustment”. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

**Jamie Fields,** Fayetteville Police Department Administrative Captain gave a brief description of the resolution.

**Alderman Long:** How will the transition work for the old records being downloaded into the new system? I know the AS400 and the AR6000 program will download into Microsoft excel and interface with some other programs. How will you retain those records?

**Jamie Fields:** New World will help us with the conversion process. We will work out with their team the time table to do that. We expect it to be a seamless conversion of all our data in the Police Department.

**Alderman Gray moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 5-0. Alderman Schoppmeyer was absent during the vote. Alderman Marsh and Alderman Kinion were absent.**

***Resolution 146-15 as recorded in the office of the City Clerk***

**Presidio Networked Solutions, LLC:** A resolution to authorize a contract with Presidio Networked Solutions, LLC in the amount of \$158,355.05 plus applicable taxes, pursuant to the Tips/Taps cooperative purchasing contract, for the purchase of three (3) Nimble Storage Area Network Arrays for the Enterprise Resource Planning and Public Safety System software upgrades, and to approve a budget adjustment.

**Keith Macedo,** Information Technology Director stated this a companion item to both the ERP and the Public Safety upgrade. He gave a brief description of the resolution.

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

***Resolution 147-15 as recorded in the office of the City Clerk***

**AOS, LLC:** A resolution to authorize a contract with AOS, LLC in the amount of \$71,039.88 plus applicable taxes, pursuant to a State of Arkansas procurement contract, for the purchase of six (6) Cisco Unified Computing System servers to support the Enterprise Resource Planning and Public Safety System upgrades, and to approve a budget adjustment.

**Keith Macedo**, Information Technology Director gave a brief description of the resolution.

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

***Resolution 148-15 as recorded in the office of the City Clerk***

**SHI, Inc.:** A resolution to authorize a contract with SHI, Inc. in the amount of \$100,433.00 plus applicable taxes, pursuant to a State of Arkansas procurement contract and the Western States Contracting Alliance contract, for the purchase of Microsoft, Veeam, and VMware support software necessary for the Enterprise Resource Planning and Public Safety System software upgrades.

**Keith Macedo**, Information Technology Director gave a brief description of the resolution.

**Don Marr**, Chief of Staff thanked Police Chief Greg Tabor, Captain Jamie Fields, Andrea Foren, Purchasing Department, Paul Becker, Finance Director, Devon Hendricks, Police IT Department Kevin Springer, Budget, and Brad Fulmer, IT Department. He stated this team has been instrumental in doing the work to review these systems. He stated we are extremely proud of the talent here at the city. He stated they have done stellar work in selection and negotiation of the system.

**Keith Macedo**, Information Technology Director: I would like to make one point of clarification. We brought to you the entire package for ERP and public safety, except for one item. We are replacing our fire and mobile data terminals. These are going out to bid right now. The bid is closing next week. In a future City Council meeting we will be bringing those to you.

**Don Marr**, Chief of Staff: We also went through that at the Agenda Session to remind you.

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

***Resolution 149-15 as recorded in the office of the City Clerk***

**Sweetser Construction, Inc.:** A resolution to authorize a contract with Sweetser Construction, Inc. in the amount of \$7,307,280.00 for the construction of Ruppel Road from Persimmon Street to Martin Luther King, Jr. Boulevard, and to approve a project contingency in the amount of \$730,000.00.

**Chris Brown**, City Engineer gave a brief description of the resolution. He stated the Transportation Committee recommends approval. Staff recommends approval.

**Don Marr**, Chief of Staff: This is one of the projects on the original bond issue that citizens approved.

**Alderman La Tour:** Do we like the price per square foot of asphalt and is this a good deal?

**Chris Brown:** Yes. It was a little higher than the engineer's estimate, but it is within the budget of this project. We are satisfied with the price.

**Alderman Long:** People in Ward 4 will greatly appreciate this. My one concern moving forward is that we haven't finished the design construction from Starry Night on Ruppel Road to Mount Comfort. This is going to divert even more traffic into a very dangerous Y intersection. I know that is in the plans and going through the process of approval. I looked forward to that section being done.

**Mayor Jordan:** We are going to get that. That is one of my top priorities.

**Don Marr**, Chief of Staff: Council, every opportunity you have to speak with our federal delegation and the approval of a transportation bill that funds the state's stiff requirements only help us on that item.

**Alderman Long moved to approve the resolution. Alderman La Tour seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

*Resolution 150-15 as recorded in the office of the City Clerk*

**VAC 15-5116 (808 N. Highland Avenue):** An ordinance to approve VAC 15-5116 submitted by Josef Tucker for property located at 808 N. Highland Avenue to vacate a portion of an existing utility easement.

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate**, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 8-0 in favor. Staff is recommending in favor.

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

*City Attorney Kit Williams read the ordinance.*

**Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

*City Attorney Kit Williams read the ordinance.*

**Mayor Jordan** asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman Marsh and Alderman Kinion** were absent.

*Ordinance 5791 as Recorded in the office of the City Clerk*

**R-PZD 04-06.00 (Ripple Row):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 04-06.00, Ripple Row, containing approximately 41.70 acres, to modify the zoning of the duplexes and triplexes on Wordsworth Lane to allow up to four unrelated persons to live in each dwelling unit.

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate**, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 7-1 in favor. Staff does not support the request.

**Rob Kimbel**, Owner of property believes there is a gray area of interpretation within the zoning. He stated what he is asking for is not anything different than what he has already been doing for the past three years. He stated there have been no complaints from the Fire Marshal, police, trash or water. He read zoning classifications and criteria. He believes the PZD from 11 years ago was meant to allow for flexibility to be able to have Single Family or rental duplex. He stated they have 431 parking spaces for the area and have 320 tenants. He stated they could add more parking, but doesn't feel that it is needed. He stated there was a comment about how the project would push the rest of the area into the rental market. He stated there are already rental units that border his property. He stated he has the support of the Property Owners Association Board and the Boys & Girls Club. He stated property values have increased since his homes have been built.

**Alderman Long:** You don't have enough vehicles there at the residences to take up the number of parking spaces?

**Rob Kimbel:** Correct. We have 111 extra parking spaces.

**Alderman Long:** In the staff report, is that looking at this from a rezoning type proposal, we have to look at the number of cars that would be required for it to be at full capacity?

**Jeremy Pate:** When we look at Single Family development we require two spaces per unit. When looking at Multi Family development it is one space per bedroom. These have to be able to leave without parking in tandem. One of the concerns is that at least half of the parking spaces are tandem parking.

**Alderman Long:** I have received some mixed feedback. We will be having a Ward 4 meeting at the end of this month. Some people want to come and have an opportunity to speak with you if you were interested in being there.

**Rob Kimbel:** I don't mind, but I don't know if it would help any. We are not asking to operate any different than what we have for the last three years.

**Alderman Long:** It is just a request that I had.

**Alderman La Tour:** It has been my experience that not all students drive cars. Many of them drive scooters. This might explain why you have additional parking spaces available. Codes can get out of date. Back when this parking requirement was put in, all students probably drove cars, but that is no longer the case. I would like for Fayetteville to be free to have people live with whoever they want to live with and work out their own private arrangements.

**Rob Kimbel:** The Downtown student housing has about 220 people living on one acre. A regular Multi Family has about 75 per acre. We are a third less than even RMF-24. We are way down on the density.

**Alderman Petty:** Were the declarations included in the original application?

**Rob Kimbel:** Yes.

**Alderman Petty:** You have documentation from Parks & Recreation Department that refers to this PZD as a Multi Family PZD?

**Rob Kimbel:** It refers to the lots that are in question as Multi Family.

**Alderman Gray:** Is there some parking in the alley?

**Rob Kimbel:** No. They do not park in the alley. All of the homes have rear access to the garage and they park in the driveway.

A discussion followed about the parking spots available.

**Alderman Long:** In the staff report, the fire code was an issue on Wordsworth Lane.

**Rob Kimbel:** Is that in the Planning Commission notes?

**Alderman Long:** It is from staff member Andrew Garner to the Planning Commission.

**Rob Kimbel:** I met the fire Marshal out there. I asked him to tell me what is wrong. He said, "This isn't actually the road that Andrew told me to come visit. It is a different road." After we discussed it he said, "I've never had an issue with this road and I don't see any reason to do anything different than what you are doing."

**Jeremy Pate:** I don't have the full background. The reference we have in the Council packet is if cars are parked on both sides, which is not permitted currently, then that would be a fire lane issue. We spoke with the Fire Marshal after Mr. Kimbel spoke with him. I think he was confused about which street we were talking about when we originally discussed the project. He wanted it to stay

out of the recommendation from the perspective of this application because it is a zoning matter. Parking is an issue and we don't want it to become an issue in the future.

Residential parking is probably our number one complaint in the city along with over occupancy. Every university town deals with those issues. We put a lot of resources in trying to enforce those codes. We have found that most of the students that have registered scooters also have their own vehicle here. It is a secondary impact.

**Alderman Petty:** Is there something written in the original application that says Single Family, PZD?

**Jeremy Pate:** Yes. When this original PZD was submitted we had an ordinance on the books that there was a Residential, a Commercial, and an Industrial Planned Zoning District. We classified them based on the predominant use of that Planned Zoned District. We took that out of our code and we adopted amendments to this Planned Zoning District around two to three years ago to remove that reference. It would still be in place however, based upon the predominate use of the development pattern. Our RSF zones allow the exact same units as this Planned Zoning District. They allow duplexes, but those duplexes are not allowed to have more than three unrelated persons.

**Alderman Petty:** It was classified as Single Family PZD by default, not by a designation made by the applicant?

**Jeremy Pate:** That is correct.

**Alderman Petty:** I am confused by the history of this. The facts are that we have documentation from Parks & Recreation saying this is Multi Family, which is in contradiction with what staff is telling us today. The original declarations that were part of the application talked about how uses could change in response to the market. It was originally intended to operate as it has been for the last three years. It seems to me that it has been interpreted correctly over the last three years.

The staff report talks about how parking could become an issue. It has been operating for three years and hasn't been an issue. I toured a model home out there and I was the only person that parked on the street. If tandem parking is how tenants have to park and they aren't satisfied, then they don't have to lease the space. The reliance on the idea that Single Family zones can also contain these units, I think there is a fundamental difference. In this PZD, two family and three family dwellings are by right. A Single Family zone and RSF zone are by conditional use. That is a really important distinction. This is not a Single Family zone. There have been zero complaints in this neighborhood. I am inclined to support this.

**Alderman Gray:** I like what Mr. Kimbel said about their controlling the situation by letting people know where they can park and where they can't park. I agree with Alderman Petty that the tandem parking might not be totally ideal, but they are making it work. I've always admired this area. I've never seen any cars parked on the grass. I appreciate our staff having concerns. We have to look at the individual situation. It is a well-cared for area. I will be supporting this.

**Alderman Long:** I would appreciate the Council holding it for two weeks while I take some input at the Ward 4 meeting. There have been some people that back up to this neighborhood that have had some concerns. I would like to let them voice their concerns before we vote.

**Alderman Gray:** Please share what those concerns are.

**Alderman Long:** Some of them were in relation to the staffs' concerns of the area being more rental. It is a nice area and neighborhood.

**Alderman La Tour:** I'm all for public input, but this a public meeting. If they feel that strongly about it they would be here to voice their concerns. I'm not sure why we should delay what has been taking place for the last three years.

**Alderman Petty moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

*City Attorney Kit Williams read the ordinance.*

**Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

*City Attorney Kit Williams read the ordinance.*

**City Attorney Kit Williams:** We will be following the rules if you vote in favor of this. We are not ignoring the rules. This is what must happen in order for the Planning Department to follow the rules that the City Council set forth.

**Alderman Long:** I'm disappointed we moved forward without letting constituents concerns be heard, especially when it's a situation that has never happened before. I found it strange when the amendment to the definition of family was passed. All the elected officials that were on the Council and everyone at this table including the City Attorney, when Kit interpreted the code, he explained it as a situation that would be used for new development only. That may not be what is written in the laws right now, but that was what was discussed at the City Council meeting and how the code was explained. It is hard to have elected officials explain a law one way to people that are against an ordinance and then the City Council act on it differently.

**City Attorney Kit Williams:** When we were discussing the change to the definition of family that was for a five unrelated person unit and had many different kinds of conditions, controls, and requirements, such as separate buildings and making sure they weren't going to adversely affect a new neighborhood. Therefore, that would be a new development. They aren't asking for five unrelated people. It is saying these duplexes and triplexes which have already been there and are operating, be deemed to be Multi Family for four unrelated persons rather than Single Family for

three. I don't think that's an improper request. That was the only thing that Planning could suggest that they do in order to become compliant with our code.

**Alderman Long:** These are just indeed Single Family homes.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Long voting no. Alderman Marsh and Alderman Kinion were absent.**

***Ordinance 5792 as Recorded in the office of the City Clerk***

**Amend Chapters 151 and 163:** An ordinance to Amend Chapters 151 and 163 of the Unified Development Code to modify Bed and Breakfast definition and Use Conditions.

***City Attorney Kit Williams read the ordinance.***

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

A discussion followed about permits.

**Alderman Long:** Would this apply to places like the Pratt Place?

**Jeremy Pate:** It would not apply in that case. Some businesses like that call themselves a Bed and Breakfast. By our definition it would not qualify. They would have to be in a certain zone that allows that type of use such as a Commercial zone or a Planned Zoning District that would approve specifically for that.

**Alderman Gray moved to suspend the rules and go to the second reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read the ordinance.***

**Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read the ordinance.***

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Long voting no. Alderman Marsh and Alderman Kinion were absent.**

***Ordinance 5793 as Recorded in the office of the City Clerk***

**Announcements:**

**Alderman Long:** There will be a Ward 4 meeting on August 31, 2015 at 6:00 p.m.

**Don Marr,** Chief of Staff: We welcome back the University of Arkansas students and faculty.

The city is accepting applications for city committees. The deadline to apply for those committees is August 28, 2015 at 5:00 p.m. We encourage citizens of Fayetteville to apply.

The City of Fayetteville Parks & Recreation in collaboration with the Bentonville Parks & Recreation is offering a “Square to Square Bicycle Fun Ride” from the Bentonville Square to the Fayetteville Square. Riders need to register in advance.

**City Council Agenda Session Presentations:**

Agenda Session Presentation - Spring Street Municipal Parking Deck-Construction Update.

**City Council Tour:** None

**Adjournment:** 8:06 p.m.

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**Lioneld Jordan, Mayor**

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**Sondra E. Smith, City Clerk Treasurer**

Tom Overbey  
NORTHWEST OFFICE PROPERTIES, LLC  
211 North Block Avenue, Suite 102  
Fayetteville, Arkansas 72701-5268  
Telephone 479-442-3554  
Email address: [T1TLOTT@gmail.com](mailto:T1TLOTT@gmail.com)

September 1, 2015

TO: City Council

RE: ADM 15-5088

I oppose this Administrative Item as proposed.

Our building at 211 N. Block is one of the few new structures in downtown Fayetteville and was built under the existing parking requirements. We have 11 on-site parking spots for our 3147 SF building (as per the then required minimum). Some are reserved for the 6 tenants in the building and the rest are for guests to the building. Based on usage for the last 42 months, we may have 1 or 2 more parking spaces than regularly needed.

My concern is that the proposed change is from a minimum requirement to no requirement at all. The explanation given is that the building owner or developer can better determine the expected need for the commercial structure and will choose appropriately. That assumes quality decision making that may or may not occur. Even if appropriate parking is provided upon initial construction, the use may change over time and the parking for the building then could become a burden on the surrounding available parking – both private and public. The reason given for the opacity and size requirements for glass on downtown buildings is that the design guidance provides for changes in use over time. Those requirements are quite specific. This parking change would go to no minimums or requirements. If building use changes requires certain limitations on the exterior building glass, certainly the amount of parking available for the building should also be a factor.

Another argument given for the change is to encourage pedestrian and biking traffic. I agree with that concept. But there will still be numbers of persons accessing commercial structures who will drive and need to park. If this rule change evolves into inadequate parking, the burden will fall back on the surrounding properties and the City of Fayetteville to provide that which was not required upon initial construction. The City is currently spending a significant sum of money to provide more parking behind the Walton Arts Center in the form of the new deck. Additional parking needs are also discussed. Ask some of the Dickson Street merchants if they think there is enough parking. Or along upper Block Avenue. There are inherent limitations on street parking. Demand exceeds supply often now. The City has had to control some street parking to adequately serve residences downtown. New commercial structures without adequate parking will put more pressure on those situations.

Will the next student bedroom project or fraternity or sorority project include adequate parking?

**You should also consider the procedure for reinstituting minimum parking requirements if the proposal does not work well and a future city administration determines that minimum parking restrictions are needed again. Would that be permitted?**

**I believe that this change needs more discussion and consideration. I regret that I am unable to attend the Council meeting to speak to these issues.**

**cc: Mayor Jordan  
Jeremey Pate  
Chris Brown  
Quin Thompson  
Kit Williams**

# City of Fayetteville, Arkansas

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



## Meeting Agenda - Tentative Agenda

**Tuesday, August 25, 2015**

**4:30 PM**

**City Hall Room 326**

### **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*

**ELECTED OFFICIALS:**  
*Mayor Lioneld Jordan*  
*City Attorney Kit Williams*  
*City Clerk Sondra Smith*

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**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items:**

[2015-0117](#)

QUARTERLY FINANCIAL REPORT - 2ND QUARTER 2015, PAUL  
BECKER, CHIEF FINANCIAL OFFICER

**Agenda Additions:**

**A. Consent:**

**A. 1**      [2014-0510](#)

APPROVAL OF THE AUGUST 18, 2015 CITY COUNCIL MEETING  
MINUTES.

**A. 2**      [2015-0349](#)

**ANIMAL SERVICES DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE  
AMOUNT OF \$39,089.00 REPRESENTING DONATION REVENUE TO  
ANIMAL SERVICES FOR THE FIRST AND SECOND QUARTERS OF  
2015

**Attachments:**

[2015-0349 Agenda Packet](#)

[BA- 1 and 2 Qtr Donation Rev 2015](#)

**A. 3**      [2015-0377](#)**WILLIAMS TRACTOR OF FAYETTEVILLE:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 T590 T4 BOBCAT COMPACT TRACK LOADERS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$101,189.02 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES

**Attachments:**[SRP - Skid Steers TRSW 6016-6017](#)**A. 4**      [2015-0379](#)**LEWIS FORD OF FAYETTEVILLE:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 FORD F250 4X4 FROM LEWIS FORD OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$23,075.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY PARKS AND RECREATION

**Attachments:**[SRP - Ford Truck PKMN 2194](#)**A. 5**      [2015-0376](#)**BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$147,170.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHWEST AND NORTHEAST QUADRANTS TO BE USED FOR LIGHTING AT BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE

**Attachments:**[Legistar packet - PLD NW & NE](#)[BA \(Agenda Item\) - PLD Revenue Recognition 9-1-15](#)

**A. 6**      [2015-0371](#)**FAYETTEVILLE ADVERTISING AND PROMOTION  
COMMISSION AMENDMENT NO. 2:**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT WITH THE FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION FOR THE CITY TO PROVIDE OPERATIONAL AND MAINTENANCE SERVICES FOR THE TOWN CENTER PARKING DECK IN EXCHANGE FOR THE USE OF FIFTY-FIVE (55) PARKING SPACES FOR A PERIOD OF ONE YEAR WITH FIVE ADDITIONAL ONE YEAR AUTOMATIC RENEWALS

Attachments:      [Fayetteville A & P Commission](#)

**A. 7**      [2015-0375](#)**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
RISK MAP PHASE 2:**

A RESOLUTION TO AUTHORIZE THE CITY'S PARTICIPATION IN PHASE 2 OF THE RISK MAP PROGRAM WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE ARKANSAS NATURAL RESOURCES COMMISSION TO UPDATE THE WASHINGTON COUNTY FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AT A COST OF UP TO \$43,658.00

Attachments:      [2015-0375\\_FEMA Risk Map Phase 2](#)

**B. Unfinished Business: None****C. New Business:****C. 1**      [2015-0380](#)**RZN 15-5130 (1285 E. MILLSAP RD./CHRISTIAN LIFE  
CATHEDRAL):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5130, FOR APPROXIMATELY 15 ACRES, LOCATED AT 1285 E. MILLSAP ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

Attachments:      [15-5130 CC EXHIBITS](#)  
                             [15-5130 CC Docs](#)

**C. 2**      [2015-0384](#)

**VAC 15-5127 (19 N. PALMER AVE./BAKER):**

AN ORDINANCE TO APPROVE VAC 15-5127 SUBMITTED BY ALLEN BAKER FOR PROPERTY LOCATED AT 19 N. PALMER AVENUE TO VACATE AN EXISTING BLANKET WATER AND SEWER EASEMENT

**Attachments:**

[15-5127 CC EX A & B](#)

[15-5127 Staff Report](#)

**C. 3**      [2015-0383](#)

**ADM 15-5153 (TIMBER TRAILS SUBDIVISION PZD AMENDMENT):**

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 04-1154, TIMBER TRAILS, CONTAINING APPROXIMATELY 26 ACRES, TO MODIFY THE ZONING OF LOTS 70 THROUGH 77, 98, AND 99 TO ALLOW FOR USE UNIT 8, SINGLE FAMILY DWELLINGS

**Attachments:**

[15-5153 CC EX A](#)

[15-5153 Staff Report](#)

**C. 4**      [2015-0372](#)

**AMEND 172.05 (ADM 15-5088 UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS:**

AN ORDINANCE TO AMEND SECTION 172.05 OF THE UNIFIED DEVELOPMENT CODE TO REMOVE MINIMUM PARKING STANDARDS FOR NON-RESIDENTIAL USES

**Attachments:**

[15-5088 CC EX A](#)

[15-5088 CC Staff reports](#)

[Supplemental Materials](#)

**D. City Council Agenda Session Presentations:**

**D. 1**      [2015-0369](#)

AGENDA SESSION PRESENTATION: ALISON JUMPER, REGIONAL PARK PROGRESS UPDATE

**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 479-575-8330.*

*A copy of the complete City Council agenda is available at [www.fayetteville-ar.gov](http://www.fayetteville-ar.gov) or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.*



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road, Suite 8 of 160  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2015-0349

**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 2

### ANIMAL SERVICES DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$39,089.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST AND SECOND QUARTERS OF 2015

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the amount of \$39,089.00 representing donation revenue to Animal Services for the first and second quarters of 2015.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

City of Fayetteville Staff Review Form

2015-0349

Legistar File ID

9/1/2015

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

Justine Lentz

7/29/2015

Animal Services /  
Development Services Department  
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Recognize and allocate donation revenue from citizens to the Fayetteville Animal Services program made during the first and second quarters of 2015. Approval of a budget adjustment in the amount of \$39,089.00

Budget Impact:

|                             |     |                                 |              |
|-----------------------------|-----|---------------------------------|--------------|
| see attached detail         |     | General fund                    |              |
| Account Number              |     | Fund                            |              |
| 33048-1 and 33049-1         |     | Animal Services Misc. Donations |              |
| Project Number              |     | Project Title                   |              |
| Budgeted Item?              | No  | Current Budget                  | \$ -         |
|                             |     | Funds Obligated                 | \$ -         |
|                             |     | Current Balance                 | \$ -         |
| Does item have a cost?      | No  | Item Cost                       |              |
| Budget Adjustment Attached? | Yes | Budget Adjustment               | \$ 39,089.00 |
|                             |     | Remaining Budget                | \$ 39,089.00 |

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Staff recommends approval of a budget adjustment in the amount of \$39,089.00

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council

**THRU:** Yolanda Fields, Director of Community Resources  
Jeremy Pate, Director of Development Services

**FROM:** Justine Lentz, Animal Services Superintendent

**DATE:** 7/29/15

**SUBJECT:** Approval of Budget Adjustment for Animal Services Program

---

#### RECOMMENDATION:

Staff recommends approval of budget adjustment to allocate the Animal Services donation revenue.

#### BACKGROUND:

Animal Services would like to recognize donation revenue from citizens and businesses made during the first and second quarters of 2015. These funds are donated by citizens and organizations to benefit the animals cared for by the Animal Services program.

#### DISCUSSION:

#### BUDGET/STAFF IMPACT:

Recognize animal shelter donations in the amount of \$39,089

#### Attachments:

Budget adjustment

# City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Tentative Agenda  
Page 11 of 160

|                    |                                    |                          |
|--------------------|------------------------------------|--------------------------|
| <b>Budget Year</b> | <b>Division:</b> Animal Services   | <b>Adjustment Number</b> |
| 2015               | <b>Dept.:</b> Development Services |                          |
|                    | <b>Requestor:</b> Justine Lentz    |                          |

## BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Recognize and allocate donation revenue from citizens made to the Animal Services program during the first and second quarters of 2015.

|                      |                     |           |
|----------------------|---------------------|-----------|
| RESOLUTION/ORDINANCE | COUNCIL DATE:       | 9/1/2015  |
|                      | LEGISTAR FILE ID#:  | 2015-0349 |
|                      | <i>Barbara Fell</i> |           |
|                      | 7/29/2015 11:24 AM  |           |
|                      | Budget Director     | Date      |
|                      | TYPE:               |           |
|                      | DESCRIPTION:        |           |
|                      | GLDATE:             |           |
|                      | POSTED:             | /         |

|                   |                              |         |                     |     |    |                                        |            |
|-------------------|------------------------------|---------|---------------------|-----|----|----------------------------------------|------------|
| TOTAL             | 39,089                       | 39,089  |                     |     |    |                                        | v.20150402 |
|                   | <u>Increase / (Decrease)</u> |         | <u>Project.Sub#</u> |     |    |                                        |            |
| Account Number    | Expense                      | Revenue | Project             | Sub | AT | Account Name                           |            |
| 1010.0001.4808.00 | -                            | 38,826  | 33048               | 1   | RE | Donations - Animal Shelter             |            |
| 1010.2740.5200.03 | 5,000                        | -       | 33048               | 1   | EX | Veterinary Supplies                    |            |
| 1010.2740.5210.00 | 1,500                        | -       | 33048               | 1   | EX | Minor Equipment                        |            |
| 1010.2740.5400.00 | 32,326                       | -       | 33048               | 1   | EX | Building & Grounds Maintenance         |            |
| 1010.0001.4808.01 | -                            | 263     | 33049               | 1   | RE | Donations - Animal Shelter Spay/Neuter |            |
| 1010.2740.5200.03 | 263                          | -       | 33049               | 1   | EX | Veterinary Supplies                    |            |
|                   | -                            | -       |                     |     |    |                                        |            |
|                   | -                            | -       |                     |     |    |                                        |            |
|                   | -                            | -       |                     |     |    |                                        |            |
|                   | -                            | -       |                     |     |    |                                        |            |
|                   | -                            | -       |                     |     |    |                                        |            |
|                   | -                            | -       |                     |     |    |                                        |            |
|                   | -                            | -       |                     |     |    |                                        |            |
|                   | -                            | -       |                     |     |    |                                        |            |



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road  
Fayetteville, AR 72701  
(479) 575-8323  
Page 12 of 160

## Text File

File Number: 2015-0377

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**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 3

### **WILLIAMS TRACTOR OF FAYETTEVILLE:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 T590 T4 BOBCAT COMPACT TRACK LOADERS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$101,189.02 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES

**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 two (2) 2015 T590 T4 Bobcat Compact Track Loaders from Williams Tractor of Fayetteville, Arkansas in the total amount of \$101,189.02, pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by Transportation Services.

City of Fayetteville Staff Review Form

**2015-0377**

**Legistar File ID**

**9/1/2015**

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks and Sara Glenn

8/12/2015

Fleet Operations /  
Transportation Services Department  
**Division / Department**

**Submitted By**

**Submitted Date**

**Action Recommendation:**

A resolution to authorize the purchase of two 2015 T590 T4 Bobcat Compact Track Loaders, available off of NJPA contract pricing through Williams Tractor of Fayetteville, Arkansas in the amount of \$50,594.51 each, for a total of \$101,189.02.

**Budget Impact:**

9700.1920.5802.00

Shop Fund

Account Number

Fund

02076.2014

Backhoes/Loaders

Project Number

Project Title

**Budgeted Item?** Yes

Current Budget \$ 323,116.00

Funds Obligated \$

Current Balance **\$ 323,116.00**

**Does item have a cost?** Yes

Item Cost \$ 101,189.02

**Budget Adjustment Attached?** No

Budget Adjustment

Remaining Budget **\$ 221,926.98**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council  
**THRU:** Terry Gulley, Director of Transportation  
**FROM:** Jesse Beeks, Fleet Operations Superintendent  
**DATE:** August 12, 2015  
**SUBJECT:** Purchase of two Skid Steers for Transportation

---

#### RECOMMENDATION:

That City Council approve the purchase of two 2015 T590 T4 Bobcat Compact Track Loaders, available off of NJPA contract pricing through Williams Tractor of Fayetteville, Arkansas in the amount of \$50,594.51 each, for a total of \$101,189.02.

#### BACKGROUND:

Unit 659 is a 2005 Bobcat S205 Skid Steer Loader. It has cost 96% of its original purchase price in maintenance charges and is no longer reliable enough for the sidewalk project's demanding schedule.

Unit 669 is a 2005 Bobcat T190 Skid Steer. This unit is utilized by the trails department and is often used in rough terrain. It has now cost 145% of its original purchase price in maintenance cost. It cannot stand up to the needs of the trails crew.

This type of unit usually only has a 6 year life, Transportation has been able to stretch both of these units to 10 years.

#### DISCUSSION:

Fleet recommends the purchase of two 2015 T590 T4 Bobcat Compact Track Loaders, available off of NJPA contract pricing through Williams Tractor of Fayetteville, Arkansas in the amount of \$50,594.51 each, for a total of \$101,189.02.

This purchase was presented to the Equipment Committee on August 11, 2015.

#### BUDGET/STAFF IMPACT:

Sufficient funds were budgeted for these purchases. We were short on the funds collected for the purchase, however the average resale of the old units is \$18,000 and will more than cover the shortfall.

#### Attachments:

PO – Purchase Requisition

# 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](mailto:Purchasing@fayetteville-ar.gov).  
Purchase shall not be made until an actual PO has been issued.

Requisition No.: \_\_\_\_\_ Date: 8/12/2015 Tentative Agenda  
Page 15 of 160

P.O Number: \_\_\_\_\_

Vendor #: **11133**

Vendor Name: **Williams Tractor Inc**

Mail ☐ YES ☒ NO

Legistar#:

**2015-0377**

Address:

FOB Point:

Taxable ☐ YES ☒ NO

Expected Delivery Date:

City:

State:

Zip Code:

Ship to code:  
**50**

Quotes Attached ☐ YES ☒ NO

Requester: **Sara Glenn**

Requester's Employee #:  
**3912**

Extension:  
**3485**

| Item | Description                                               | Quantity | Unit of Issue | Unit Cost        | Extended Cost       | Account Number           | Project.Sub#      | Inventory #            | Fixed Asset #              |
|------|-----------------------------------------------------------|----------|---------------|------------------|---------------------|--------------------------|-------------------|------------------------|----------------------------|
| 1    | <b>2015 T590 T4 Bobcat Compact Track Loaders</b>          | <b>2</b> | <b>ea</b>     | <b>50,594.51</b> | <b>\$101,189.02</b> | <b>9700.1920.5802.00</b> | <b>02076.2014</b> | <b>6016 &amp; 6017</b> | <b>706016 &amp; 706017</b> |
| 2    | To be units 6016 and 6017; Fixed Asset #706016 and 706017 |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 3    |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 4    |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 5    |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 6    |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 7    |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 8    |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 9    |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| 10   |                                                           |          |               |                  | \$0.00              |                          |                   |                        |                            |
| *    | Shipping/Handling                                         |          | Lot           |                  | \$0.00              |                          |                   |                        |                            |

Special Instructions:  
NJPA Contract Pricing

Subtotal: **\$101,189.02**  
Tax: **\$0.00**  
Total: **\$101,189.02**

Approvals:

Mayor: \_\_\_\_\_

Department Director: \_\_\_\_\_

Purchasing Manager: \_\_\_\_\_

Chief Financial Officer: \_\_\_\_\_

Budget Director: \_\_\_\_\_

IT Director: \_\_\_\_\_

Dispatch Manager: \_\_\_\_\_

Utilities Manager: \_\_\_\_\_

Other: 



## Product Quotation

Quotation Number: NEW  
Date:

| Ship to                                                                               | Bobcat Dealer                                                                                                                                                                                                                                       | Bill To                                                                               |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| williams tractor<br>2501 shiloh dr<br>fayetteville, AR 72701<br>Phone: (479) 442-8284 | Williams Tractor Inc, Fayetteville, AR<br>2501 SHILOH DRIVE<br>P.O. BOX 1346<br>FAYETTEVILLE AR 72704-1346<br>Phone: (479) 442-8284<br>Fax: (479) 442-6013<br><br>Contact: Tim Bailey<br>Phone: 479-442-8284<br>E Mail: tbailey@williamstractor.com | williams tractor<br>2501 shiloh dr<br>fayetteville, AR 72701<br>Phone: (479) 442-8284 |

| Description                                        | Part No                                                   | Qty | Price Ea.   | Total                |
|----------------------------------------------------|-----------------------------------------------------------|-----|-------------|----------------------|
| <b>T590 T4 Bobcat Compact Track Loader</b>         | M0263                                                     | 1   | \$52,952.00 | \$52,952.00          |
| 66.0 HP Tier 4 Turbo Diesel Engine                 | Lift Path: Vertical                                       |     |             |                      |
| Auxiliary Hydraulics: Variable Flow                | Lights, Front & Rear                                      |     |             |                      |
| Backup Alarm                                       | Operator Cab                                              |     |             |                      |
| Bob-Tach                                           | Includes: Adjustable Suspension Seat, Top & Rear          |     |             |                      |
| Bobcat Interlock Control System (BICS)             | Windows, Parking Brake, Seat Bar & Seat Belt              |     |             |                      |
| Controls: Bobcat Standard                          | Roll Over Protective Structure (ROPS) meets SAE-J1040     |     |             |                      |
| Cylinder Cushioning - Lift, Tilt                   | & ISO 3471                                                |     |             |                      |
| Engine/Hydraulic Systems Shutdown                  | Falling Object Protective Structure (FOPS) meets SAE-     |     |             |                      |
| Glow Plugs (Automatically Activated)               | J1043 & ISO 3449, Level I; (Level II is available through |     |             |                      |
| Horn                                               | Bobcat Parts)                                             |     |             |                      |
| Instrumentation: Engine Temperature & Fuel Gauges, | Parking Brake: Spring Applied, Pressure Released          |     |             |                      |
| Hourmeter, RPM and Warning Lights                  | (SAPR)                                                    |     |             |                      |
| Lift Arm Support                                   | Solid Mounted Carriage with 4 Rollers                     |     |             |                      |
|                                                    | Tracks: Rubber, 12.6" Wide                                |     |             |                      |
|                                                    | Warranty: 12 Months, Unlimited Hours                      |     |             |                      |
| <b>A91 Option Package</b>                          | M0263-P01-A91                                             | 1   | \$7,988.00  | \$7,988.00           |
| Cab enclosure with Heat and AC                     | Deluxe Instrument Panel                                   |     |             |                      |
| High Flow Hydraulics                               | Keyless Start                                             |     |             |                      |
| Sound Reduction                                    | Cold Weather Package                                      |     |             |                      |
| Hydraulic Bucket Positioning                       | Attachment Control Kit                                    |     |             |                      |
| Power Bob-Tach                                     | Cab Accessories Package                                   |     |             |                      |
| <b>Selectable Joystick Controls (SJC)</b>          | M0263-R01-C04                                             | 1   | \$2,555.00  | \$2,555.00           |
| 74" Combination Bucket                             | 7167312                                                   | 1   | \$3,410.00  | \$3,410.00           |
| --- Port Relief                                    | 6684646                                                   | 1   | \$63.26     | \$63.26              |
| <b>Total of Items Quoted</b>                       |                                                           |     |             | <b>\$66,968.26</b>   |
| <b>Dealer P.D.I.</b>                               |                                                           |     |             | <b>\$250.00</b>      |
| <b>Freight Charges</b>                             |                                                           |     |             | <b>\$728.00</b>      |
| <b>Dealer Assembly Charges</b>                     |                                                           |     |             | <b>\$60.00</b>       |
| <b>Discount NJPA for SSL</b>                       |                                                           |     |             | <b>(\$17,411.75)</b> |
| <b>Quote Total - US dollars</b>                    |                                                           |     |             | <b>\$50,594.51</b>   |

### Notes:

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes.  
Customer must exercise his purchase option within 30 days from quote date.

Home > National Cooperative Contract Solutions > Contracts - Fleet > Construction & Agricultural Equipment > Bobcat Company



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

## Bobcat Company

**Contract#:** 042815-CEC

**Category:** Construction

**Description:** Construction Equipment

**Maturity Date:** 05/19/2019

Bobcat Company is a leading provider of compact equipment for global construction, rental, landscaping, agriculture, grounds maintenance, government, utility, industrial and mining markets. We strive to empower our customers to do their jobs more efficiently and effectively. We're North Dakota's largest manufacturer, with the most extensive compact equipment distribution network in the world.

[Find a Dealer](#)

### HOW TO PURCHASE

Our step-by-step guide



### Vendor Contact Info

Randy L. Fuss

Direct Phone: 701-241-8746

[randy.fuss@doosan.com](mailto:randy.fuss@doosan.com)

[www.bobcat.com](http://www.bobcat.com) or

[www.doosanequipment.com](http://www.doosanequipment.com)

NJPA AWARDED  
CONTRACT



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road, Suite 100  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2015-0379

**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 4

### LEWIS FORD OF FAYETTEVILLE:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 FORD F250 4X4 FROM LEWIS FORD OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$23,075.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY PARKS AND RECREATION

**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 a 2015 Ford F250 4x4 from Lewis Ford of Fayetteville, Arkansas in the amount of \$23,075.00, pursuant to a state procurement contract, for use by Parks and Recreation.

City of Fayetteville Staff Review Form

**2015-0379**

**Legistar File ID**

**9/1/2015**

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks and Sara Glenn

8/12/2015

Fleet Operations /  
Transportation Services Department  
**Division / Department**

**Submitted By**

**Submitted Date**

**Action Recommendation:**

A resolution to authorize the purchase of one 2015 Ford F250 4x4, available through Lewis Ford of Fayetteville, Arkansas for the State contract price of \$23,075.

**Budget Impact:**

9700.1920.5802.00

Shop Fund

Account Number

Fund

02078.2015

Light/Medium Trucks

Project Number

Project Title

**Budgeted Item?** Yes

Current Budget \$ 456,794.00

Funds Obligated \$ -

Current Balance **\$ 456,794.00**

**Does item have a cost?** Yes

Item Cost \$ 23,075.00

**Budget Adjustment Attached?** No

Budget Adjustment

Remaining Budget **\$ 433,719.00**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council  
**THRU:** Terry Gulley, Director of Transportation  
**FROM:** Jesse Beeks, Fleet Operations Superintendent  
**DATE:** August 12, 2015  
**SUBJECT:** Purchase of one  $\frac{3}{4}$  Ton Truck for Parks

---

#### RECOMMENDATION:

That City Council approve the purchase of one 2015 Ford F250 4x4, available through Lewis Ford of Fayetteville, Arkansas for the State contract price of \$23,075.

#### BACKGROUND:

Unit 2015 is a 1999 Ford Ranger 4x4. The Parks department has kept this truck for 16 years. It has cost 67% of the original purchase price in maintenance and is no longer running. Over the past 16 years, the Parks' Department's responsibility has changed and they are requesting the upgrade to a F250 to have the capacity to pull a trailer and move lawn mowers from job site to job site.

#### DISCUSSION:

Fleet recommends the purchase of one 2015 Ford F250 4x4, available through Lewis Ford of Fayetteville, Arkansas for the State contract price of \$23,075.

This purchase was presented to the Equipment Committee on August 11, 2015.

#### BUDGET/STAFF IMPACT:

Sufficient funds were budgeted for this purchase. The slight shortfall of \$2,700 in the amount collected will be made up with the sale of unit 2015.

#### Attachments:

PO – Purchase Requisition

| <b>City of Fayetteville - Purchase Order Request (PO)</b><br><small>(Not a Purchase Order)</small><br><b>All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.</b><br><b>Purchase shall not be made until an actual PO has been issued.</b> |                                      |                                            |                                     |           |                         |                                                                                               | Requisition No.: _____ Date: <span style="float: right;">Tentative Agenda<br/>8/12/2015 Page 21 of 450</span> |                                           |               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------|-------------------------------------|-----------|-------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------|
| <b>Vendor #:</b> 7040                                                                                                                                                                                                                                                            |                                      | <b>Vendor Name:</b> Lewis Ford Sales, Inc. |                                     |           |                         |                                                                                               | <b>P.O Number:</b> _____                                                                                      |                                           |               |
| <b>Address:</b> _____                                                                                                                                                                                                                                                            |                                      |                                            |                                     |           |                         | <b>Mail</b><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO            |                                                                                                               | <b>Legistar#:</b><br><br><b>2015-0379</b> |               |
|                                                                                                                                                                                                                                                                                  |                                      |                                            |                                     |           |                         | <b>Taxable</b><br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO         |                                                                                                               |                                           |               |
| <b>City:</b> _____                                                                                                                                                                                                                                                               |                                      |                                            | <b>State:</b> _____                 |           | <b>FOB Point:</b> _____ | <b>Expected Delivery Date:</b> _____                                                          |                                                                                                               |                                           |               |
| <b>Requester:</b> Sara Glenn                                                                                                                                                                                                                                                     |                                      |                                            | <b>Requester's Employee #:</b> 3912 |           | <b>Ship to code:</b> 50 | <b>Quotes Attached</b><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                                                                                                               |                                           |               |
|                                                                                                                                                                                                                                                                                  |                                      |                                            |                                     |           |                         | <b>Extension:</b> 3485                                                                        |                                                                                                               |                                           |               |
| Item                                                                                                                                                                                                                                                                             | Description                          | Quantity                                   | Unit of Issue                       | Unit Cost | Extended Cost           | Account Number                                                                                | Project.Sub#                                                                                                  | Inventory #                               | Fixed Asset # |
| 1                                                                                                                                                                                                                                                                                | 2015 Ford F250 4x4                   | 1                                          | ea                                  | 23,075.00 | \$23,075.00             | 9700.1920.5802.00                                                                             | 02078.2015                                                                                                    | 2194                                      | 702194        |
| 2                                                                                                                                                                                                                                                                                | To be unit 2194; Fixed Asset #702194 |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 3                                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 4                                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 5                                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 6                                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 7                                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 8                                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 9                                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| 10                                                                                                                                                                                                                                                                               |                                      |                                            |                                     |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| *                                                                                                                                                                                                                                                                                | Shipping/Handling                    |                                            | Lot                                 |           | \$0.00                  |                                                                                               |                                                                                                               |                                           |               |
| <b>Special Instructions:</b><br>State Contract Pricing                                                                                                                                                                                                                           |                                      |                                            |                                     |           |                         |                                                                                               | <b>Subtotal:</b> \$23,075.00                                                                                  |                                           |               |
|                                                                                                                                                                                                                                                                                  |                                      |                                            |                                     |           |                         |                                                                                               | <b>Tax:</b> \$0.00                                                                                            |                                           |               |
|                                                                                                                                                                                                                                                                                  |                                      |                                            |                                     |           |                         |                                                                                               | <b>Total:</b> \$23,075.00                                                                                     |                                           |               |
| <b>Approvals:</b>                                                                                                                                                                                                                                                                |                                      |                                            |                                     |           |                         |                                                                                               |                                                                                                               |                                           |               |
| Mayor: _____                                                                                                                                                                                                                                                                     |                                      |                                            | Department Director: _____          |           |                         | Purchasing Manager: _____                                                                     |                                                                                                               |                                           |               |
| Chief Financial Officer: _____                                                                                                                                                                                                                                                   |                                      |                                            | Budget Director: _____              |           |                         | IT Director: _____                                                                            |                                                                                                               |                                           |               |
| Dispatch Manager: _____                                                                                                                                                                                                                                                          |                                      |                                            | Utilities Manager: _____            |           |                         | Other:   |                                                                                                               |                                           |               |



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road  
Fayetteville, AR 72701  
(479) 575-8323  
Page 22 of 160

## Text File

File Number: 2015-0376

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**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 5

### **BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$147,170.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHWEST AND NORTHEAST QUADRANTS TO BE USED FOR LIGHTING AT BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the total amount of \$147,170.00 recognizing parkland dedication fees from the Northwest and Northeast Quadrants to be used for lighting at Bryce Davis Park and improvements to Lake Fayetteville.

City of Fayetteville Staff Review Form

2015-0376

Legistar File ID

9/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Alison Jumper

8/11/2015

Parks & Recreation /  
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a budget adjustment to recognize revenue received for Park Land Dedication for capital projects in the northwest quadrant and the northeast quadrant. The revenue received but not yet recognized in the northwest quadrant (\$139,976) is to be used for capital projects at Bryce Davis Park. The revenue received but not yet recognized in the northeast quadrant (\$7,194) is to be used for Lake Fayetteville improvement capital projects. The Council date for this agenda item is September 1, 2015.

Budget Impact:

|                             |            |                                          |               |
|-----------------------------|------------|------------------------------------------|---------------|
| 2250.9256.5806.00           |            | Parks Development (Park Land Dedication) |               |
| Account Number              |            | Fund                                     |               |
| 02013.802                   | 13001.1306 | Bryce Davis Park                         | Lake          |
| Project Number              |            | Project Title                            |               |
| Budgeted Item?              | NA         | Current Budget                           | \$ -          |
|                             |            | Funds Obligated                          | \$ -          |
|                             |            | Current Balance                          | \$ -          |
| Does item have a cost?      | NA         | Item Cost                                |               |
| Budget Adjustment Attached? | Yes        | Budget Adjustment                        | \$ 147,170.00 |
|                             |            | Remaining Budget                         | \$ 147,170.00 |

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council

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

**FROM:** Alison Jumper, Park Planning Superintendent

**DATE:** August 10, 2015

**SUBJECT:** A resolution to approve a budget adjustment to recognize revenue received for Park Land Dedication for capital projects in the northwest quadrant and the northeast quadrant. The revenue received but not yet recognized in the northwest quadrant (\$139,976) is to be used for capital projects at Bryce Davis Park. The revenue received but not yet recognized in the northeast quadrant (\$7,194) is to be used for Lake Fayetteville improvement capital projects. The Council date for this agenda item is September 1, 2015.

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### RECOMMENDATION:

Staff recommends approval of a resolution to recognize revenue received for Park Land Dedication for capital projects (\$147,170 total), comprised of: northwest quadrant (02013.802 - \$139,976) and northeast quadrant (13001.1306 - \$7,194).

### BACKGROUND:

Chapter 166 of the Unified Development Code required residential developments to make a reasonable dedication of land or money in lieu to the park system per each newly constructed residence. Once these funds are received, they must be spent within three years on park development or acquisition.

### DISCUSSION:

Park Land Dedication Funds have been received in accumulated in the northwest and northeast quadrants. Staff is requesting to recognize these funds in order to make park improvements in those two quadrants. Lighting is planned to be added to Bryce Davis Park in the northwest quadrant, and improvements to Lake Fayetteville are planned to be made in the northeast quadrant. A portion of these funds must be spent in 2015 to meet the three year deadline. In order to make viable projects, all funds in these quadrants are being requested to be recognized at this time.

### BUDGET/STAFF IMPACT:

Increase in the budget of \$147,170 total), comprised of: northwest quadrant (02013.802 - \$139,976) and northeast quadrant (13001.1306 - \$7,194).

### Attachments:

Budget Adjustment



# City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Tentative Agenda  
Page 26 of 160

|                    |                                     |                          |
|--------------------|-------------------------------------|--------------------------|
| <b>Budget Year</b> | <b>Division:</b> Parks & Recreation | <b>Adjustment Number</b> |
| 2015               | <b>Dept.:</b> Parks & Recreation    |                          |
|                    | <b>Requestor:</b> Alan Bearden      |                          |

## BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A resolution to approve a budget adjustment to recognize revenue received for Park Land Dedication for capital projects in the northwest quadrant and the northeast quadrant. The revenue received but not yet recognized in the northwest quadrant (\$139,976) is to be used for capital projects at Bryce Davis Park. The revenue received but not yet recognized in the northeast quadrant (\$7,194) is to be used for Lake Fayetteville improvement capital projects. The Council date for this agenda item is September 1, 2015.

|                      |                     |           |
|----------------------|---------------------|-----------|
| RESOLUTION/ORDINANCE | COUNCIL DATE:       | 9/1/2015  |
|                      | LEGISTAR FILE ID#:  | 2015-0376 |
|                      | <i>Barbara Fell</i> |           |
|                      | 8/11/2015 2:58 PM   |           |
|                      | Budget Director     | Date      |
|                      | TYPE:               |           |
|                      | DESCRIPTION:        |           |
|                      | GLDATE:             |           |
|                      | POSTED:             | /         |

|                   |                              |         |                     |      |    |                      |            |
|-------------------|------------------------------|---------|---------------------|------|----|----------------------|------------|
| TOTAL             | 147,170                      | 147,170 |                     |      |    |                      | v.20150402 |
|                   | <u>Increase / (Decrease)</u> |         | <u>Project.Sub#</u> |      |    |                      |            |
| Account Number    | Expense                      | Revenue | Project             | Sub  | AT | Account Name         |            |
| 2250.9256.5806.00 | 139,976                      | -       | 02013               | 802  | EX | Park Improvements    |            |
| 2250.0925.4419.00 | -                            | 139,976 | 02013               | 802  | RE | Greenspace Fees - NW |            |
| 2250.9256.5806.00 | 7,194                        | -       | 13001               | 1306 | EX | Park Improvements    |            |
| 2250.0925.4419.01 | -                            | 7,194   | 13001               | 1306 | RE | Greenspace Fees - NE |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |
|                   | -                            | -       |                     |      |    |                      |            |



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road  
Fayetteville, AR 72701  
(479) 575-8323  
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## Text File

File Number: 2015-0371

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**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 6

### **FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION AMENDMENT NO. 2:**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT WITH THE FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION FOR THE CITY TO PROVIDE OPERATIONAL AND MAINTENANCE SERVICES FOR THE TOWN CENTER PARKING DECK IN EXCHANGE FOR THE USE OF FIFTY-FIVE (55) PARKING SPACES FOR A PERIOD OF ONE YEAR WITH FIVE ADDITIONAL ONE YEAR AUTOMATIC RENEWALS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 2 to the contract with the Fayetteville Advertising and Promotion Commission for the City to provide operational and maintenance services for the Town Center Parking Deck in exchange for the use of fifty-five (55) parking spaces for a period of one year with five additional one year automatic renewals.

City of Fayetteville Staff Review Form

2015-0371

Legistar File ID

9/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Melissa Elmore

8/6/2015

Parking & Telecommunications /  
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve Amendment #2 To Lease Agreement With The Fayetteville Advertising & Promotion Commission for the City to provide operational and maintenance services for the Town Center parking deck. This Amendment is a continuation of previous Agreements that have been in effect since November 2001.

Budget Impact:

2130.9130.5308.00

Parking

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 33,000.00

Funds Obligated \$ -

Current Balance \$ 33,000.00

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 33,000.00

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council  
**THRU:** Don Marr, Chief of Staff  
**FROM:** Melissa Elmore, Parking Management *ME*  
**DATE:** August 6, 2015  
**SUBJECT:** Approval of Amendment #2 to the Agreement with the Fayetteville Advertising and Promotions Commission

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#### RECOMMENDATION:

Staff recommends approving Amendment #2 to the Agreement with the Fayetteville Advertising and Promotions Commission, operating as the Fayetteville Town Center, for Parking Management staff to provide operational and maintenance services for the Town Center parking deck. The term of the Agreement is for one (1) year with automatic renewal for five (5) additional one (1) year terms.

#### BACKGROUND:

The City entered into the original Agreement with the Fayetteville Advertising and Promotion Commission on November 12, 2001, upon the opening of the newly constructed parking deck. The Agreement was an exchange of services between the City of Fayetteville and the Town Center.

The City of Fayetteville Parking Management Division provides cleaning services for all levels of the parking deck, the Plaza contracted parking lot (below), the Town Center Plaza (above) and the delivery and loading dock area. In exchange for these City services, the Commission allows the City the use of up to fifty-five (55) parking spaces in the deck to be used by City employees.

#### DISCUSSION:

The annual cost to lease these fifty-five (55) parking spaces would be \$33,000.00. Staff feels that this agreement, with its exchange of services, is a benefit to both the City of Fayetteville and the Town Center. The Town Center avoids the need for additional staffing and the City avoids the additional expense of these spaces.

#### BUDGET/STAFF IMPACT:

There is no direct budget impact as this is an exchange of services.

#### Attachments:

Amendment #2 To The Agreement With The Fayetteville Advertising & Promotion Commission  
Amendment #1 To The Agreement With The Fayetteville Advertising & Promotion Commission  
Agreement dated February 13, 2002

## AMENDMENT #2 TO THE AGREEMENT WITH THE FAYETTEVILLE ADVERTISING & PROMOTION COMMISSION

### BE IT KNOWN TO ALL:

That the City of Fayetteville, Arkansas and the Fayetteville Advertising & Promotion Commission, on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, hereby agree that their Agreement of February 13, 2002, which was extended by Amendment #1 on February 12, 2008, shall be amended by extending the term of the Agreement retroactively from February 13, 2014, for a term of one (1) year from the date of execution of this Amendment, after which it shall automatically renew for five (5) additional one (1) year terms, unless the parties, by mutual agreement, choose to amend or terminate the Agreement prior to the expiration of the then current term.

The parties agree and understand that this Amendment is supplemental to their Agreement of February 13, 2002, and Amendment #1 to the Agreement of February 12, 2008, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be set by their authorized representative effective the date set forth herein above.

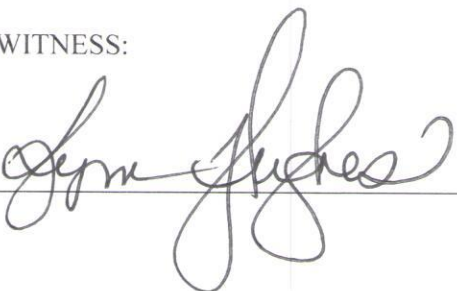
Fayetteville Advertising & Promotion  
Commission

City of Fayetteville, Arkansas

  
\_\_\_\_\_  
CHING MONG, Chairman

\_\_\_\_\_  
LIONELD JORDAN, Mayor

WITNESS:

  
\_\_\_\_\_  
Sondra E. Smith, City Clerk/Treasurer

ATTEST:

\_\_\_\_\_  
Sondra E. Smith, City Clerk/Treasurer

## AMENDMENT #1 TO THE AGREEMENT WITH THE FAYETTEVILLE ADVERTISING & PROMOTION COMMISSION

### BE IT KNOWN TO ALL:

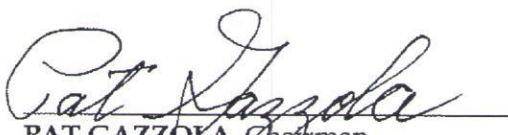
That the City of Fayetteville, Arkansas and the Fayetteville Advertising & Promotion Commission, on this 12<sup>th</sup> day of ~~January~~ February, 2008, hereby agree that their Agreement of February 13, 2002, shall be amended by extending the term of the current Agreement for a term of one (1) year, after which it shall automatically renew for five (5) additional one (1) year terms, unless the parties by mutual agreement, choose to amend or terminate the Agreement prior to the expiration of the then current term.

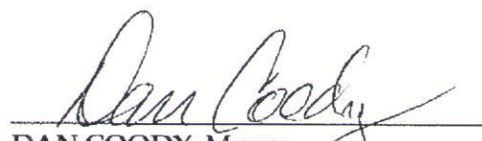
The parties agree and understand that this Amendment is supplemental to their Agreement of February 13, 2002, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be set by their authorized representative effective the date set forth herein above.

Fayetteville Advertising & Promotion  
Commission

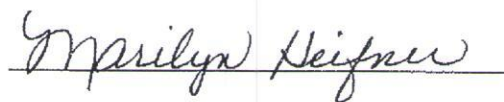
City of Fayetteville, Arkansas

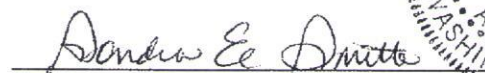
  
PAT GAZZOLA, Chairman

  
DAN COODY, Mayor

WITNESS:

ATTEST:



  
Sondra E. Smith, City Clerk/Treasurer



## AGREEMENT

This Agreement, made and entered into this 13<sup>th</sup> day of February, 2002, by and between the City of Fayetteville, Arkansas, a municipal corporation, hereinafter called the City, and the Fayetteville Advertising and Promotion Commission, operating as the Fayetteville Town Center, hereinafter called the Commission.

**WITNESSETH, IN CONSIDERATION** of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

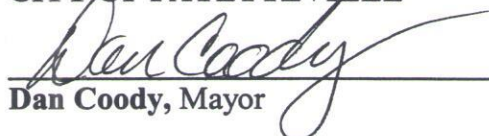
1. This agreement shall remain in full force and effect for a term of one (1) year, after which it shall automatically renew for five (5) additional one (1) year terms, unless the parties by mutual agreement, choose to amend or terminate the agreement prior to the expiration of the then current term.
2. Each party agrees and understands that a party wishing to terminate or amend this agreement shall give the other party written notice of such, no later than thirty (30) days prior to the expiration of the then current term.
3. This agreement is for an exchange of services between the parties. The City agrees to operate the parking deck at the Town Center, with duties to include:
  - a. Preparing lease agreements for customers desiring to lease parking deck spaces.
  - b. Billing customers either monthly or quarterly, and receiving customer lease payments.
  - c. Removing any and all moneys and tokens from the auto cashier machine and transferring custody and control of such directly to authorized Commission personnel.
  - d. Providing an accounting of all revenues received through the parking lease program and the auto cashier machine on a monthly basis.
  - e. Programming and distributing parking cards, and maintaining the associated customer accounts.
  - f. Notifying customers of "Event Days" when parking cards cannot be used to access the parking deck. Providing cardholders with information on alternative parking during "Event Days," as well as providing them with hang tags, tokens, or other supplies needed for alternative parking (as stated in the attached "Procedures for Alternative Parking on Event Days").

- g. Providing routine maintenance on gates, card readers, auto cashier machine, credit card reader, etc., provided that any costs and expenses incurred for vendor-provided equipment maintenance shall be borne by the Commission. Additionally, all costs and expenses incurred for the purchase of equipment and supplies for the operation of the parking deck shall be borne by the Commission, provided that such purchases have the prior approval of a designated representative of the Commission.
  - h. Attending the auto cashier machine in a diligent and timely manner to ensure the coin hopper has a sufficient number of coins to provide correct and sufficient change to customers.
  - i. Taking customer calls and complaints concerning the parking deck.
  - j. Providing a minimum of eight (8) hours of cleaning services per week.
  - k. Providing said services in the following areas:
    - i. All levels of the parking deck;
    - ii. Plaza contracted parking lot (below);
    - iii. Town Center Plaza area (above); and
    - iv. Delivery/Loading Dock area.
  - l. As used in this Agreement, *cleaning services* include sweeping; blowing; vacuuming; spot washing of soft drinks, mud, or other spills; and the emptying of trash containers into the dumpster.
3. In exchange for these services, the Commission agrees to provide fifty-five (55) parking spaces on the deck to be used by employees of the City of Fayetteville, provided that:
- a. The City agrees to abide by the same rules that apply to the other customers leasing spaces on the deck.
  - b. The City agrees to allocate parking cards only to city employees.
  - c. The City shall expend its best efforts to discourage nighttime parking, as the Town Center frequently holds nighttime events.
  - d. The City shall encourage employees to park towards the west end of the deck, leaving spaces closest to the elevators open for customer parking.

4. The Commission shall be responsible for all collection actions associated with delinquent accounts, provided that the City shall be responsible for informing the Commission of such accounts in a timely manner.
5. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other.
6. The parties agree and understand that this Agreement is exclusive of any and all other agreements, and that it in no way alters, amends or abridges any rights, obligations or duties of the parties contained in such agreements.
7. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of any other breaches by either party.
8. This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of the City and the Commission.

**IN WITNESS WHEREOF**, the City and the Commission have executed this Agreement on or as of the date first written above.

**CITY OF FAYETTEVILLE**

  
\_\_\_\_\_  
Dan Coody, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Heather Woodruff, City Clerk

**ADVERTISING AND PROMOTION  
COMMISSION**

By:   
\_\_\_\_\_  
Joe Fennel, Chairman



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road  
Fayetteville, AR 72701  
(479) 575-8323  
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## Text File

File Number: 2015-0375

**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Resolution

**Agenda Number:** A. 7

### **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) RISK MAP PHASE 2:**

A RESOLUTION TO AUTHORIZE THE CITY'S PARTICIPATION IN PHASE 2 OF THE RISK MAP PROGRAM WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE ARKANSAS NATURAL RESOURCES COMMISSION TO UPDATE THE WASHINGTON COUNTY FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AT A COST OF UP TO \$43,658.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City's participation in Phase 2 of the Risk MAP program with the Federal Emergency Management Agency and the Arkansas Natural Resources Commission to update the Washington County Flood Insurance Study and Flood Insurance Rate Maps at a cost of up to \$43,658.00.

City of Fayetteville Staff Review Form

2015-0375

Legistar File ID

9/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

8/12/2015

Engineering /  
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval for the City of Fayetteville to participate in a grant opportunity with the Arkansas Natural Resources Commission (ANRC) by providing up to \$43,658 in matching funds to continue updating the Flood Insurance Rate Maps (FIRMs) for the community.

Budget Impact:

4470.9470.5314.00

4470-Sales Tax Capital Improvements

Account Number

Fund

02108.2015

ANRC/FEMA Risk Map Phase 2

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 43,658.00

Funds Obligated \$ -

Current Balance \$ 43,658.00

Does item have a cost? Yes

Item Cost \$ 43,658.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director  
Chris Brown, City Engineer

**FROM:** Alan Pugh, Staff Engineer

**DATE:** August 5, 2015

**SUBJECT:** Approval for the City of Fayetteville to participate in a grant opportunity with the Arkansas Natural Resources Commission (ANRC) by providing up to \$43,658 in matching funds to continue updating the Flood Insurance Rate Maps (FIRMs) for the community.

---

### RECOMMENDATION:

Approval for the City of Fayetteville to participate in a grant opportunity with the Arkansas Natural Resources Commission (ANRC) by providing up to \$43,658 in matching funds to continue updating the Flood Insurance Rate Maps (FIRMs) for the community.

### BACKGROUND:

Recently, ANRC, in partnership with the Federal Emergency Management Agency (FEMA) initiated Phase 1 of the Risk Mapping, Assessment and Planning (Risk MAP) Program. This phase included what is referred to as "discovery" and local counties and municipalities were asked to participate by contributing monetarily, \$5,000, and by identifying areas on the currently effective FIRMs in need of update. Fayetteville participated in this discovery by identifying several areas throughout the community where the maps are in need of update or are believed not to be accurate for various reasons. ANRC partnered with a local engineering firm, FTN Associates, to lead the effort and begin to compile the results. Out of that program, Fayetteville was able to receive valuable feedback as well as what are referred to as First Order Approximations (FOA) for many of the special flood hazard areas throughout town with little or no technical information supporting the floodplain designation. As a result, the City is able to utilize these studies to help property owners within these areas more accurately identify the extent of potential flooding. However, the FOA are only a slight step forward. The next step in the process is to begin to analyze or reanalyze the areas that were identified which leads into the Phase 2 portion of the project.

### DISCUSSION:

The proposed grant opportunity (Phase 2) includes an update to the existing flood insurance study (FIS). In general this project will include updating approximately 29.3 miles of Zone A streams, converting approximately 5.2 miles of Zone A Streams to Zone AE and re-delineating approximately 47.3 miles of current Zone AE streams. The benefits to the City and property

owners would include more accurate flood data, better customer service by staff for residents in that more detailed information for the flood designation can be provided, potential reduction in flood insurance rates for property owners in some cases and a potential for reduction in future flood damage claims. Additional information regarding the project and benefits can be found below and within the attached information.

During Phase I, Discovery Phase, Washington County, including all incorporated and unincorporated areas, was identified as a strong candidate for a Risk Map Phase 2 project. The Phase 2 portion of the project includes engineering and mapping to update the currently effective Washington County, AR Flood Insurance Study (FIS) and FIRMs referred to collectively as an FIS update.

The updated engineering and mapping developed in the proposed Phase 2 Risk MAP project would be based on the newer aerial topographic data recently acquired by FEMA, updated hydrology and hydraulics for the streams currently mapped as approximate, the addition of published Base Flood Elevations (BFEs) added to the FIRMs for some select streams, that are currently mapped as approximate, and updated or new detailed hydrologic and hydraulic analysis for select streams in the Cities of Fayetteville and Springdale.

It should be noted that the referenced updated topographic data is being provided by FEMA/ANRC at no cost to the county or incorporated communities. That portion of the project was initiated in late 2014 in anticipation of the Phase 2 portion of the process and should be complete in the fall of 2015.

This project could benefit the residents of Fayetteville in several ways.

- Current residents who own properties located within Zone A, Base Flood Elevations Not Determined, would have more accurate information supporting the extent of the Special Flood Hazard Area (SFHA) and more accurate information regarding the approximate flood elevations.
- Some of the Zone A Special Flood Hazard Areas would be further analyzed in order to convert them to Zone AE, Base Flood Elevations Determined. This proposal includes approximately 5.2 miles of stream with the City of Fayetteville which covers many of the tributaries to Town Branch. A list of the tributaries is included with the supporting information attached to this memorandum. This will help the city further understand the extent of possible flooding as well as give residents in these areas more accurate information regarding the base flood elevation and what could be done to reduce their risk of flooding. It also aides the resident when attempting to sell or improve their property by being able to use previously determined based flood elevations rather than going through the time and expense of having an engineer develop a base flood elevation for their property.
- Some Zone AE areas will be re-delineated utilizing more recent topographic information. This will in turn likely remove some properties from the floodplain as well as potentially include properties that are not currently located within the floodplain. While the properties brought into the floodplain may be subject to additional regulation, it is important for the owners of those properties and potential developers to understand the risk of flooding and plan accordingly. This can drastically reduce flood claims and property loss in the future.
- Phase 2 will also include new products intended to assist communities in the communication of risk to individual homeowners, local businesses, and emergency managers. These products will include depth and velocity grids which can be used to

identify the depth of water, or the speed of the water, at a given point, such as a flooding roadway. Probability grids can be used to demonstrate what the chance of flooding is for a location over a 30-year period, which is consistent with the period of a typical home mortgage.

The proposed Phase 2 Risk MAP project is proposed to be funded using a grant from FEMA to ANRC that will require local cost share. The total project costs for the 2015 LIDAR acquisition and FIS update are \$250,000 and \$475,209 respectively, or \$725,209 for the total project. FEMA's contribution to the total project will be \$612,657 and the community cost share needed is \$112,552. ANRC is requesting the City of Fayetteville contribute \$43,658, which is 6% of the total project cost, to help us meet the cost share requirements.

**BUDGET/STAFF IMPACT:**

Staff proposes that the funding for the project be allocated out of the Sales Tax Capital Improvements Project 02108 – Other Drainage Improvements in an amount up to \$43,658.

**Attachments:**

ANRC Funding Request

|                                                                                                                                                                                                                                                                                  |                                                  |          |                                          |                  |                                     |                                                                             |                                                                                 |             |                                                                              |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------|------------------------------------------|------------------|-------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------|--|
| <b>City of Fayetteville - Purchase Order Request (PO)</b><br><small>(Not a Purchase Order)</small><br><b>All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.</b><br><b>Purchase shall not be made until an actual PO has been issued.</b> |                                                  |          |                                          |                  |                                     |                                                                             | Requisition No.:<br>P.O Number:                                                 |             | Date: <b>8/11/2015</b><br><small>Tentative Agenda<br/>Page 40 of 450</small> |  |
| Vendor #: <b>790</b>                                                                                                                                                                                                                                                             |                                                  |          | Vendor Name: <b>AR Natural Resources</b> |                  |                                     |                                                                             | Mail <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO        |             | <b>Legistar#:</b><br><br><b>2015-0375</b>                                    |  |
| Address: <b>PUR</b>                                                                                                                                                                                                                                                              |                                                  |          |                                          | FOB Point:       |                                     | Taxable <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                                                                                 |             |                                                                              |  |
| City:                                                                                                                                                                                                                                                                            |                                                  |          | State:                                   |                  | Zip Code:                           | Ship to code:                                                               | Quotes Attached <input type="checkbox"/> YES <input type="checkbox"/> NO        |             | Expected Delivery Date:                                                      |  |
| Requester: <b>Alan Pugh</b>                                                                                                                                                                                                                                                      |                                                  |          |                                          |                  | Requester's Employee #: <b>4073</b> |                                                                             | Extension: <b>8208</b>                                                          |             |                                                                              |  |
| Item                                                                                                                                                                                                                                                                             | Description                                      | Quantity | Unit of Issue                            | Unit Cost        | Extended Cost                       | Account Number                                                              | Project.Sub#                                                                    | Inventory # | Fixed Asset #                                                                |  |
| 1                                                                                                                                                                                                                                                                                | <b>Professional Services. - Risk Map Phase 2</b> | <b>1</b> | <b>Lot</b>                               | <b>43,658.00</b> | <b>\$43,658.00</b>                  | <b>4470.9470.5314.00</b>                                                    | <b>02108.2015</b>                                                               |             |                                                                              |  |
| 2                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 3                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 4                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 5                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 6                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 7                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 8                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 9                                                                                                                                                                                                                                                                                |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| 10                                                                                                                                                                                                                                                                               |                                                  |          |                                          |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| *                                                                                                                                                                                                                                                                                | Shipping/Handling                                |          | Lot                                      |                  | \$0.00                              |                                                                             |                                                                                 |             |                                                                              |  |
| Special Instructions:                                                                                                                                                                                                                                                            |                                                  |          |                                          |                  |                                     |                                                                             | Subtotal: <b>\$43,658.00</b><br>Tax: <b>\$0.00</b><br>Total: <b>\$43,658.00</b> |             |                                                                              |  |
| Approvals:                                                                                                                                                                                                                                                                       |                                                  |          |                                          |                  |                                     |                                                                             |                                                                                 |             |                                                                              |  |
| Mayor: _____                                                                                                                                                                                                                                                                     |                                                  |          | Department Director: _____               |                  |                                     | Purchasing Manager: _____                                                   |                                                                                 |             |                                                                              |  |
| Chief Financial Officer: _____                                                                                                                                                                                                                                                   |                                                  |          | Budget Director: _____                   |                  |                                     | IT Director: _____                                                          |                                                                                 |             |                                                                              |  |
| Dispatch Manager: _____                                                                                                                                                                                                                                                          |                                                  |          | Utilities Manager: _____                 |                  |                                     | Other: _____                                                                |                                                                                 |             |                                                                              |  |



# Arkansas Natural Resources Commission

Tentative Agenda  
Page 43 of 160



J. Randy Young, PE  
Executive Director

101 East Capitol, Suite 350  
Little Rock, Arkansas 72201  
<http://www.anrc.arkansas.gov/>

Phone: (501) 682-1611  
Fax: (501) 682-3991  
E-mail: [anrc@arkansas.gov](mailto:anrc@arkansas.gov)

Asa Hutchinson  
Governor

July 28, 2015  
[cbrown@fayetteville-ar.gov](mailto:cbrown@fayetteville-ar.gov)

Mr. Chris Brown, P.E.  
City Engineer, City of Fayetteville  
Development Services Building  
125 W. Mountain Street  
Fayetteville, AR 72701

Re: Washington County, AR Flood Insurance Study Update  
ANRC / FEMA Grant – Risk MAP Phase 2 Mapping Activity Statement 13

Dear Mr. Brown:

Recently, Arkansas Natural Resources Commission (ANRC), in partnership with the Federal Emergency Management Agency (FEMA), initiated Phase 1 of the Risk Mapping, Assessment, and Planning (Risk MAP) Program, which is the Discovery Phase. In preparation for and during the Discovery Phase, Washington County, including all incorporated and unincorporated areas, was identified as a strong candidate for a Risk MAP Phase 2 project, which includes engineering and mapping to update the current effective Washington County, AR Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), referred to collectively as an FIS update. In preparation for a Phase 2 Risk MAP project in late 2014, FEMA, in conjunction with the US Geological Survey (USGS), funded aerial LIDAR acquisition and processing for Washington County. LIDAR is a remote sensing technology used to collect data to prepare a map or model of the ground surface. This model of the ground surface is often referred to as topography and will provide the quality base for the updated engineering and mapping proposed for the Phase 2 Risk MAP project. The LIDAR project was initiated in late 2014 and will be completed in the fall of 2015. The 2015 LIDAR data will be available from FEMA without restriction.

The updated engineering and mapping developed in the proposed Phase 2 Risk MAP project would be based on the newer aerial topographic data recently acquired by FEMA, updated hydrology and hydraulics for the streams currently mapped as approximate, the addition of published Base Flood Elevations (BFEs) added to the FIRMs for some select streams, that are currently mapped as approximate, and updated or new detailed hydrologic and hydraulic analysis for select streams in the Cities of Fayetteville and Springdale.

The proposed Phase 2 Risk MAP project would be funded using a grant from FEMA to ANRC that will require local cost share. The total project costs for the 2015 LIDAR acquisition and FIS update are \$250,000 and \$475,209 respectively, or \$725,209 for the total project. FEMA's contribution to the total project will be \$612,657 and the community cost share needed is \$112,552. We are requesting the City of Fayetteville contribute \$43,658, which is 6% of the total project cost, to help us meet the cost share requirements.

The proposed Phase 2 Risk MAP tasks of a countywide FIS update project will involve several different types of stream analyses and resulting mapping. The following summarizes the types of analyses and stream mileages within your community that are identified to receive new floodplain mapping as part of the proposed FIS update.

- The proposed FIS update will include performing updated approximate hydrologic and hydraulic analyses and updated floodplain mapping of over 436 miles of streams using the 2015 collected LIDAR (topography) throughout the incorporated and unincorporated areas of Washington County. The resulting special flood hazard area (SFHA) mapping will be supported by GIS and engineering data that will be provided to the communities for use in assisting residents/property owners in defining the BFE for their property. In the City of Fayetteville 29.3 miles will be updated with a new approximate analysis.
- The FIS update will include updating the SFHA designation from Zone A to Zone AE on approximately 38 miles of streams within the incorporated and unincorporated areas of Washington County. Floodplain mapping that is designated as Zone AE will have BFEs published on the FIRMs. These specific stream miles were studied previously using a methodology referred to as Limited Detail Study (LDS) as part of the Washington County FIS completed in 2008. These models will also be updated with the 2015 LIDAR data that will allow for recent man-made changes in and around the LDS streams to be accounted for in the model without requiring the filing of individual Letters of Map Change. In the City of Fayetteville 5.2 miles of LDS streams will be updated.
- The FIS update will include what is referred to as redelineation for over 100 stream miles of current effective Zone AE floodplain mapping on the FIRMs. Redelineation retains the results of the previously studied current effective stream model, meaning the established BFEs and floodway remain unchanged with respect to elevation; however the SFHA boundaries will be adjusted to be consistent with the 2015 LIDAR. For example, if the BFE on Big Creek is 1,110 ft, the elevation will remain 1,110 ft; however the boundary of the SFHA will be reviewed and revised against the new LIDAR data to match the ground elevation of 1,110 ft using the new LIDAR. In the City of Fayetteville 47.3 miles of existing detailed streams will be redelineated using the new topography.
- The FIS Update will include new detailed studies of several streams within the Cities of Fayetteville and Springdale where significant changes in the drainage basin and/or the stream channel warrant a revised analysis, or where Zone A areas are present and development pressures exist and a detailed Zone AE SFHA with a designated floodway is warranted. Approximately 13 miles of detailed study will be performed overall which includes 7.8 miles within the City of Fayetteville.

The stream names and associated mileage for the LDS and detailed study are provided as an attachment in addition to a figure providing an overview of the streams to be included in the proposed Phase 2 Risk MAP FIS Update in Washington County and the subsequent level of analysis that will be applied.

The proposed FIS update will provide many benefits to the communities in Washington County. The LIDAR collected during the winter months of 2014-2015 provides an improved level of vertical accuracy, supporting elevations to within  $\pm \frac{1}{2}$  ft, as compared to the topographic base data on the current FIRMs of  $\pm 2 \frac{1}{2}$  ft. This improved accuracy will enhance the quality of the SFHA mapping and will help reduce the risk for those property owners who wish to develop safely and soundly in areas in/near SFHAs. A better-defined risk area will aid property owners in making sound judgments on development opportunities, rather than having to invest hundreds of dollars in trying to define the risk themselves. Additional benefits will be realized with the distribution of the GIS and engineering data that will be made available to the communities. This engineering support data will provide established base hydraulic condition for

many of the streams in the county, allowing communities and/or property owners to evaluate engineering options such as new hydraulic structures (bridges or culverts) less expensively.

In addition to the updated FIRMs and FIS Report, new products intended to assist communities in the communication of risk to individual homeowners, local businesses, and emergency managers are part of the Risk MAP project. These products will include depth and velocity grids which can be used to identify the depth of water, or the speed of the water, at a given point, such as a flooding roadway. Probability grids can be used to demonstrate what the chance of flooding is for a location over a 30-year period, which is consistent with the period of a typical home mortgage. These new products and related GIS and engineering data also allow communities to customize their own products, such as utilizing new aerial photography, topography, parcel data, 911 data, and building footprints to assist in protecting people and their property and establishing a sound floodplain management program.

Once FEMA confirms the proposed Phase 2 Risk MAP project cost-share requirements have been satisfied, the Washington County FIS Update is expected to begin October 1, 2015 and culminate December 31, 2016 with the delivery of draft FIRMs for community review.

During the community review of the draft FIRMs, ANRC and FEMA will work with the communities to confirm their agreement to proceed to Risk MAP Phase 3, which involves converting the draft FIRMs to formal preliminary FIRMs for publication and public review, and the subsequent regulatory processes required for FIRM adoption. Risk MAP Phase 3 is funded entirely by FEMA. This process generally takes approximately 1 year and will be initiated once the communities, ANRC, and FEMA agree to move forward.

The community participation and commitment to Risk MAP is extremely important, especially during the critical FIS Update engineering and mapping production phase. By collaborating on the engineering and mapping phase, FEMA, ANRC, and our community partners have the opportunity to develop a relationship whereby we all can take ownership of the FIS update process and participate in the development and delivery of quality final products.

We need to complete our grant application, which includes documentation confirming that we have secured our cost-share commitments, by August 21, 2015. Therefore, we respectfully request your confirmation of your level of participation on/before August 20, 2015.

Sincerely,



Michael Borengasser, CFM  
NFIP Coordinator  
Arkansas Natural Resources Commission

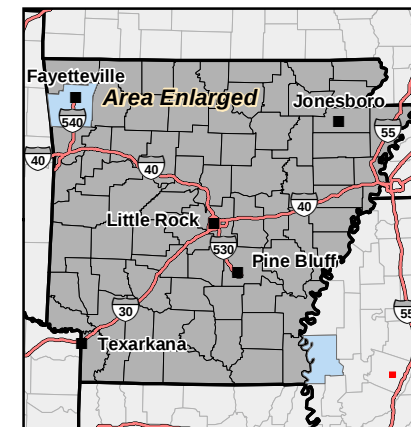
Enclosures: Summary of Stream Names and Mileage  
Washington County Study Streams

Cc: MaryBeth Breed, FTN Associates, Ltd

### Summary of Stream Names and Study Method Mileage – City of Fayetteville

| ID | Flooding Source Name                                         | Current Study Method<br>(Approximate, LDS, Detailed) | Proposed Study Method<br>(Approximate, LDS, Detailed) | Total Mileage<br>(miles) |
|----|--------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------|--------------------------|
| 1  | Cato Springs Branch<br>(upstream of S. Shiloh Dr)            | Approximate                                          | Detailed                                              | 1.1                      |
| 2  | College Branch                                               | Approximate                                          | Detailed                                              | 1.1                      |
| 3  | Cummings Creek                                               | Approximate                                          | Detailed                                              | 0.8                      |
| 4  | Cummings Creek Tributary                                     | Approximate                                          | Detailed                                              | 0.4                      |
| 5  | East Fork Cato Springs Branch                                | Approximate                                          | Detailed                                              | 1.4                      |
| 6  | Spout Springs Branch                                         | Approximate                                          | Detailed                                              | 0.5                      |
| 7  | Town Branch Tributary 1                                      | Approximate                                          | Detailed                                              | 0.7                      |
| 8  | West Branch                                                  | Approximate                                          | Detailed                                              | 0.3                      |
| 9  | Unnamed Tributary to Town Branch (West of S. Morningside Dr) | Approximate                                          | Detailed                                              | 1.0                      |
| 10 | Unnamed Tributary to Town Branch (East of S. Morningside Dr) | Approximate                                          | Detailed                                              | 0.5                      |
| 11 | Futrall Branch                                               | LDS – Zone A                                         | LDS – Zone AE                                         | 1.4                      |
| 12 | Kitty Creek                                                  | LDS – Zone A                                         | LDS – Zone AE                                         | 0.8                      |
| 13 | Owl Creek                                                    | LDS – Zone A                                         | LDS – Zone AE                                         | 0.8                      |
| 14 | Skillern Branch                                              | LDS – Zone A                                         | LDS – Zone AE                                         | 1.2                      |
| 15 | Skillern Tributary                                           | LDS – Zone A                                         | LDS – Zone AE                                         | 1.0                      |

VICINITY MAP

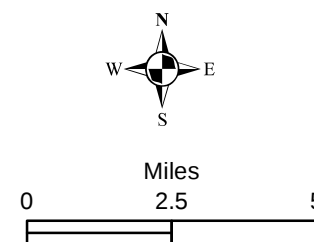


Washington County  
Study Streams  
Map

Legend

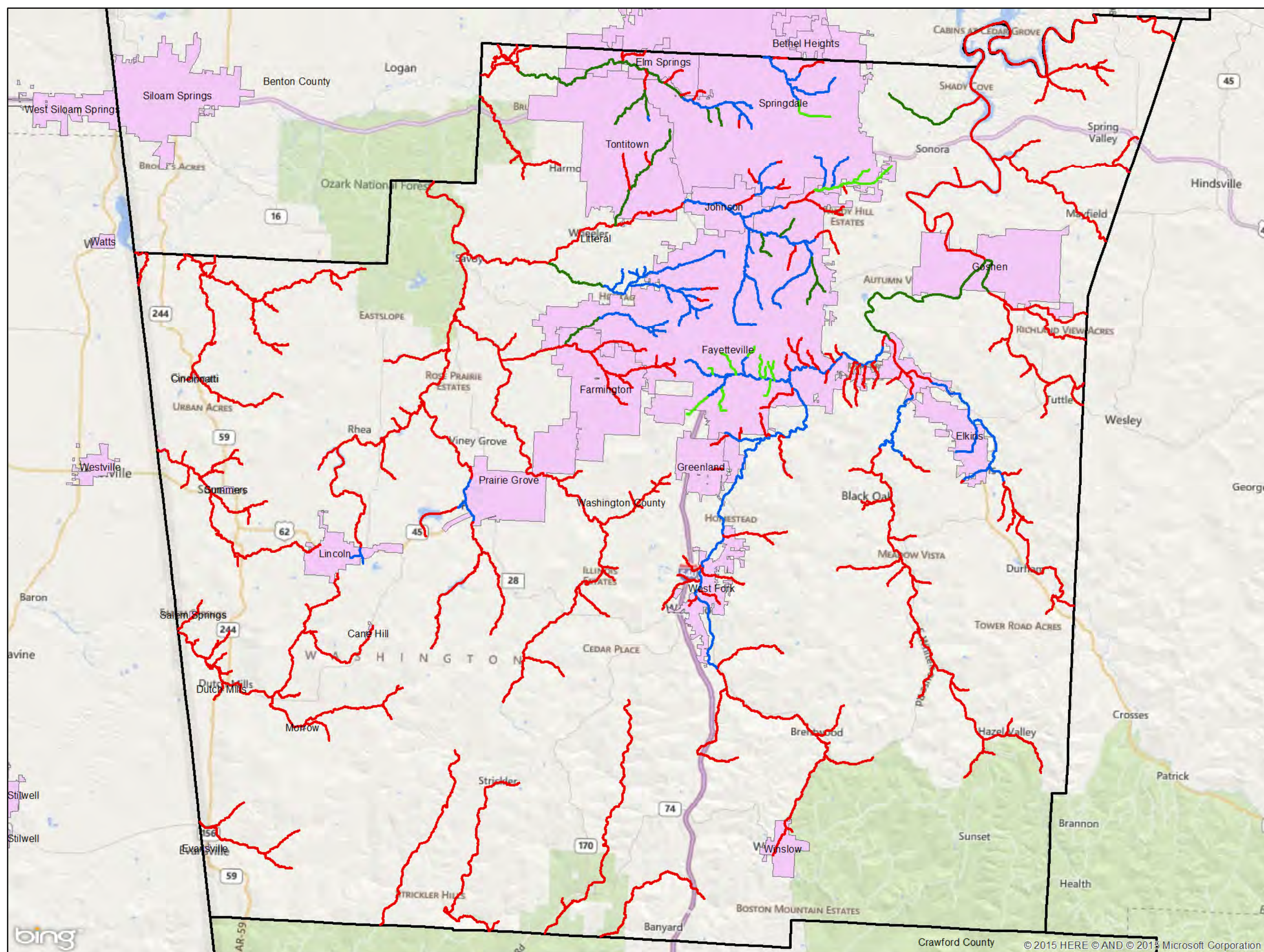
- Zone A Restudies
- Limited Detail A to AE
- Zone AE Restudies
- Redelineation AE
- Counties
- City Limits

Background: (c) 2010 Microsoft Corporation  
and its data suppliers.



Map Created - July 28, 2015

Map Coordinate System:  
NAD 1983 StatePlane Arkansas North FIPS 0301 Feet





# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road, Suite 100  
Fayetteville, AR 72701  
(479) 575-8323

## Text File

File Number: 2015-0380

**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Ordinance

**Agenda Number:** C. 1

### **RZN 15-5130 (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5130, FOR APPROXIMATELY 15 ACRES, LOCATED AT 1285 E. MILLSAP ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

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

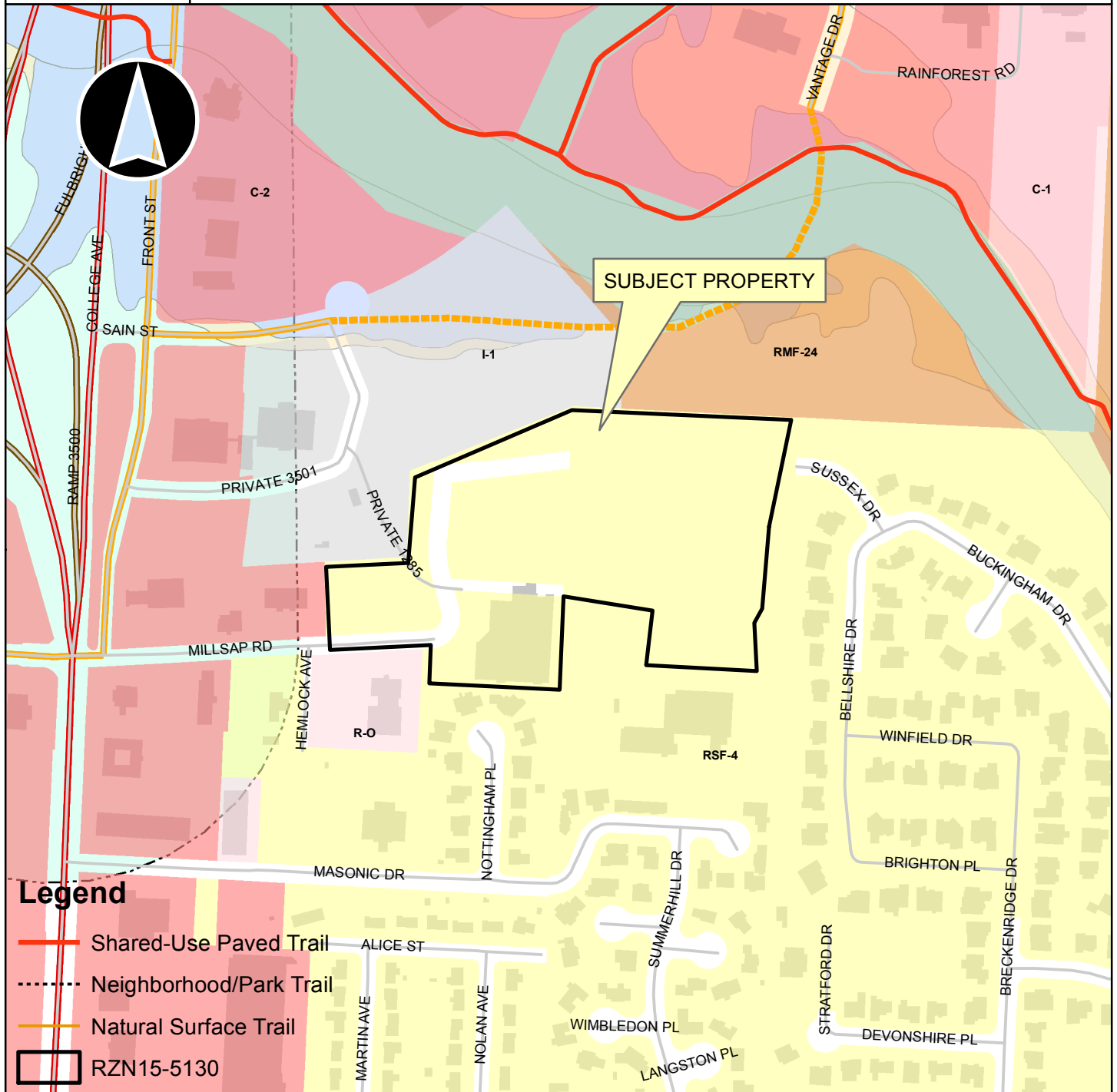
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single Family, 4 Units per Acre, to P-1, Institutional, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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.

RZN15-5130

# CHRISTIAN LIFE CATHEDRAL

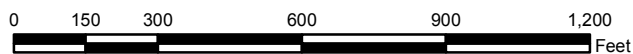
Close Up View



## Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail
- RZN15-5130

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



## Christian Life Cathedral – Parcel Property Legal Descriptions

### **Parcel # 765-15701-000**

A part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of the Section Twenty-five (25), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a concrete monument marking the North West Corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section Twenty-five (25) and running thence N 89 degrees 29' 09" E 594.56 feet to the centerline of a spring branch; thence Southeast along said centerline the following: S 8 degrees 33' 30" W 295.65 feet, S 1 degree 32' 30" W 223.10 feet, S 25 degrees 24' 30" W 44.3 feet, S 6 degrees 03' 30" E 130.22 feet to the North line of Lot 1 of the Summerhill Planned Unit Development; thence leaving said centerline and running West 301.33 feet along said North line of Lot 1 to the East fence line of the Sterns Cemetery as now exists; thence N 3 degrees 32' 31" E 148.5 feet along said fence line to the North East corner of said cemetery; thence N 83 degrees 48' 25" W 243.26 feet along the North fence line of said cemetery to the West line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section Twenty-five (25); thence N 0 degrees 35' 47" W 505.08 feet to the point of beginning, containing 7.75 acres, more or less, City of Fayetteville, Washington County, Arkansas. Subject to a 30 foot wide strip reserved on the North side of Sterns Cemetery as it now exists and any other easements or Right-of-Way of record.

### **Parcel # 765-15715-010**

A part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a concrete monument marking the North East corner of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said Section Twenty-six (26) and running thence S 0 degrees 35' 47" E 499.52 feet along the East line of said 40 acre tract to the intersection of Millsap Road; thence S 63 degrees 53' 05" W 279.2 feet along said centerline; thence S 77 degrees 53' 33" W 104.1 feet along said centerline; thence leaving said centerline and running N 19 degrees 43' 45" W 219.12 feet to a concrete monument marking the South East corner of the A.W. Realty Subdivision; thence North along the East line of said Subdivision North 1 degree 31' 02" E 232.26 feet to a concrete monument; thence N 63 degrees 37' 48" E 463.30 feet along said subdivision South line to the point of beginning, containing 4.57 acres, more or less, City of Fayetteville, Washington County, Arkansas. Subject to the Millsap Road Right-of-Way along the South side thereof and any other easements or Right-of-Way of record.

### **Parcel # 765-15716-000**

A part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a point that is S 0 degrees 35' 47" E 499.52 feet from the North East corner of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said section Twenty-six (26), said point of beginning being the intersection of the East line of said 40 acre tract and the centerline of Millsap Road as it now exists; thence along said East line S 0 degrees 35' 47" E 259.48 feet; thence S 89 degrees 37' W 354.0 feet; thence N 0 degrees 35' 47" W 117.1 feet to the centerline of Millsap Road; thence along said centerline N 77 degrees 53' 33" E 104.1 feet; thence along said centerline N 63 degrees 53' 05" E 279.2 feet to the point of beginning, containing 1.45 acres, more or less, city of Fayetteville, Washington County, Arkansas. Subject to the Millsap Road Right-of-Way along the North side thereof and any other easements or Rights-of-Ways of record.

### **Parcel # 765-15726-000**

The property located at 1124 Millsap Road, Fayetteville, Washington County, Arkansas, and described as being a part of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 26, Township 17 North, Range 30 West, and more particularly described as follows: Beginning at a point 512.25 feet South and North 84° East 888 feet of the Northwest corner of said 40 acre tract, thence South 84° West 222 feet, thence South 5° 40' East 225 feet, thence North 84° East to a point 225 feet South of the point of beginning, thence North 225 to the point of beginning.

City of Fayetteville Staff Review Form

**2015-0380**

**Legistar File ID**

**9/1/2015**

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

8/14/2015

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

RZN 15-5130: Rezone (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL, 213): Submitted by MCCLELLAND ENGINEERS, INC. for property located at 1285 E. MILLSAP RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 15.06 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

**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 SEPTEMBER 1, 2015

**TO:** Fayetteville City Council

**THRU:** Andrew Garner, City Planning Director

**FROM:** Quin Thompson, Current Planner

**DATE:** September 1, 2015

**SUBJECT:** **RZN 15-5130: Rezone (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL, 213):** Submitted by MCCLELLAND ENGINEERS, INC. for property located at 1285 E. MILLSAP RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 15.06 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

---

### RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to P-1, Institutional.

### BACKGROUND:

The subject property is located at east end of Millsap Road and is comprised of four (4) parcels containing a total area of approximately 15.06 acres within the RSF-4 zoning district. The property is developed with a church whose sanctuary at 1285 Millsap Road is contained in a building of approximately 44,000 square feet. Additional lots affected by this rezone request contain parking lots and undeveloped land. The applicant states that the church has operated in this location for 30 years.

#### Land Use Compatibility:

The proposed zoning is compatible with the surrounding mixture of single-family residential, commercial, and institutional land uses.

#### Land Use Plan Analysis:

The City Plan 2030 Future Land Use Map (FLUM) designates this area as City Neighborhood Area, a designation which encourages a wide variety of uses, increased density, and appropriate infill of properties with existing infrastructure.

### DISCUSSION:

On August 10, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 7-0-0.

### 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, City Planning Director

**FROM:** Quin Thompson, Current Planner

**MEETING DATE:** ~~August 10, 2015~~ **UPDATED 8-13-2014**

**SUBJECT:** **RZN 15-5130: Rezone (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL, 213):** Submitted by MCCLELLAND ENGINEERS, INC. for property located at 1285 E. MILLSAP RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 15.06 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

### RECOMMENDATION:

Staff recommends **RZN 15-5130** be forwarded to the City Council with a recommendation for approval.

### BACKGROUND:

The subject property is located at east end of Millsap Road and is comprised of five (5) parcels containing a total area of approximately 15.06 acres within the RSF-4 zoning district. The property is developed with church whose sanctuary at 1285 Millsap Road is contained in a building of approximately 44,000 square feet. Additional lots affected by this rezone request contain parking lots and undeveloped land. The applicant states that the church has operated in this location for 30 years. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction from Site | Land Use                  | Zoning                                                                      |
|---------------------|---------------------------|-----------------------------------------------------------------------------|
| North               | Undeveloped               | I-1, Heavy Commercial and Light Industrial/RMF-24, Residential Multi-family |
| South               | Single-Family Residential | RSF-4, Residential Single-Family                                            |
| East                | Single-Family Residential | RSF-4, Residential Single-Family                                            |
| West                | Commercial/Institutional  | I-1, Heavy Commercial and Light Industrial/C-2, Thoroughfare Commercial     |

*Request:* The request is to rezone the property from RSF-4 to P-1, Institutional, in order to bring the current use in alignment with zoning code, and to allow for future expansion without the need for amended Conditional Use Permits.

*Public Comment:* Staff has received no written public comment, and one inquiry from an adjoining residence.

### INFRASTRUCTURE:

- Streets:** The subject parcel has access to Millsap Road and Hemlock Avenue. Millsap Road is a partially improved road with sporadic curb/gutter and sidewalk through the subject parcel areas. Hemlock Avenue is unimproved right-of-way which has a gravel drive at this time. Any required improvements to these streets will be determined at time of development.
- Water:** Public water is available to this parcel in a variety of locations. Existing utilities in the area have ample capacity for the current use of the property which is not proposed to change due to this rezoning request.
- Sewer:** Sanitary sewer is available to this lot in a variety of locations. Existing utilities in the area have ample capacity for the current use of the property which is not proposed to change due to this rezoning request.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-yr floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.
- Fire:** The Fire Department did not express any concerns with the request.
- 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 the properties within the proposed rezone as **City Neighborhood Area**. These 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.*

#### FINDINGS OF THE STAFF

**RECOMMENDATION:** Staff recommends RZN 15-5130 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning will bring the current church use into alignment with zoning code, and allow development compatible with the existing adjacent uses and consistent with the Future Land Use Plan.

|                                    |                                   |                                               |                                 |
|------------------------------------|-----------------------------------|-----------------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                   | <b>Required</b>                               | <b><u>YES</u></b>               |
| Date: <u>August 10, 2015</u>       | <input type="checkbox"/> Tabled   | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion: <b>CHESSER</b>             | Second: <b>BROWN</b>              | Vote: <b>7-0-0</b>                            |                                 |
| <b>CITY COUNCIL ACTION:</b>        |                                   | <b>Required</b>                               | <b><u>YES</u></b>               |
| Date: <u>September 1, 2015</u>     | <input type="checkbox"/> Approved | <input type="checkbox"/> 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:*** The proposed zoning is compatible with the surrounding mixture of single-family residential and institutional uses. The church has been in operation for a period of 30 years, and is an established use in this neighborhood. Staff is unaware of any complaints associated with this church use. The church building is immediately adjacent to a residential neighborhood to the south dating from 1989, a private athletic club, and commercial properties to the west.

***Land Use Plan Analysis:*** The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates this property as City Neighborhood Area.

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 justified at this time, as the proposed zoning will bring the current use into alignment with city zoning code.

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

**Finding:** The site has access to Millsap Street, a partially improved local street. This section of Millsap Street is a short dead-end street that gets congested at peak hours. The street is, however, serviced by a traffic signal at the intersection with College Avenue. The church does not connect directly to the residential neighborhoods to the south. The rezoning would allow the current church use to continue, and would allow further expansion of the church facilities in future, although none are proposed at this time.

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

**Finding:** Rezoning the property from RSF-4 to P-1 should not undesirably affect density or 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& 161.29
- Request Letter
- Survey
- 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 Height Maximum | 45 ft. |
|-------------------------|--------|

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

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

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

## 161.29 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

|        |                                      |
|--------|--------------------------------------|
| Unit 1 | City-wide uses by right              |
| Unit 4 | Cultural and recreational facilities |
| Unit 5 | Government facilities                |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 26 | Multi-family dwellings                   |
| Unit 36 | Wireless communications facilities       |
| Unit 42 | Clean technologies                       |

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

|                                                                        |        |
|------------------------------------------------------------------------|--------|
| Front                                                                  | 30 ft. |
| Front, if parking is allowed between the right-of-way and the building | 50 ft. |
| Side                                                                   | 20 ft. |
| Side, when contiguous to a residential district                        | 25 ft. |
| Rear                                                                   | 25 ft. |
| Rear, from center line of public alley                                 | 10 ft. |

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10)



1810 N. College Avenue  
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Fayetteville, AR 72703/72702-1229  
479-443-2377/Fax 479-443-9241  
[www.mcclelland-engrs.com](http://www.mcclelland-engrs.com)

July 9, 2015

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

Re: Rezoning of Christian Life Cathedral Property

Dear Planning Commission Members,

This letter is in regards to the rezoning request for the Christian Life Cathedral Church, currently located at 1285 Millsap Rd. Fayetteville, AR. 72703. The current owners of all subject properties being requested for rezoning is the Christian Life Cathedral Church. There are currently no proposed or pending property sales. The current zoning for all subject properties is RSF-4, and as such, all activities taking place on these properties are granted through conditional use permits. The purpose for the requested rezoning is to bring the current zoning up to P-1. This would allow all uses by right rather than having to apply for a conditional use each time a new proposed project comes along on the subject properties.

The proposed rezoning will align with a majority of the surrounding parcels as they are owned by the church. The church has been operating in the current capacity for approximately 30 years so no anticipated increase of traffic, additional signage, or change in land use will be anticipated with the rezoning request. Currently there is a 8" sanitary sewer line, running from NW to SE that services the site. Additionally, there is a 6" pvc waterline that supplies water and fire services to the site.

Future land use per the city's GIS states this site to be City Neighborhood Area. Although the website states future neighborhood, a majority of the subject property is owned by the Church. There are no future plans for the Church to do any type of residential development in this area. As such, we feel that the requested rezoning is justified to better accommodate the future uses of the Church's land. As mentioned above, the Church has been operating in this same capacity for the last 30+ years. As such, the rezoning of this land will not adversely affect traffic. Additionally, there will be no increase in population density so there will be no negative effects on public infrastructure in this location.

Lastly, since the Church has no plans for residential development on the subject parcels, it's impractical for them to apply for a conditional use permit each time they want to do any improvements or additional activities on Church property.

Sincerely,

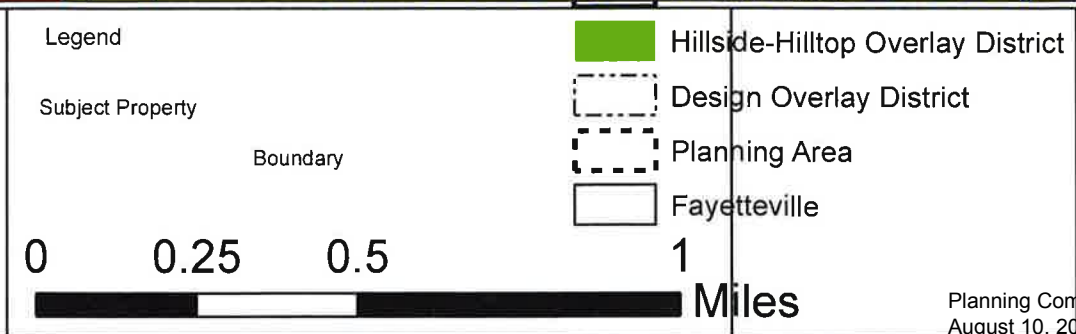
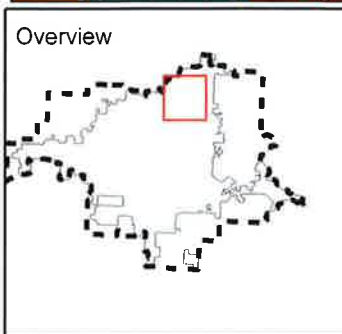
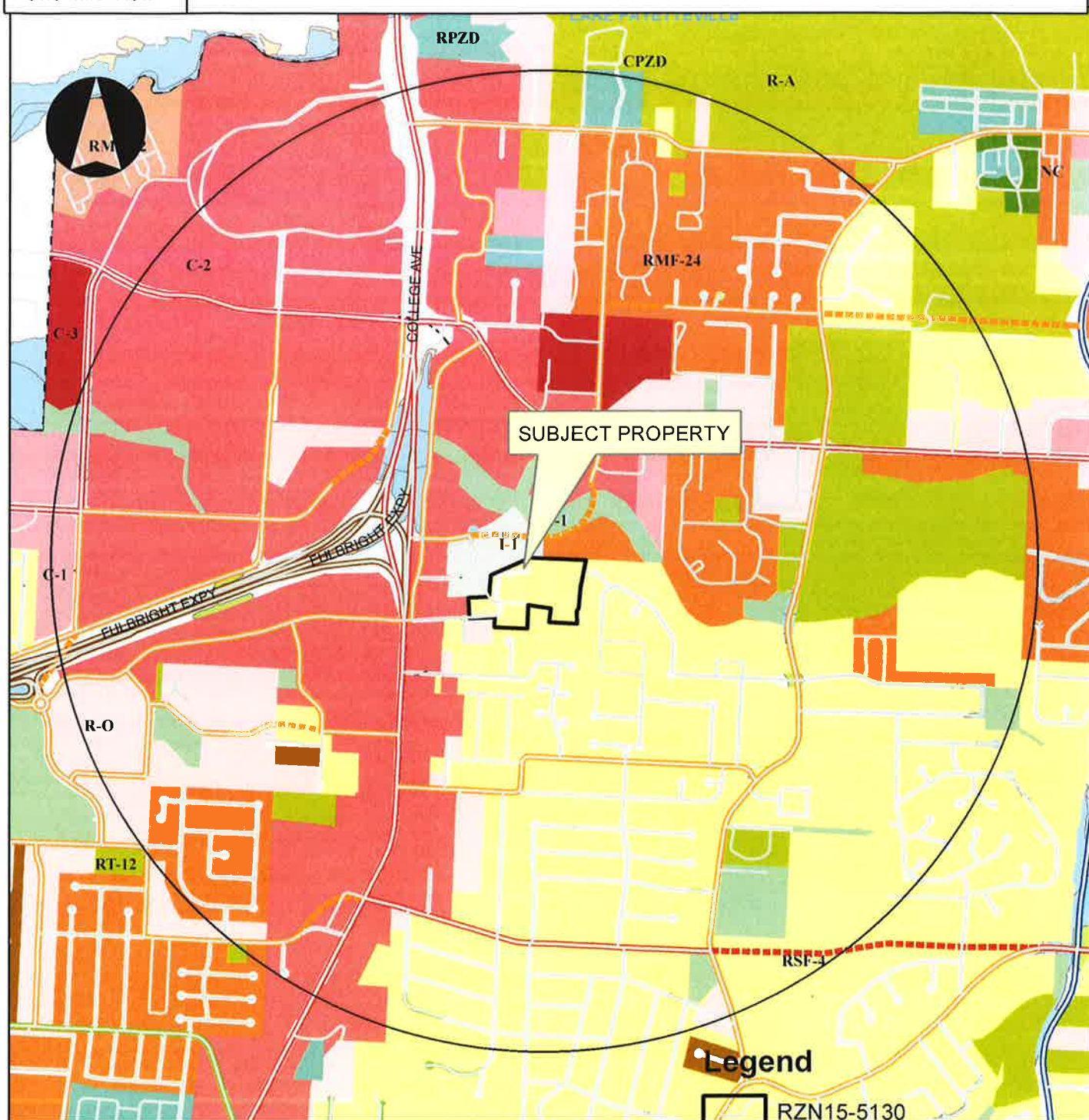
A handwritten signature in black ink that reads 'Rick McGraw' with a stylized flourish at the end.

Rick McGraw, PLA  
Project Manager

RZN15-5130

# CHRISTIAN LIFE CATHEDRAL

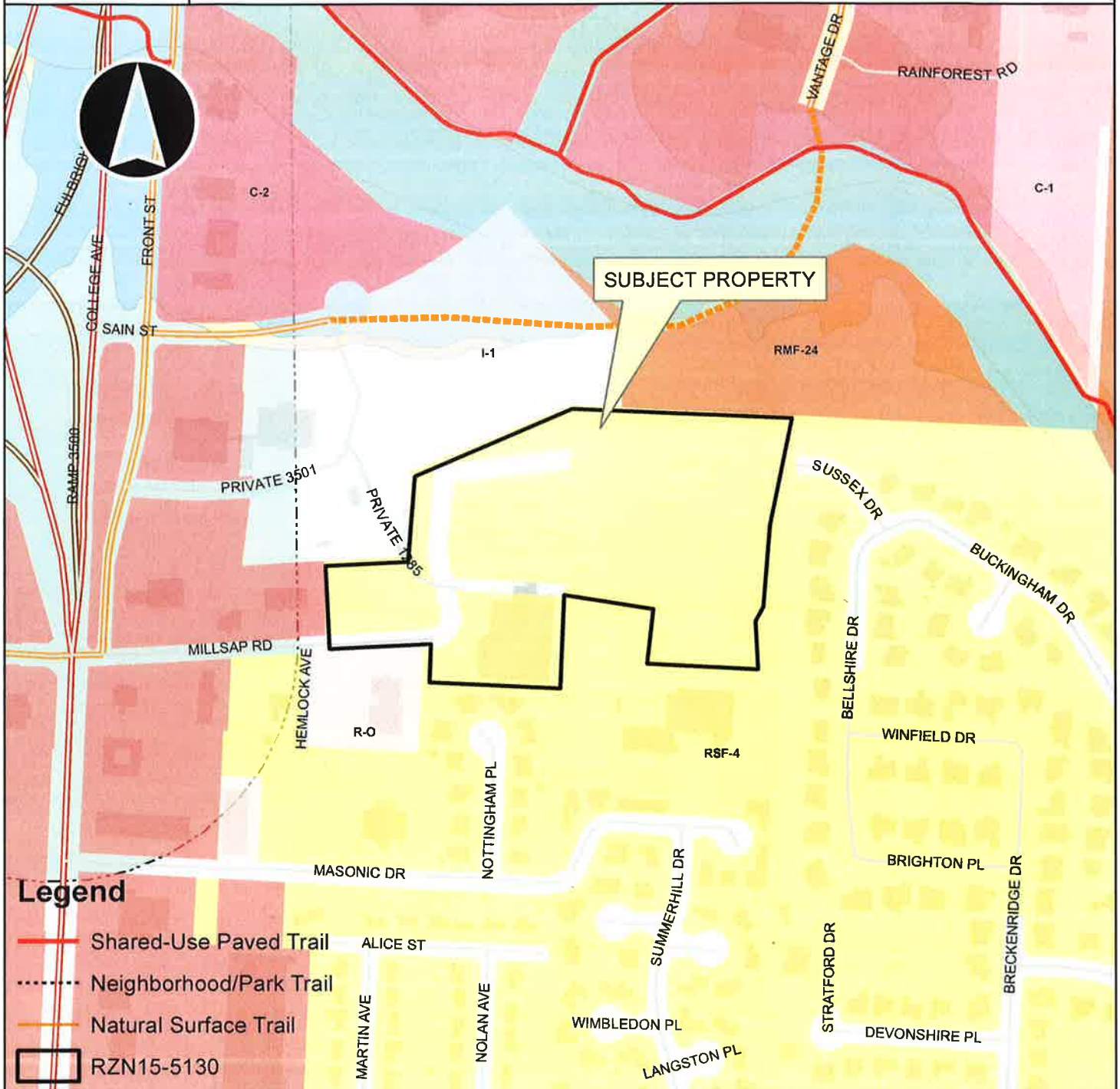
One Mile View



RZN15-5130

# CHRISTIAN LIFE CATHEDRAL

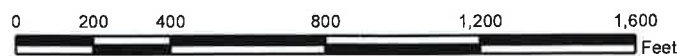
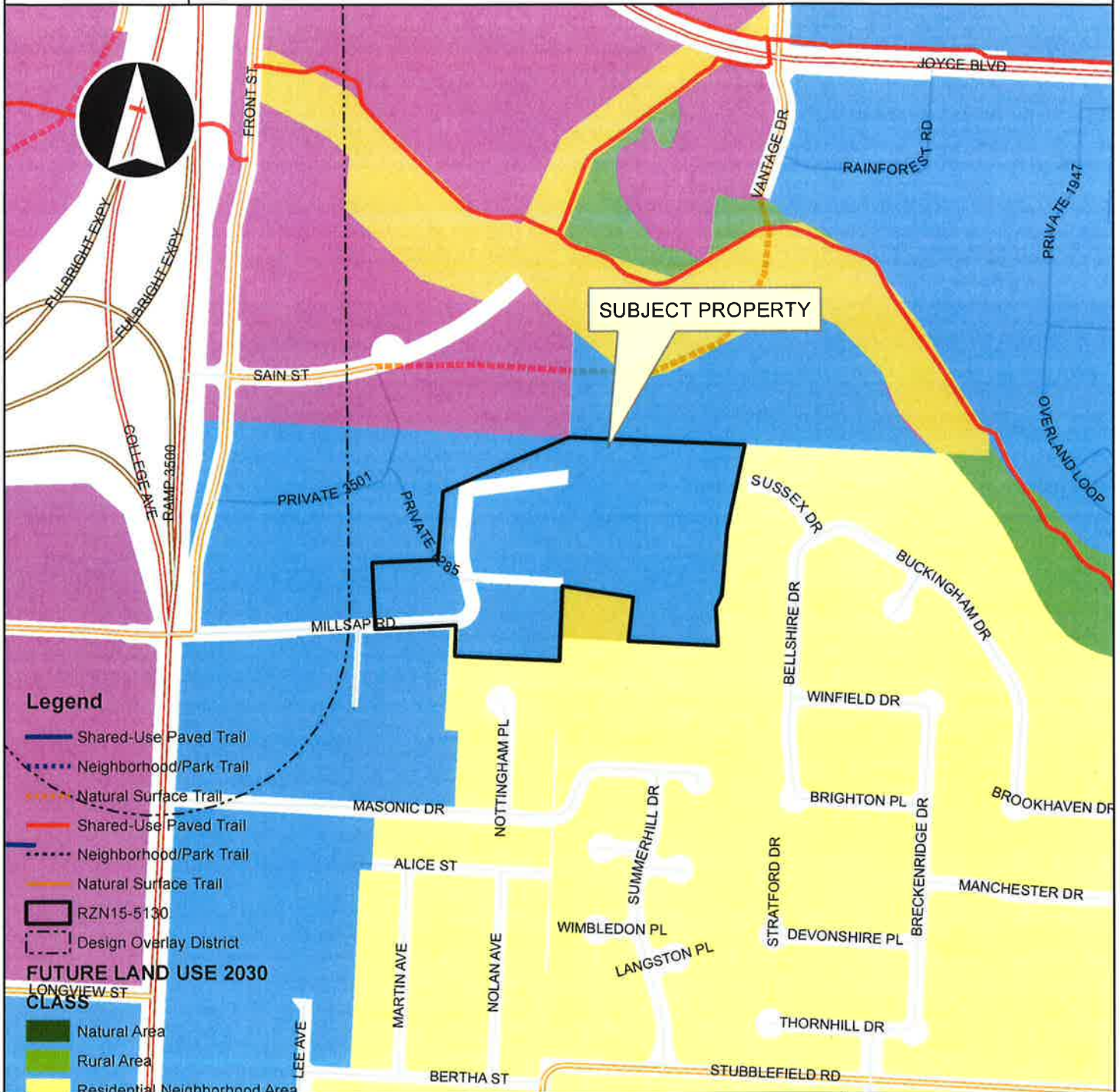
Close Up View



RZN15-5130

# CHRISTIAN LIFE CATHEDRAL

Future Land Use



RZN15-5130

Current Land Use

# CHRISTIAN LIFE CATHEDRAL



## Legend

Shared-Use Paved Trail

Neighborhood/Park Trail

Natural Surface Trail

RZN15-5130

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District





# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road, Suite 100  
Fayetteville, AR 72701  
(479) 575-8323  
Page 63 of 160

## Text File

File Number: 2015-0384

Agenda Date: 9/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

### VAC 15-5127 (19 N. PALMER AVE./BAKER):

AN ORDINANCE TO APPROVE VAC 15-5127 SUBMITTED BY ALLEN BAKER FOR PROPERTY LOCATED AT 19 N. PALMER AVENUE TO VACATE AN EXISTING BLANKET WATER AND SEWER 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 water and sewer easement is not required for corporate purposes.

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

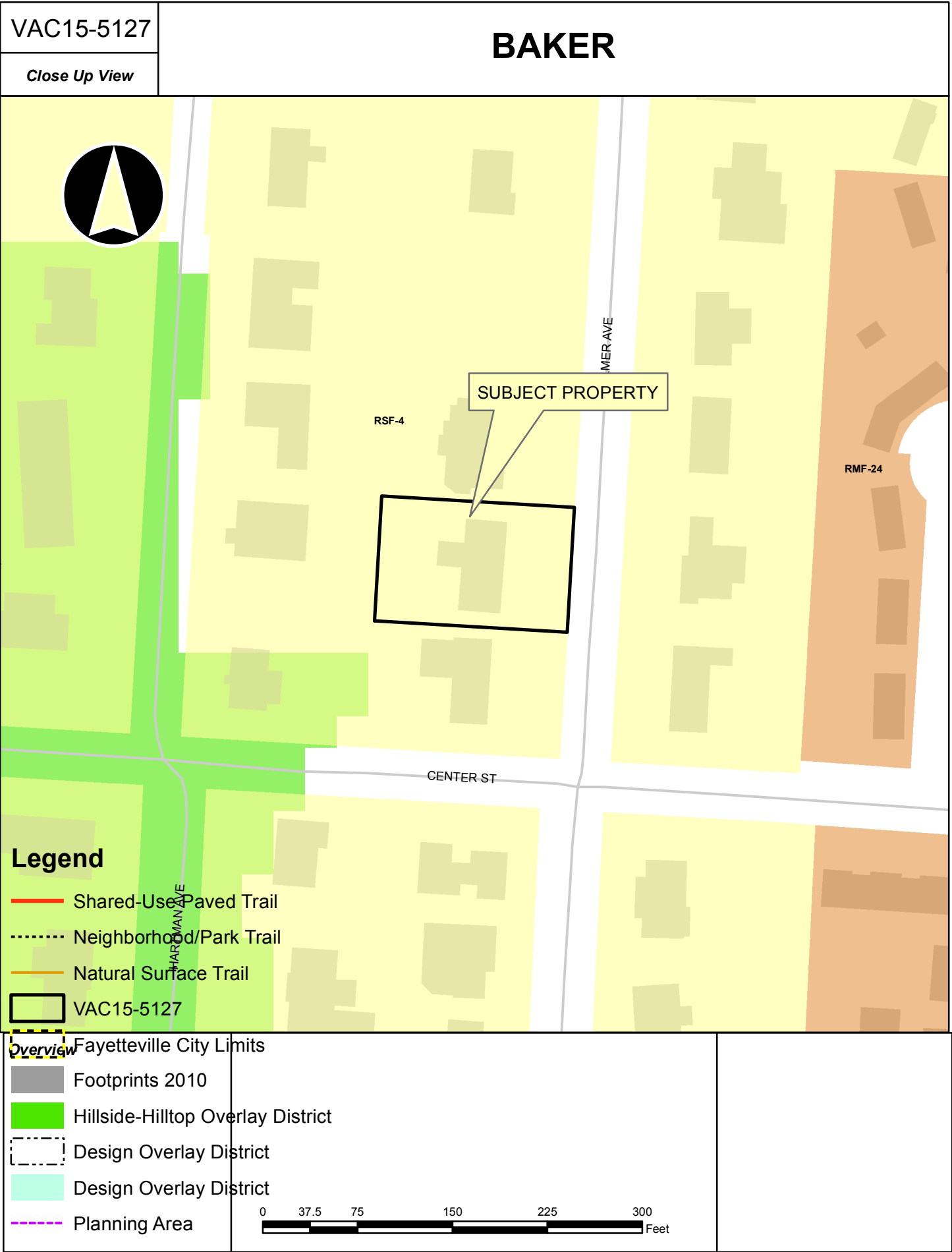
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following water and sewer easement described in Exhibit "B" attached.

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 conditions of approval:

1. The vacation shall not be valid until a 20-foot water and sewer easement has been dedicated to the City of Fayetteville by the property owner.

EXHIBIT "A"



# EXHIBIT "B"

## Legal Description:

Lot 43, Extension #1, Hotz Subdivision, to the City of Fayetteville, Arkansas, as shown on plat of record in plat book 1, at page 234, plat records of Washington County, Arkansas.

City of Fayetteville Staff Review Form

2015-0384

Legistar File ID

9/1/2015

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

Jeremy Pate 

8/14/2015

City Planning /  
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-5127: Vacation (19 N. PALMER AVE./BAKER, 482): Submitted by ALLEN BAKER for property located at 19 N. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.35 acres. The request is to vacate a blanket water and sewer 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 SEPTEMBER 1, 2015

**TO:** Fayetteville City Council

**THRU:** Andrew Garner, City Planning Director

**FROM:** Jesse Fulcher, Senior Planner

**DATE:** August 14, 2015

**SUBJECT:** **VAC 15-5127: Vacation (19 N. PALMER AVE./BAKER, 482):** Submitted by ALLEN BAKER for property located at 19 N. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.35 acres. The request is to vacate a blanket water and sewer easement.

---

### RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate an existing blanket water and sewer easement.

### BACKGROUND:

*Background:* The subject property is located at 19 N. Palmer Avenue and is developed with a single-family home that was constructed in the 1950's. Near the time of construction, the City of Fayetteville obtained water and sewer easements throughout this neighborhood area. However, the easements were not obtained based on the location of the sewer/water lines, but were rather dedicated using the parcel description, resulting in a "blanket" easement over the entire property. The City of Fayetteville addressed seven similar "blanket" easements in 2012. However, a few of these situations still exist.

*Proposal:* The applicant is requesting approval to vacate the existing blanket easement shown on the attached maps and replace it with a standard 20-foot easement centered on the existing sewer line.

*Notification:* Because the subject easement is only for water and sewer use, staff did not contact representatives from other utility providers. All adjacent property owners were notified of the vacation, pursuant to State law and City ordinance.

### DISCUSSION:

On August 10, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-0-1 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

**FROM:** Jesse Fulcher, Senior Planner

**THRU:** Andrew Garner, City Planning Director

**MEETING DATE:** ~~August 10, 2015~~ Updated August 11, 2015

**SUBJECT:** **VAC 15-5127: Vacation (19 N. PALMER AVE./BAKER, 482):** Submitted by ALLEN BAKER for property located at 19 N. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.35 acres. The request is to vacate a "blanket" easement.

### RECOMMENDATION:

Staff recommends forwarding **VAC 15-5127** to the City Council with a recommendation for approval.

### BACKGROUND:

*Background:* The subject property is located at 19 N. Palmer Avenue and is developed with a single-family home that was constructed in the 1950's. Near the time of construction, the City of Fayetteville obtained water and sewer easements throughout this neighborhood area. However, the easements were not obtained based on the location of the sewer/water lines, but were rather dedicated using the parcel description, resulting in a "blanket" easement over the entire property. The City of Fayetteville addressed seven similar "blanket" easements in 2012. However, a few of these situations still exist. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction from Site | Land Use                  | Zoning                                         |
|---------------------|---------------------------|------------------------------------------------|
| North               | Single-Family Residential | RSF-4, Residential single-Family, 4 units/acre |
| South               | Single-Family Residential | RSF-4, Residential single-Family, 4 units/acre |
| East                | Single-Family Residential | RSF-4, Residential single-Family, 4 units/acre |
| West                | Single-Family Residential | RSF-4, Residential single-Family, 4 units/acre |

*Proposal:* The applicant is requesting approval to vacate the existing blanket easement shown on the attached maps and replace it with a standard 20-foot easement centered on the existing sewer line.

*Notification:* Because the subject easement is only for water and sewer use, staff did not contact representatives from other utility providers. All adjacent property owners were notified of the vacation, pursuant to State law and City ordinance.

**DISCUSSION:**

*Vacation Approval:* The applicant has submitted the required vacation forms to the City utility departments with the following responses:

**CITY OF FAYETTEVILLE**

**RESPONSE**

Water/Sewer

No objections

**Public Comment:**

No public comment has been received.

**Recommendation:**

Staff recommends forwarding **VAC 15-5127** to the City Council with a recommendation for approval subject to the following conditions:

**Conditions of Approval:**

1. A new 20-foot water and sewer easement shall be dedicated to the City of Fayetteville before this approval is valid.

---

**PLANNING COMMISSION ACTION**

☒ Forwarded    ☐ Denied    ☐ Tabled

**Date:** August 10, 2015

**Motion:** Cook

**Second:** Selby

**Vote:** 6-0-1 (Hoskins recused)

**Notes:**

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Petition to Vacate
- Utility Approval
- Easement Deed

- One Mile Map
- Close Up Map

30 June 2015

PETITION TO VACATE THE UTILITY EASEMENT LOCATED LOT 43, EXTENSION #1, HOTZ SUBDIVISION, TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 1, AT PAGE 234, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS

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

I, the undersigned, being the sole owner of Lot 43, Extension #1, Hotz Subdivision, petition to vacate the utility easement on said property.

Lot 43, Extension #1, is the only remaining lot in Hotz Subdivision with a utility easement. I have been the property owner since 27 February 2012. To put my request in context, the utility easement was lifted on all properties in Hotz Subdivision with the exception of Lot 43. I was made aware of the utility easement while processing a request for a permit to build a privacy fence.

Since mine is the only lot that did not have the utility easement vacated, request consideration to remove the \$200 fee.

Thank you for your consideration.



Allen Sidney Baker  
19 N Palmer Ave  
Fayetteville, Arkansas 72701  
C: 703-598-4731

To Whom It May Concern:

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

DATE: 8/1/15

UTILITY COMPANY: City of Fayetteville

APPLICANT NAME: \_\_\_\_\_ APPLICANT PHONE: \_\_\_\_\_

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 (referring to attached document- must be completed\*\*)

\*\* 19 N. Palmer

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

UTILITY COMPANY COMMENTS:

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

DEDICATE A NEW 20 FT EASEMENT CENTERED ON  
THE EXISTING SEWER LINE

- No objections provided the following conditions are met:

Tommy [Signature]

Signature of Utility Company Representative

DIRECTOR OF UTILITY SERVICES

Title

BOOK 489 PAGE 25

George C. Faucette

Jessie L. Faucette

Sewer

Lot 43, Extension 1, Hotz Sub-division

Jessie L. Faucette

George C. Faucette

23rd August

*George C. Faucette*  
*Jessie L. Faucette*

Attest:

CLERK OF COURT  
WASHINGTON COUNTY ARKANSAS

Subscribed and sworn to on this day came before me undersigned, a Notary Public, with me, *George C. and Jessie L. Faucette*, duly acknowledged and acting *George C. and Jessie L. Faucette* to us well known as the grantors in the foregoing instrument that they had executed the same for the purposes and to the ends therein expressed and set forth.

Witness my hand and seal as such Notary Public this 23rd day of August 1956.

FILED FOR RECORD  
WASHINGTON COUNTY ARKANSAS

*Albert J. Jones*

My commission expires:

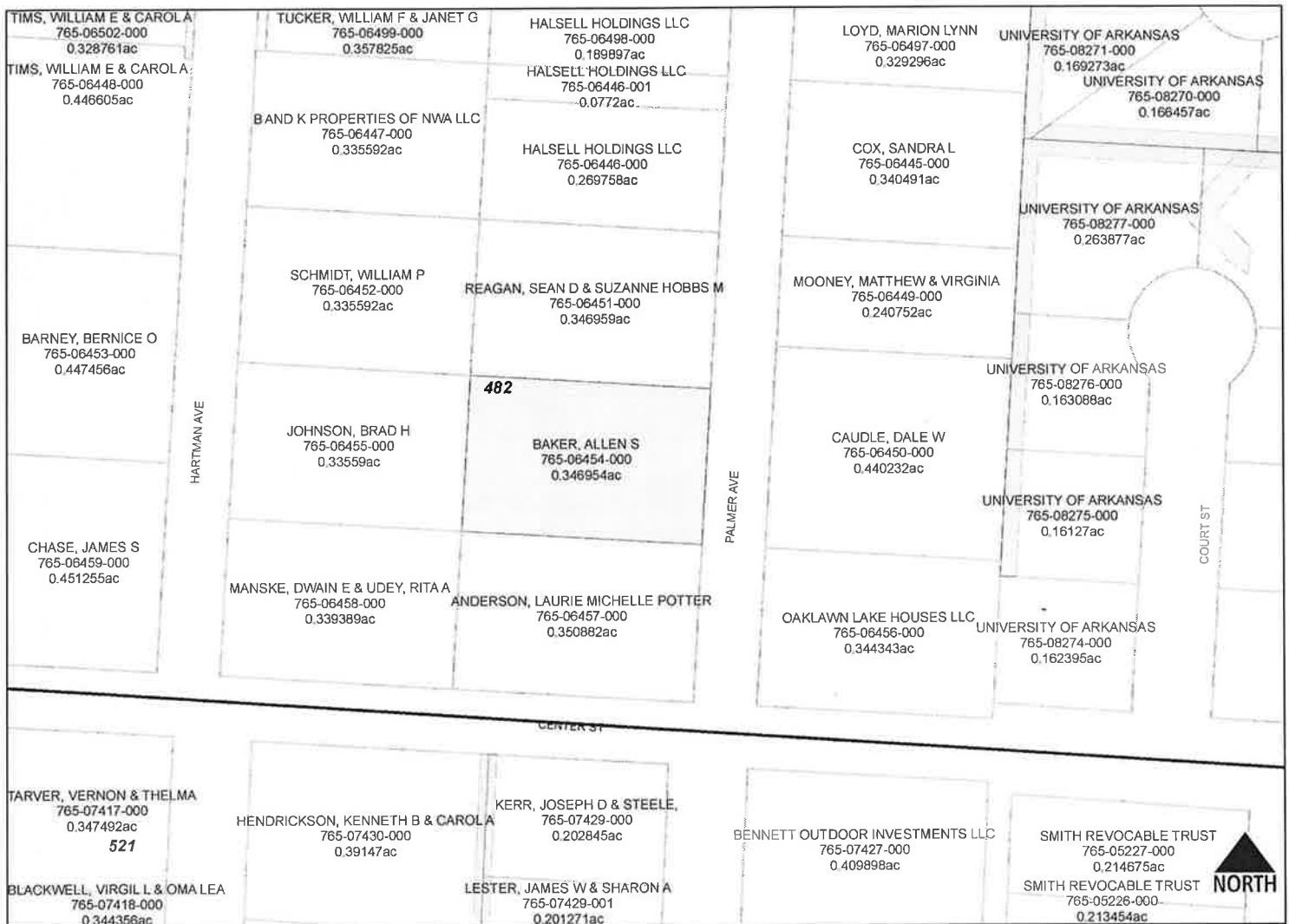
SEP 5 1956

June 28, 1956

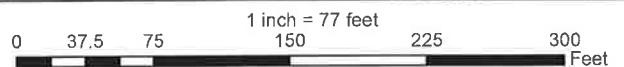
AT

4 PM

*Lloyd McCreane*  
CIRCUIT CLERK



Date: 8/3/2015



VAC15-5127

# BAKER

Close Up View



RSF-4

SUBJECT PROPERTY

RMF-24

CENTER ST

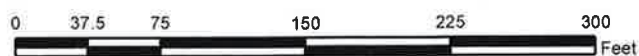
WARMAN AVE

## Legend

- Shared-Use Paved Trail
- - - - - Neighborhood/Park Trail
- Natural Surface Trail
- VAC15-5127

**Overview** Fayetteville City Limits

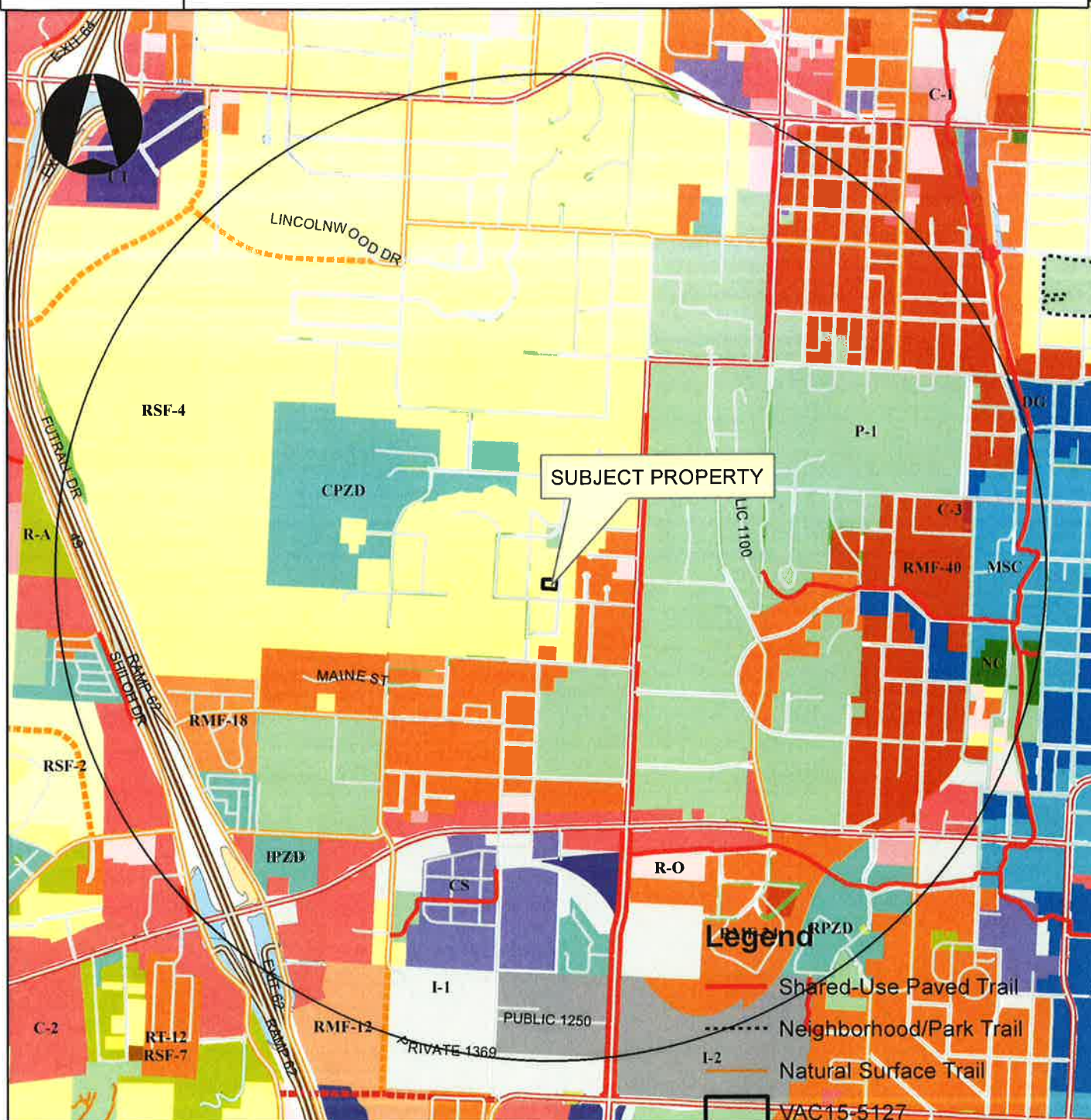
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- - - - - Planning Area



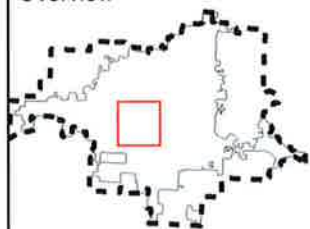
VAC15-5127

# BAKER

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



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road, Suite 100  
Fayetteville, AR 72701  
(479) 575-8323  
Page 78 of 160

## Text File

File Number: 2015-0383

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**Agenda Date:** 9/1/2015

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Meeting

**File Type:** Ordinance

**Agenda Number:** C. 3

### **ADM 15-5153 (TIMBER TRAILS SUBDIVISION PZD AMENDMENT):**

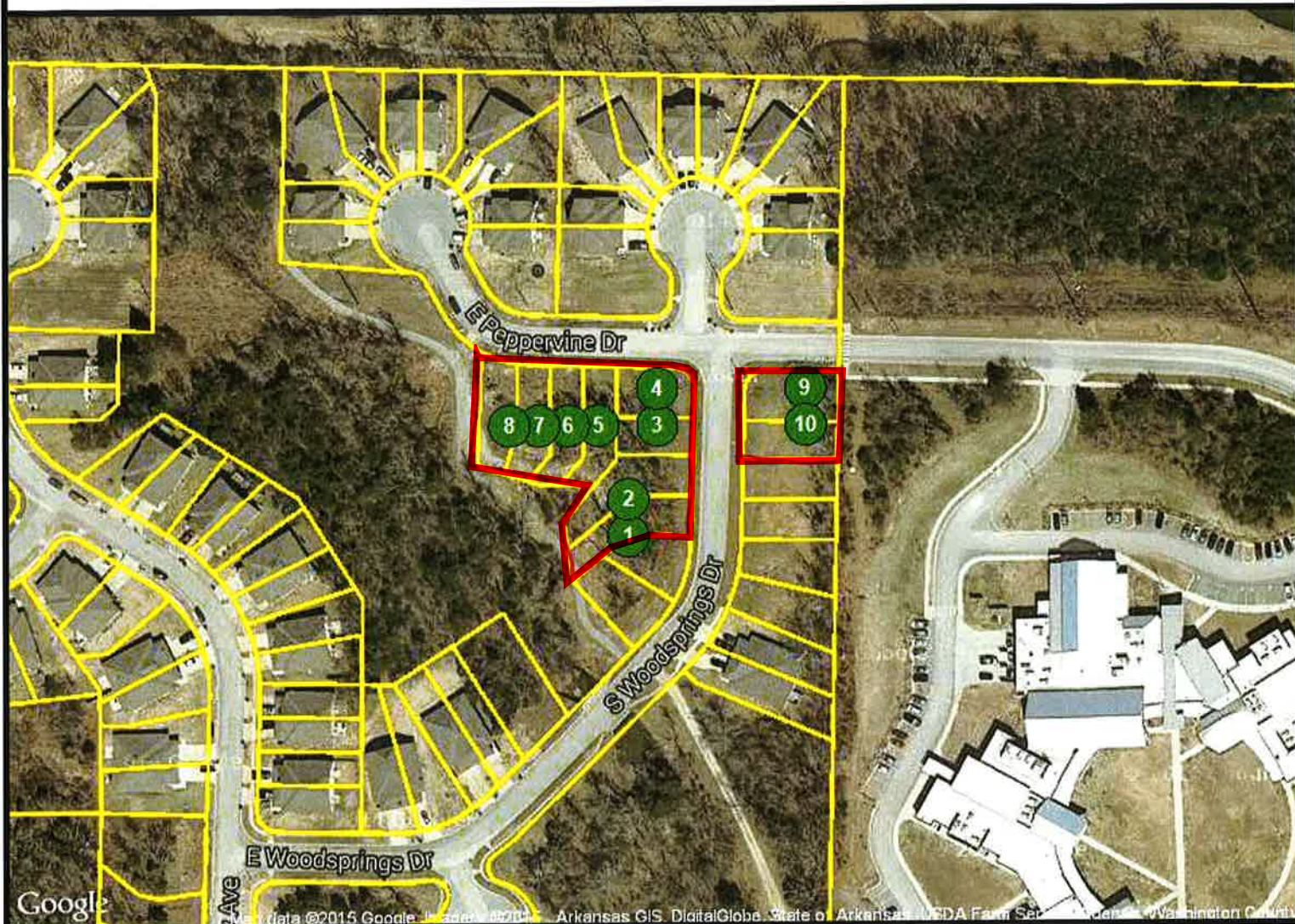
AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 04-1154, TIMBER TRAILS, CONTAINING APPROXIMATELY 26 ACRES, TO MODIFY THE ZONING OF LOTS 70 THROUGH 77, 98, AND 99 TO ALLOW FOR USE UNIT 8, SINGLE FAMILY DWELLINGS

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

Section 1. That the change to R-PZD 04-1154 Timber Trails to modify the zoning of Lots 70 through 77, 98, and 99 to allow for Use Unit 8 Single Family Dwellings, as shown on Exhibit "A" attached hereto and made a part hereof is hereby approved.

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, for R-PZD 04-1154 Timber Trails, as passed and approved by the City Council on December 7, 2004 with Ordinance No. 4647 shall be modified with the revisions as described in Section 1 above.

## Lots 70-78 and 98-99



Timber Trails

City of Fayetteville Staff Review Form

2015-0383

Legistar File ID

9/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

8/14/2015

City Planning /  
Development Services Department

Submitted By

Submitted Date

Division / Department

**Action Recommendation:**

ADM 15-5153: Administrative Item (TIMBER TRAILS SUBDIVISION PZD AMENDMENT, 526): Submitted by ERSTINE HOLDING CO. for properties located in the TIMBER TRAILS SUBDIVISION. The properties are zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT TIMBER TRAILS (R-PZD 04-1154) and contain approximately 25.87 acres. The request is an amendment to the PZD to modify the zoning of Lots 70 through 77, 98, & 99 to allow for single family residential development.

**Budget Impact:**

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council

**THRU:** Andrew Garner, City Planning Director

**FROM:** Jesse Fulcher, Senior Planner

**DATE:** August 14, 2015

**SUBJECT:** **ADM 15-5153: Administrative Item (TIMBER TRAILS SUBDIVISION PZD AMENDMENT, 526):** Submitted by ERSTINE HOLDING CO. for properties located in the TIMBER TRAILS SUBDIVISION. The properties are zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT TIMBER TRAILS (R-PZD 04-1154) and contain approximately 25.87 acres. The request is an amendment to the PZD to modify the zoning of Lots 70 through 77, 98, & 99 to allow for single family residential development.

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### RECOMMENDATION:

The Planning Commission and staff recommend approval of **ADM 15-5153**.

### BACKGROUND:

The Timber Trails Planned Zoning District (PZD) contains approximate 26 acres located just west of Happy Hollow School and east of Happy Hollow Road. The Planned Zoning District was approved for 15 single-family homes and 48 two-family homes, a total of 111 residential units. Specifically, Lots 1-3, 34-38, 67, and 106-111 are permitted for single-family development and Lots 4-33, 39-66 and 68-105 are permitted for two-family development.

The applicant proposes to amend the approved PZD criteria to allow single-family homes to be constructed on Lots 70-77, 98 and 99. This proposal will not prohibit two-family construction in accordance with the original PZD approval, but it will allow single-family homes as an alternative.

### DISCUSSION:

On August 10, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-0-1 on the consent agenda.

### BUDGET/STAFF IMPACT:

None

### Attachments:

- CC Ordinance
- Exhibit A
- Planning Commission Staff Report



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**FROM:** Jesse Fulcher, Senior Planner

**THRU:** Andrew Garner, City Planning Director

**MEETING DATE:** ~~August 10, 2015~~ August 11, 2015

**SUBJECT:** **ADM 15-5153: Administrative Item (TIMBER TRAILS SUBDIVISION PZD AMENDMENT, 526):** Submitted by ERSTINE HOLDING CO. for properties located in the TIMBER TRAILS SUBDIVISION. The properties are zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT TIMBER TRAILS (R-PZD 04-1154) and contain approximately 25.87 acres. The request is an amendment to the PZD to modify the zoning of Lots 70 through 77, 98, & 99 to allow for single family residential development.

### RECOMMENDATION:

Staff recommends forwarding **ADM 15-5153** to the City Council with a recommendation for approval.

### BACKGROUND:

The Timber Trails Planned Zoning District (PZD) contains approximate 26 acres located just west of Happy Hollow School and east of Happy Hollow Road. The Planned Zoning District was approved for 15 single-family homes and 48 two-family homes, a total of 111 residential units. Specifically, Lots 1-3, 34-38, 67, and 106-111 are permitted for single-family development and Lots 4-33, 39-66 and 68-105 are permitted for two-family development. Surrounding land use and zoning are listed in *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

| Direction | Land Use                              | Zoning           |
|-----------|---------------------------------------|------------------|
| North     | Multi-family                          | RSF-4/Cliffs PUD |
| South     | Single-family/Happy Hollow Elementary | RSF-4/P-1        |
| East      | Happy Hollow Elementary               | P-1              |
| West      | Undeveloped/Paddock Lane Subdivision  | NC               |

### DISCUSSION:

*Request:* The applicant proposes to amend the approved PZD criteria to allow single-family homes to be constructed on Lots 70-77, 98 and 99. This proposal will not prohibit two-family construction in accordance with the original PZD approval, but it will allow single-family homes as an alternative.

*Public Comment:* In accordance with notification requirements for PZD modifications, the applicant mailed notices to all property owners within 100 feet of the Timber Trails PZD boundary. No comments have been received.

**RECOMMENDATION:**

Staff recommends forwarding **ADM 15-5153** to the City Council with a recommendation for approval, finding that additional single-family homes in this subdivision is consistent with the original PZD approval and allows for a greater variety of residential units within the subdivision.

**Conditions of Approval:**

1. All other conditions and requirements of the Timber Trails Planned Zoning District shall remain in force.

**PLANNING COMMISSION ACTION: Required**

**Date:** August 10, 2015

☒ **Approved**

☐ **Forwarded**

☐ **Denied**

**Motion:** Cook

**Second:** Selby

**Vote:** 6-0-1 Hoskins  
recused

**Notes:**

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Request letter
- PZD Documents
- Site Plan
- One Mile Map
- Close Up Map

**ERSTINE**  
HOLDING COMPANY, INC.  
FAYETTEVILLE, AR

July 14, 2015

City of Fayetteville

**DRAFT**

Jesse Fulcher, Senior Planner

***Via: Electronic Mail***

Re: Amendment of Timber Trails PZD

Jesse:

In regards to our meeting on Wednesday, July 8<sup>th</sup>, I am following up to request an amendment to the PZD for the following lots/parcels:

| <u>Lot #</u> | <u>Parcel #</u> |
|--------------|-----------------|
| 70           | 765-26274-000   |
| 71           | 765-26275-000   |
| 72           | 765-26276-000   |
| 73           | 765-26277-000   |
| 74           | 765-26278-000   |
| 75           | 765-26279-000   |
| 76           | 765-26280-000   |
| 77           | 765-26281-000   |
| 98           | 765-26302-000   |
| 99           | 765-26303-000   |

Erstine Holding Company, Inc., as the property owner, requests that each of the above lots/parcels be amended to allow for single-family residential development.

Should you have any questions, please give me a call at 479-841-6209.

Thank you,

David Erstine  
Erstine Holding Company, Inc., President

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Erstine Holding Company, Inc. | 3083 Stone Mountain Drive, Fayetteville AR 72701 | (479) 841-6209

ORDINANCE NO. 4647

SCANNED

AN ORDINANCE ESTABLISHING A RESIDENTIAL  
PLANNED ZONING DISTRICT TITLED R-PZD 04-1154,  
CLIFFSIDE LOCATED EAST OF HAPPY HOLLOW  
ROAD, SOUTH OF THE CLIFFS APARTMENTS,  
PLANNED UNIT DEVELOPMENT, CONTAINING  
APPROXIMATELY 26.114 ACRES, MORE OR LESS;  
AMENDING THE OFFICIAL ZONING MAP OF THE  
CITY OF FAYETTEVILLE; AND ADOPTING THE  
ASSOCIATED RESIDENTIAL DEVELOPMENT PLAN  
AS APPROVED BY THE PLANNING COMMISSION

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

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

From RSF-4, Residential Single Family, four units per acre,  
to R-PZD 04-1154 as shown in Exhibit "A" attached hereto and  
made a part hereof.

Section 2: That the change in zoning classification is based upon the approved  
master development plan and development standards as shown on the plat and approved by  
the Planning Commission on November 8, 2004.

Section 3: That this ordinance shall take effect and be in full force at such time as  
all of the requirements of the development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is  
hereby amended to reflect the zoning change provided in Section 1 above.

**PASSED and APPROVED** this 7<sup>th</sup> day of December, 2004.



ATTEST:

By: Sondra Smith  
**SONDRA SMITH, City Clerk**

APPROVED:

By: Dan Coody  
**DAN COODY, Mayor**



PC Meeting of November 08, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission  
FROM: Suzanne Morgan, Associate Planner  
Brent O'Neal, Staff Engineer  
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator  
DATE: November 03, 2004

**R-PZD 04-1154: Planned Zoning District (CLIFFSIDE, 526):** Submitted by PROJECT DESIGN CONSULTANTS, INC for property located at THE EAST SIDE OF HAPPY HOLLOW ROAD, SOUTH OF THE CLIFFS APARTMENTS. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 26.114 acres. The request is to approve a Residential Planned Zoning District on the subject property with approximately 48 two-family and 15 single-family lots proposed.

Property Owner: SCB INVESTMENTS, LLC Planner: SUZANNE MORGAN

### Findings:

**Proposal:** The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a residential development consisting of 111 single-family residential dwelling units, of which 15 are single family detached and 48 are two-family attached townhouses.

**Existing Development:** The site is currently vacant and zoned RSF-4. Floodway crosses the subject property from north to south. In addition, a 50' electric easement and 50' water easement overlap creating a 75' easement which runs east-west across the northern portion of the property.

### Proposed Development: R-PZD, Residential Planned Zoning District

| Lot Numbers                     | Proposed Land Use                                   |
|---------------------------------|-----------------------------------------------------|
| Lots 1-3, 34-38,<br>67, 106-111 | Single Family Residential<br>Use Unit 8             |
| Lots 4-33, 39-66,<br>68-105     | Two-family Dwellings<br>Use Unit 9                  |
| (112-118)                       | Common/Tree Preservation Areas<br>Maintained by POA |

Total proposed dwelling units on the 26.114-acre site is 111, therefore the proposed density for the R-PZD is **4.25 DU/acre**. The project site is currently zoned RSF-4, allowing for single dwelling units. The developer proposes an unconventional subdivision, with both single family detached dwellings and two-family attached townhouses. Lot sizes and setbacks are proposed to be slightly smaller than those allowed in typical zoning districts, thus the need for processing a Planned Zoning District.

K:\Reports\2004\PC Reports\11-08-04\R-PZD 04-1154 (Cliffside) - Amended for CC.doc

The vacant site is located in east Fayetteville south of Cliffs Apartments and north of Happy Hollow Elementary School. With the exception of Cliffs Apartments and the school, the surrounding property is currently developed for single family. Property to the east extending to Crossover Rd is developed for only one single family dwelling and may be further developed in the future.

***Surrounding Land Use/Zoning:***

| Direction | Land Use                                       | Zoning                                   |
|-----------|------------------------------------------------|------------------------------------------|
| North     | Cliffs Apartments PUD                          | RSF-4, Res. Single Family – 4 units/acre |
| South     | Single family & Happy Hollow Elementary School | P-1, Institutional                       |
| East      | Single Family Residential                      | RSF-4, Res. Single Family – 4 units/acre |
| West      | Single Family Residential                      | RSF-4, Res. Single Family – 4 units/acre |

***Water & Sewer:*** Water and sewer is to be extended to serve the development.

***Access:*** Access is proposed to the east and south:

North: None (existing tree preservation area)

South: One (1) connection to be constructed extending to the existing Ray Avenue

East: One (1) stub-out is proposed for future connection to the east

West: One (1) connection to Happy Hollow Rd, a Collector

No connectivity is proposed north to Cliffs Apartments due to a tree preservation easement adjacent to the length of the northern property line, and no stub-out from Cliffs Apartments was provided for connectivity.

Happy Hollow Rd. is a newly constructed street west of the subject property. The developer of Cliffside is dedicating Happy Hollow Rd. 35' from centerline to Collector St. standards for the length of the property boundary. The northern portion of Happy Hollow Rd. right-of-way constructed with Cliffs Apartments is 40' from centerline, and greater than that required by the Master Street Plan. A transition between these two rights-of-way width will be made with the development of this project.

Due to tree preservation to the north, undeveloped property to the east, and no access south to Ray Street, the only available on-site street connection from this proposed development is west to Happy Hollow Rd. Only one access for a development of 111 lots could create a dangerous traffic situation. Therefore, at the request of staff, the applicant has coordinated with the Fayetteville School District to the south for a dedication of 50' right-of-way west of the School property to create a street connection with the existing Ray Avenue. The developer proposes construction of a street from the subject property south to the existing drive with parallel parking spaces designated to the east of the street for public parking.

***Street Improvements Proposed:*** 14' from centerline with curb, gutter, and storm sewer with six-foot sidewalks constructed at the right-of-way line of Happy Hollow Rd. Construction of a standard local street section south of the subject property to connect to the existing street is also recommended, as coordinated with the Fayetteville School District. Staff recommends

improvements of existing Ray Avenue from 4<sup>th</sup> St. north along the existing paved access to be coordinated with the Engineering Division. Interior streets are proposed to be 28 feet wide, with sidewalks located at the right-of-way on both sides of the street. Through streets are proposed to have a 50' right-of-way with cul-de-sac streets with a 40' right-of-way.

**Adjacent Master Street Plan Streets:** Happy Hollow Rd., Collector. The AHTD's Capital Improvement Plan identifies future signalization at the intersection of Happy Hollow Rd. and Huntsville Road.

|                           |                   |        |
|---------------------------|-------------------|--------|
| <b>Tree Preservation:</b> | Existing canopy:  | 88 %   |
|                           | Preserved canopy: | 38.7 % |
|                           | Required canopy:  | 25 %   |
|                           | Mitigation:       | None   |

**Parks:** The Parks and Recreation Board recommended money in lieu of land in the amount of \$61,605 for 111 single family lots on July 12, 2004, along with pedestrian trail connections through the subject property both to the school and the Cliffs trail to the north.

**Pedestrian Access:** The developer proposes a pedestrian trail along and within identified tree preservation areas. The Parks and Recreation Board recommended pedestrian connections be made from the Cliffside development to its southern neighbor, Happy Hollow Elementary School. Pedestrian connections should join existing trails located on the school property and a connection north to Cliffs Apartments as well.

**Public Comment:** Public comment was received at the August 12, 2004 Subdivision Committee meeting at which the project was tabled to allow staff and the applicant additional time to address aspects of the proposed R-PZD (see attached minutes). Those comments from notified property owners with objections have been included in the staff report. The item was also heard at the Subdivision Committee meeting of October 15, at which it was forwarded with a recommendation for approval to the full Planning Commission.

A draft of protective covenants, as well as the applicant's response to the Planned Zoning District requirements and description of the project have been submitted and are included in the staff report.

**Recommendation:** Staff recommends approval of **R-PZD 04-1154**, with the following conditions of approval:

**Conditions of Approval:**

1. Allowed uses in this R-PZD shall be restricted to Use Unit 1, City-wide uses by right, Use Unit 8, Single family dwellings and Use Unit 9, Two-family dwellings.
2. Planning Commission determination of residential lot access management. *Staff recommends a combination of shared driveways and reduced driveway widths for these lots due to their smaller width. For those lots not utilizing shared driveways, the maximum driveway width shall be 12 feet, constructed per city codes. For shared*

*driveways, a maximum 24-foot driveway may be constructed, with location to be coordinated with city staff. A note to this effect has been included on the plans.* PLANNING COMMISSION DETERMINED IN FAVOR OF STAFF'S RECOMMENDATION FOR A COMBINATION SHARED/REDUCED WIDTH DRIVEWAY PLAN.

3. Frontage Access notes on sheet 2 of 4 shall be revised to reflect current lot numbers.
4. Planning Commission determination of off-site street improvements. *Staff recommends construction of a 28' street, curb and gutter, and storm sewer south of the subject property to the existing paved Ray Avenue. Staff also recommends improvements to the existing paved portion of Ray Avenue north of 4<sup>th</sup> Street to be coordinated with the Engineering Division to ensure a safe means of access. Happy Hollow Rd. shall be improved a minimum of 14' from centerline, including pavement, curb and gutter, storm sewer, and six-foot sidewalk located at the right-of-way line.* PLANNING COMMISSION DETERMINED IN FAVOR OF STAFF'S RECOMMENDATION OF OFF-SITE STREET IMPROVEMENTS.
5. Planning Commission determination of the required recommendation to the City Council regarding the rezoning of the subject property to the unique district R-PZD 04-1154 with all conditions of approval as determined by the Planning Commission. PLANNING COMMISSION DETERMINED IN FAVOR OF THE REZONING REQUEST.
6. An ordinance creating this R-PZD shall be approved by City Council.
7. All setbacks, protective easements, density, and designated uses are binding with the approval of the R-PZD. Submitted covenants are likewise binding to the project.
8. The developer shall coordinate dedication of 50' right-of-way for Ray Avenue extending south of the subject property to the existing dedicated right-of-way prior to Final Plat approval.
9. Parks fees in the amount of \$61,605 for 111 single family dwellings are due prior to Final Plat approval.
10. The proposed pedestrian trail shall be six-feet in width and connect to the existing trail north of the subject property. Approval/coordination of said connection shall be confirmed prior to the approval of construction plans.
11. The applicant shall provide pedestrian connections from the Cliffside development south to Happy Hollow Elementary School. Pedestrian connections shall join existing trails located on the school property.
12. The developer shall coordinate construction of the proposed trail along the riparian area with the Landscape Administrator to facilitate the best placement for tree preservation.
13. All tree preservation lots shown on the plans shall be filed and recorded by way of Final Plat, to ensure perpetual preservation. Language identifying said easements shall be

clearly included in the covenants, and potential homeowners made aware of the protected areas within their neighborhood.

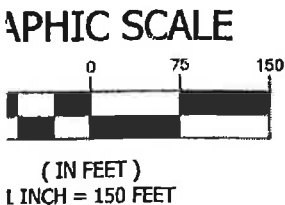
14. Include a note on the plat stating that the Tree Preservation/Common Area lots, maintained by the POA, are non-buildable lots.
15. Final Covenants at the time of Final Plat shall address ownership, maintenance and use of Tree Preservation/Common Areas. These lots are subject to the restrictions of standard Tree Preservation easements, per the City of Fayetteville Tree Preservation ordinance.
16. The applicant shall coordinate with the Landscape Administrator at the time of construction plan review to locate more precisely Tree Protection fencing. All areas not disturbed by the construction of necessary infrastructure, utilities or other grading shall be protected, under the purview of the Landscape Administrator.
17. The developer shall coordinate construction of the proposed trail along the riparian area with the Landscape Administrator, to facilitate the best placement, with regard to tree preservation.
18. Prior to City Council review, the applicant shall coordinate with the Landscape Administrator to revise the TP plans for clarification and correction of various numbers that are not consistent with one another.

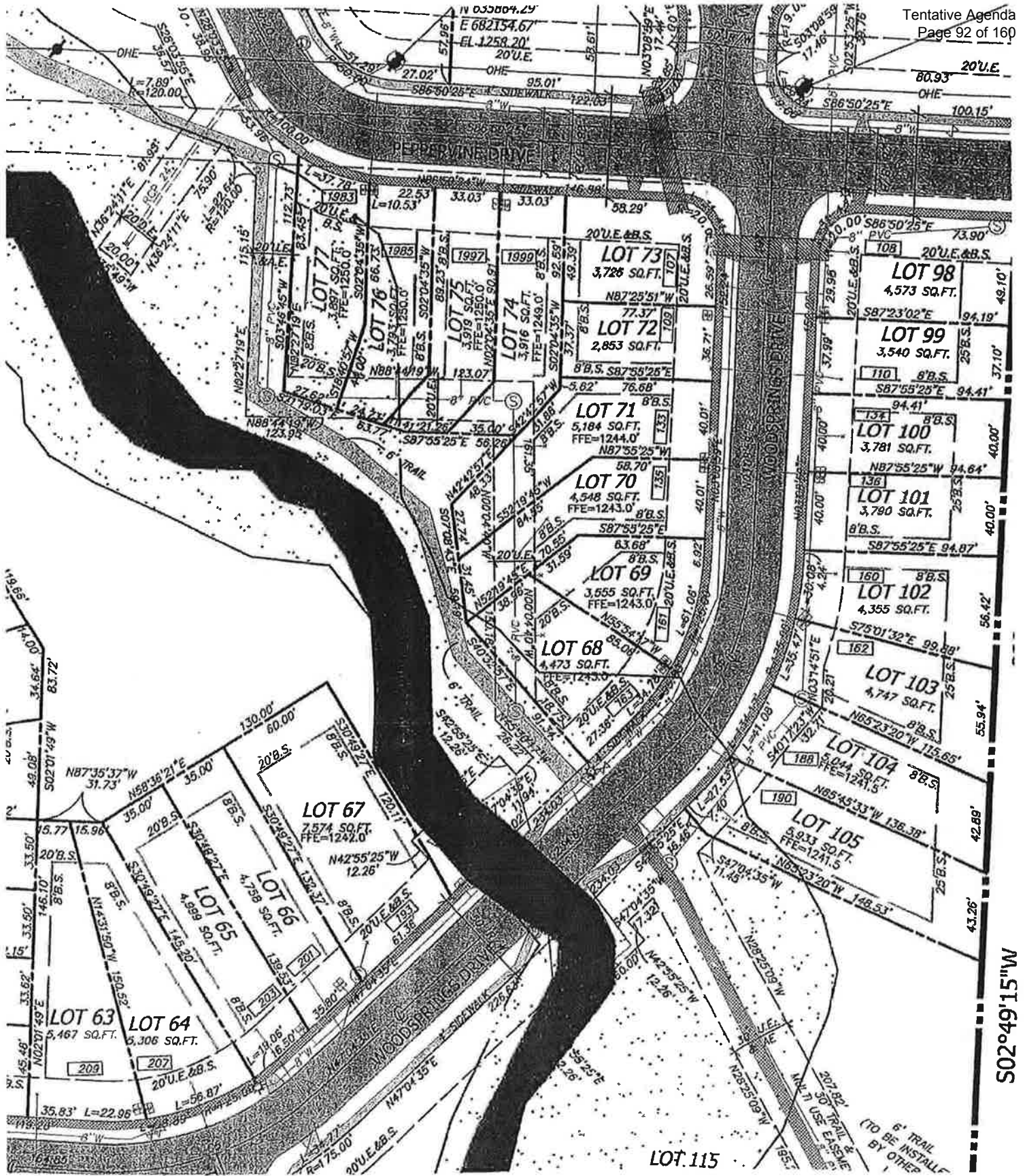
**Standard Conditions of Approval:**

19. 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)
  20. 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.
  21. Sidewalk construction shall be in accordance with current standards to include six foot sidewalks along Happy Hollow Rd, at the right-of-way line.
  22. Street lights shall be installed or guaranteed every 300 feet along all public streets prior to final plat.
  23. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
-

**O.C.**  
CORNER  
1/4, SW1/4,  
14, T-16-N,  
1/4, PER PLAT  
70703

CLIFFS II LIMITED PARTNERSHIP  
1165 JOYCE BLVD  
FAYETTEVILLE, AR 32703  
PARCEL 785-14289-000  
2001-15391  
ZONING RSF





|   |   |   |   |   |
|---|---|---|---|---|
| C | D | E | F | G |
|---|---|---|---|---|

| A | B | C | D |
|---|---|---|---|
|---|---|---|---|

PARCELS: 765-14300-000  
OWNER & DEVELOPER : SCB INVESTMENTS, LLC  
JOEY NICHOLS, INCORPORATOR/ORGANIZER  
BARBER PROPERTIES, LLC., MANAGING MEMBER  
ADDRESS: P.O. BOX 8783  
FAYETTEVILLE, AR 72703  
TEL: 479-765-8999

ENGINEER : PROJECT DESIGN CONSULTANTS, INC  
ADDRESS : 130 N. MAIN STREET  
CAVE SPRINGS, AR 72718  
TEL: 479-248-1161

LAND SURVEYOR : GEOMATIC CONSULTANTS, INC  
ADDRESS : 134 N. MAIN STREET  
CAVE SPRINGS, AR 72718  
TEL: 479-248-1461

# TIMBER TRAILS

(SHEET 5 OF 5) (THIS PLAT C)

## CERTIFICATE OF OWNERSHIP & DEDICATION

WE, THE UNDERSIGNED OWNERS, REPRESENT AND DESCRIBED HEREIN, DO HEREBY DEED FOR PUBLIC BENEFIT AS PRESCRIBED BY PUBLIC UTILITY COMPANIES (INCLUDING FAYETTEVILLE) THE EASEMENTS AS SHOWN FOR REPAIR OF EXISTING FACILITIES. ALSO THE RIGHT TO PROHIBIT THE ERECTION TO REMOVE OR TRIM TREES WITHIN SAID

10-11-06

DATE

## CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS SUBDIVISION ARE SHOWN AS REQUESTED FAYETTEVILLE, ARKANSAS.

10/13/06

DATE

10-11-06

DATE

10-11-06

DATE

10-11-06

DATE

11/3/06

DATE

CERTIFICATE OF APPROVAL OF SIDEWALK CONSTRUCTION OF ALL SIDEWALKS SHALL BE WITH THE CITY SPECIFICATIONS. THE DEDICATION OF SIDEWALKS SHOWN ON THIS FINAL PLAT.

11/2/06

DATE

## CERTIFICATE OF APPROVAL OF TREE PRESERVATION AND RECREATION

THE TREE PRESERVATION AND RECREATION TRAILS RUNNING WITH THE TITLE OF THE SUBJECT SUCCESSORS, ASSIGNEES OR TRANSFERREES PASSIVE RECREATION BY THE PUBLIC. NC FAYETTEVILLE UNIFIED DEVELOPMENT CO. APPROVED BY THE CITY OF FAYETTEVILLE AREAS, OR REQUESTING TO MODIFY THE APPROVAL FROM THE CITY COUNCIL THROUGH FAYETTEVILLE.

Page 12 of 15

| LOT NUMBERS             | LAND USE                                                      |
|-------------------------|---------------------------------------------------------------|
| 1-3, 34-38, 67, 106-111 | SINGLE FAMILY USE UNIT 8                                      |
| 4-33, 39-66 68-105      | TWO-FAMILY DWELLINGS USE UNIT 9                               |
| 112-118                 | MAINTAINED BY POA NON-BUILDABLE COMMON/TREE PRESERVATION AREA |
| LOT 119                 | SANITARY SEWER LIFT STATION                                   |

CURRENT ZONING: R-PZD 04-1154

DENSITY 4.29 UNITS PER AC.

USE UNIT 1 CITY WIDE USE BY RIGHT  
USE UNIT 8 SINGLE FAMILY  
USE UNIT 9 TWO FAMILY

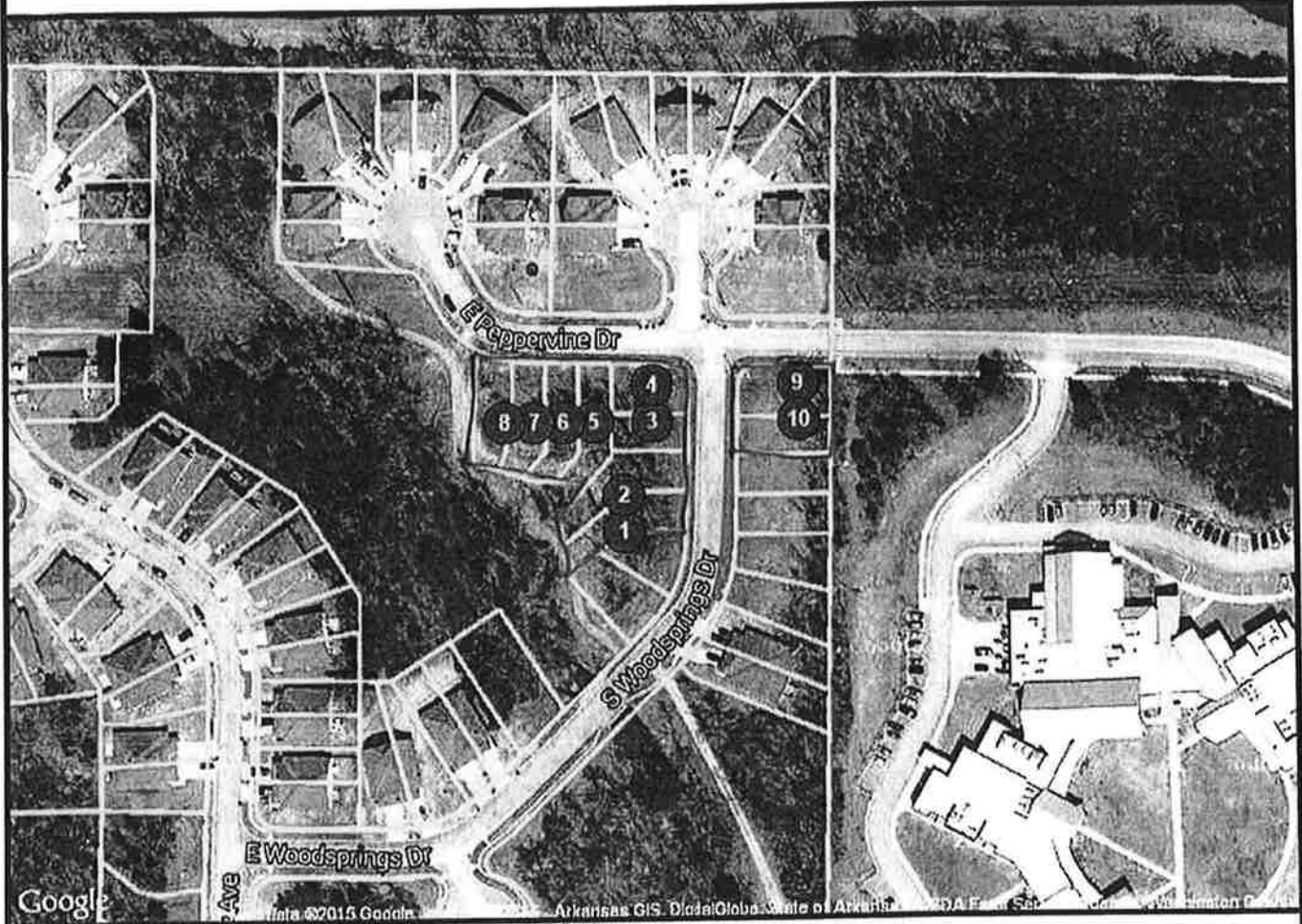
NUMBER OF UNITS = 111  
NUMBER OF ATTACHED SINGLE FAMILY UNITS = 96  
NUMBER OF DETACHED SINGLE FAMILY UNITS = 15  
TOTAL ACREAGE=25.87 AC.

5/8" REBAR WITH CAP STAMPED "D. ATWELL AR 1452" SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.

NOTES:

- STREETS ARE ASPHALT WITH CURB AND GUTTER.
- ALL DRIVEWAY WIDTHS WILL BE A MAXIMUM OF 24 FOOT AT THE RIGHT-OF-WAY LINE FOR

## Lots 70-78 and 98-99



Timber Trails

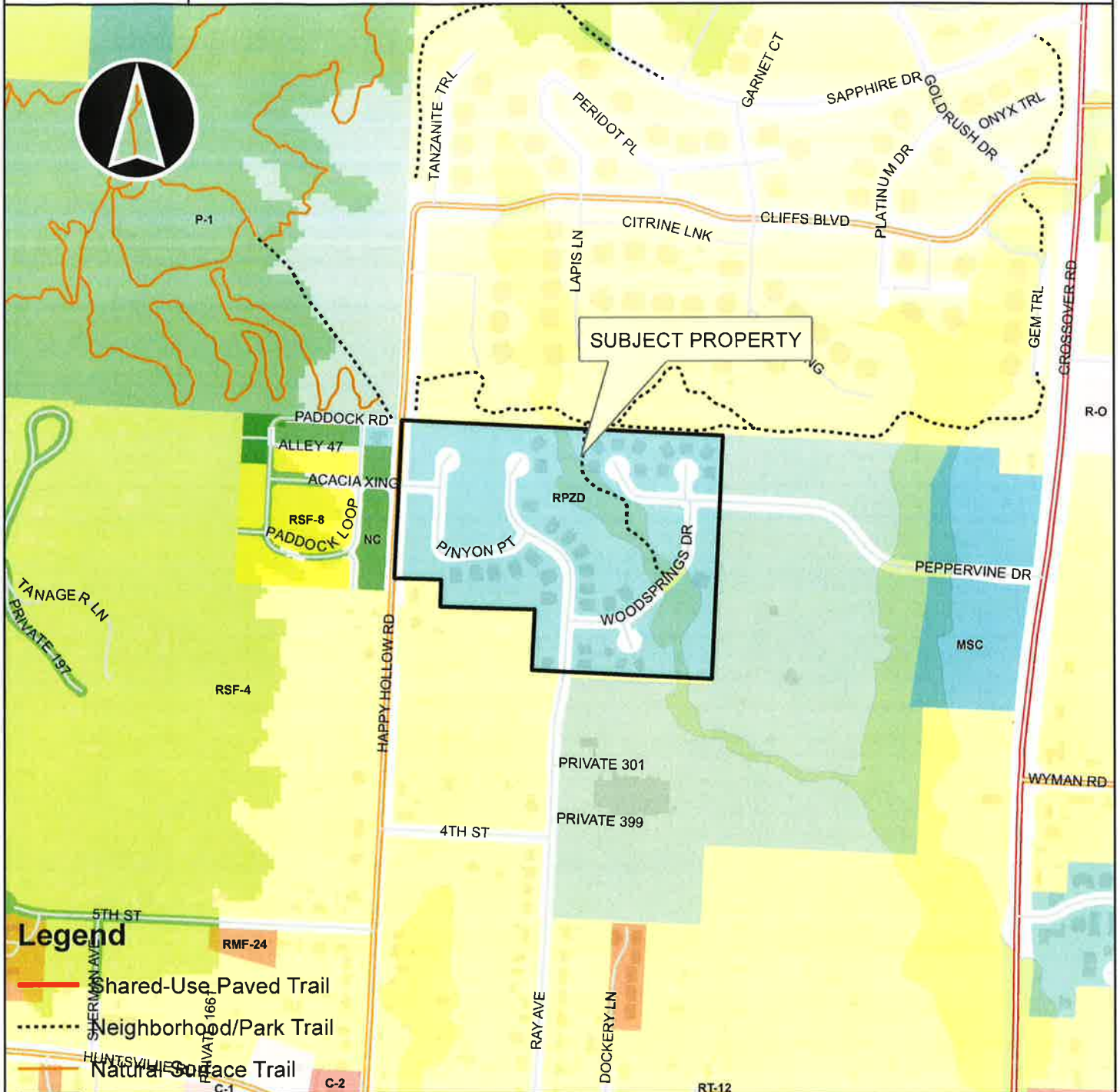
**CBRE** | NW Arkansas

powered by: DataScout Pro

ADM15-5153

# TIMBER TRAILS AMENDMENT

Close Up View



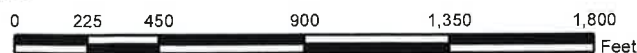
## Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

## Overview

ADM15-5153

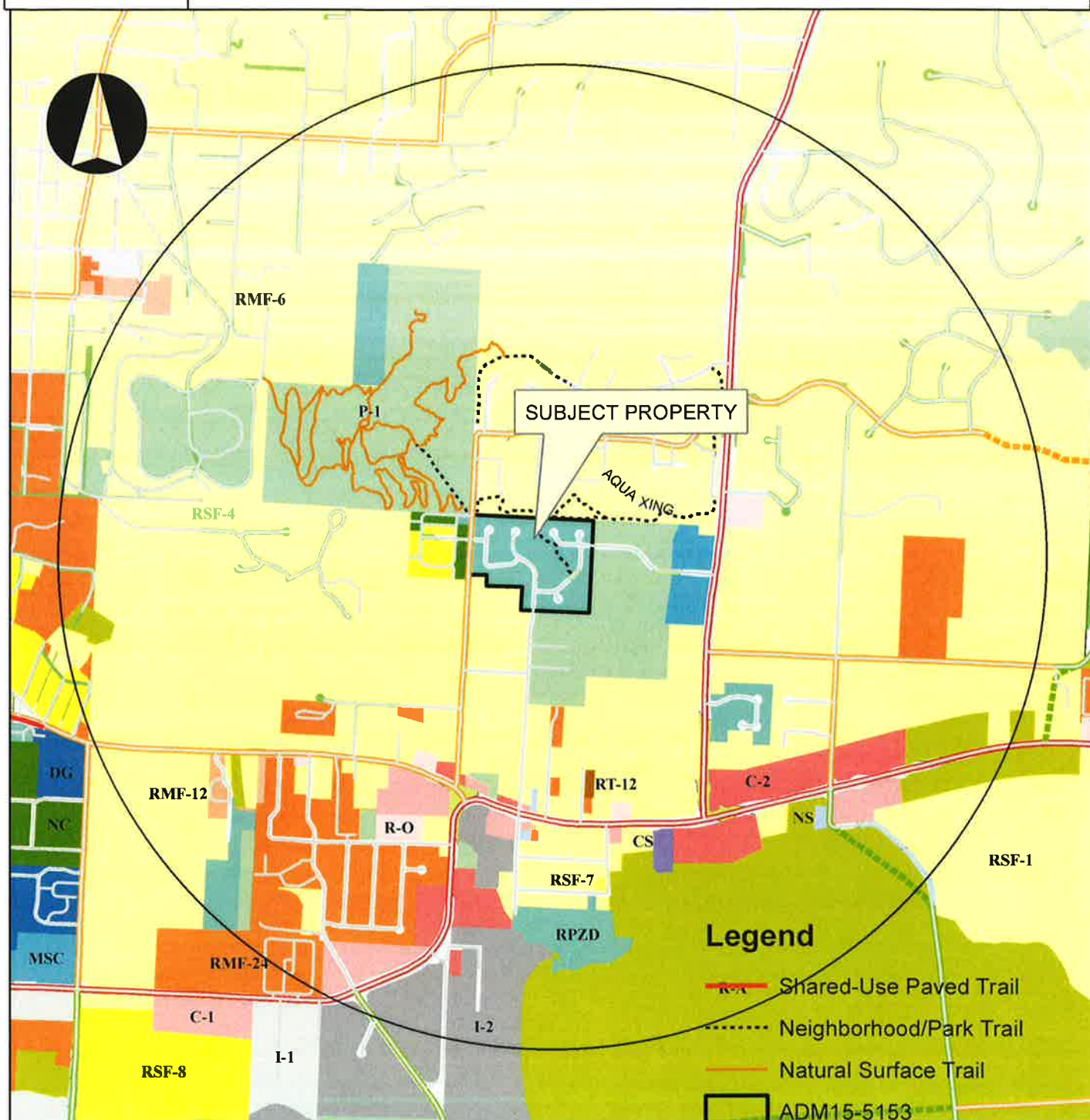
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- - - Planning Area



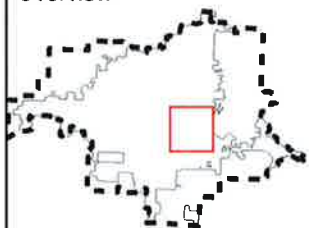
ADM15-5153

# TIMBER TRAILS AMENDMENT

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

1 Miles

## Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail
- ADM15-5153

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



# City of Fayetteville, Arkansas

Tentative Agenda  
113 West Mountain Road  
Fayetteville, AR 72701  
(479) 575-8323  
Page 7 of 160

## Text File

File Number: 2015-0372

Agenda Date: 9/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

### **AMEND 172.05 (ADM 15-5088 UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS:**

AN ORDINANCE TO AMEND SECTION 172.05 OF THE UNIFIED DEVELOPMENT CODE TO REMOVE MINIMUM PARKING STANDARDS FOR NON-RESIDENTIAL USES

**WHEREAS**, removing minimum parking standards for non-residential uses will advance City Plan 2030 goals of reducing sprawl, prioritizing infill development and promoting traditional town form, and

**WHEREAS**, minimum parking standards were primarily developed based upon parking surveys that measure peak demand, and

**WHEREAS**, requiring a minimum number of parking spaces based upon a limited number of times a year when a parking lot will be completely full is a wasteful use of valuable land, and

**WHEREAS**, landowners and developers are periodically denied the ability to adaptively reuse their property due to parking minimum requirements tied to specific land use categories, and

**WHEREAS**, the potential economic development opportunity and streamlining of City code is a benefit to the City's development climate.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends section §172.05: **Standards for the Number of Spaces by Use** of the Unified Development Code by repealing and replacing it with Exhibit "A."

**EXHIBIT 'A'**  
**15-5088**

**172.05 Standards for the Number of Spaces by Use**

**A. Required Parking**

1. Non-residential use. There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.

2. Residential. The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.

(a) *Reductions for residential use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3 when the following standards are met:

- (i) *Transit stops.* Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off street parking requirements by up to fifteen percent (15%).
- (ii) *Motorcycle and scooter spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a

rate of one motorcycle/scooter space for one automobile space.

- (iii) *Bike racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.

- (iv) *Shared parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.

(1) *Shared parking between developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

(2) *Shared parking agreements.* If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.

(3) *Shared spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

3. Maximum number allowed for residential and non-residential uses. Residential and non-residential developments may utilize the following increases to the required

**EXHIBIT 'A'**  
**15-5088**

spaces listed in Table 3 when the following standards are met:

- (a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.
- (b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:
  - (i) Bioswales
  - (ii) constructed wetlands
  - (iii) pervious pavement
  - (iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer

- (c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

4. Parking ratio calculation. The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

a. rounded to the next higher whole number when the fraction is 0.5 or higher.

b. rounded to the next lower whole number when the fraction is less than 0.5.

5. On-street parking. Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The

approval of on-street parking is subject to approval by the Zoning and Development Administrator.

6. Motorcycle and scooter parking. (1) Motorcycle and scooter parking. In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.

7. Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

**TABLE 3**  
**PARKING RATIOS**  
**(Use/Required Spaces)**

Residential

|                                |                     |
|--------------------------------|---------------------|
| Single-family, duplex, triplex | 2 per dwelling unit |
| Multi-family or townhouse      | 1 per bedroom       |

Commercial

|                                  |                                                     |
|----------------------------------|-----------------------------------------------------|
| Agricultural supply              | 1 per 500 sq. ft. of GFA                            |
| Amusement                        | 1 per 200 sq. ft. of GFA                            |
| Auditorium                       | 1 per 4 seats                                       |
| Auto/motorcycle service stations | 4 per each enclosed service bay                     |
| Bank                             | 1 per 200 sq. ft. of GFA                            |
| Barber or beauty shop            | 2 per chair                                         |
| Building/home improvement supply | 1 per 500 sq. ft. of GFA                            |
| Coin-operated laundry            | 1 per 3 machines                                    |
| Dry cleaning                     | 1 per 300 sq. ft. of retail area and 1 per employee |

# **EXHIBIT 'A'** **15-5088**

|                                           |                                                                                                       |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Hotels and motels                         | 1 per guest room, plus 75% of spaces required for accessory uses.                                     |
| Furniture and carpet store                | 1 per 500 sq. ft. of GFA                                                                              |
| Plant nursery                             | 1 per 1,000 sq. ft of indoor/outdoor retail area                                                      |
| Restaurants                               | 1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.                                   |
| Retail                                    | 1 per 250 sq. ft. of GFA                                                                              |
| Retail fuel sales with convenience stores | 1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces. |
| Retail fuel sales only                    | 1 per employee. Owner may count spaces at pump islands as parking spaces.                             |

## Office

|                       |                          |
|-----------------------|--------------------------|
| Medical/Dental office | 1 per 250 sq. ft. of GFA |
| Professional office   | 1 per 300 sq. ft. of GFA |
| Sales office          | 1 per 200 sq. ft. of GFA |

## Public and Institutional Uses

### Nonprofit Commercial

|                                   |                                                                                                           |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------|
| Art gallery, library, museum      | 1 per 1,000 sq. ft. of GFA                                                                                |
| Auditorium                        | 1 per 4 seats, provided only auditorium space is counted in determining parking                           |
| Child care center, nursery school | 1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated      |
| Church/religious institution      | 1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces |
| College auditorium                | 1 per 4 seats                                                                                             |

|                                                                                                                                      |                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| College dormitory                                                                                                                    | 1 per sleeping room                                                                                                                             |
| College or university                                                                                                                | 1 per 500 sq. ft. of classroom area                                                                                                             |
| Community center                                                                                                                     | 1 per 250 sq. ft. of GFA                                                                                                                        |
| Cooperative housing                                                                                                                  | 1 per 2 occupants                                                                                                                               |
| Convalescent home, assisted living, nursing home                                                                                     | 1 per 2 beds                                                                                                                                    |
| Detention home                                                                                                                       | 1 per 1,500 sq. ft. of GFA                                                                                                                      |
| Elderly Housing                                                                                                                      | 1 per 2 units                                                                                                                                   |
| Funeral homes                                                                                                                        | 1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business                       |
| Government facilities                                                                                                                | 1 per 500 square feet of floor area                                                                                                             |
| Hospital                                                                                                                             | 1 per bed                                                                                                                                       |
| Convalescent home                                                                                                                    | 1 per bed                                                                                                                                       |
| School--elementary and junior high                                                                                                   | 1 per employee plus 1 space per classroom                                                                                                       |
| School--senior high                                                                                                                  | 1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater |
| Zoo                                                                                                                                  | 1 per 2,000 sq. ft. of land area                                                                                                                |
| All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space) | 1 per 4 occupants                                                                                                                               |

## Manufacturing/Industrial

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| Manufacturing    | 1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater |
| Heavy industrial | 1 per 1,200 sq. ft. of GFA                                           |
| Extractive uses  | Adequate for all employees, trucks, and equipment                    |

**EXHIBIT 'A'**  
**15-5088**

Recreational Uses

|                                   |                                                                                                                        |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Amusement park, miniature golf    | 1 per 1,000 sq. ft. of site area                                                                                       |
| Bowling alley                     | 6 per lane                                                                                                             |
| Commercial recreation             | 1 per 200 sq. ft. of GFA                                                                                               |
| Commercial recreation-large sites | 1 per 1,000 sq. ft. of site area                                                                                       |
| Dance hall, bar or tavern         | 1 per 50 sq. ft. of GFA, excluding kitchen                                                                             |
| Golf course                       | 3 per hole                                                                                                             |
| Golf driving range                | 1 per tee box                                                                                                          |
| Health club, gym                  | 1 per 150 sq. ft. of GFA                                                                                               |
| Regional or community park        | 2 per acre of accessible active and passive space                                                                      |
| Neighborhood park                 | None                                                                                                                   |
| Private club or lodge             | 1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater |
| Riding stable                     | 1 per acre; not required to be paved                                                                                   |
| Tennis court                      | 2 per court                                                                                                            |
| Theater                           | 1 per 4 seats                                                                                                          |
| All other recreational uses       | 1 per 4 occupants                                                                                                      |

Warehousing and Wholesale

|                                          |                            |
|------------------------------------------|----------------------------|
| Warehousing                              | 1 per 2,000 sq. ft. of GFA |
| Wholesale                                | 1 per 1,000 sq. ft. of GFA |
| Center for collecting recycled materials | 1 per 1,000 sq. ft. of GFA |

City of Fayetteville Staff Review Form

**2015-0372**

**Legistar File ID**

**9/1/2015**

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

8/14/2015

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

ADM 15-5088 Administrative Item (UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Section 172.05. The proposal is to remove minimum parking standards for non-residential uses.

**Budget Impact:**

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

V20140710

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments:

## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 1, 2015

**TO:** Mayor and City Council

**THRU:** Andrew Garner, City Planning Director

**FROM:** Quin Thompson, Current Planner

**DATE:** August 14, 2015

**SUBJECT:** **ADM 15-5088 Administrative Item (UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Section 172.05. The proposal is to remove minimum parking standards for non-residential uses. .

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### RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to amend Section 172.05 of the Unified Development Code, removing minimum parking requirements for non-residential uses.

### BACKGROUND:

Minimum parking requirements common throughout many cities have an enormous effect on many aspects of our built environment, and yet has limited research justifying the numbers. Minimum ratios are typically based on Institute of Transportation Engineers (ITE) recommendations that are in turn based on surveys performed to measure “peak demand”, that one day each year when suburban parking lots are at their fullest. Further, more than half of the 101 published parking rates are based on four or fewer surveys of parking occupancy, and 22% are based on a single survey<sup>1</sup>.

Several times each year in Fayetteville, planning staff denies a business license or has to discourage a prospective business owner from moving into an existing building because the location cannot meet the minimum parking requirements laid out in Chapter 172.05. Many times this is the result of a change in use of the property, for example from office use to restaurant or retail use. Retail use has a higher minimum parking ratio requirement than does office use, and the restaurant use is higher still. Because of the minimum parking ratios, an older office or retail center cannot easily adapt to changing real estate market conditions and prospective tenants are limited to the originally anticipated use. This has the effect of stifling the ability for a property to be adaptively reused over time.

Staff also meets with different developers about the same properties over and over again, particularly downtown and along developed corridors, such as College Avenue, where new

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<sup>1</sup> Shoup, Donald. 1999. The trouble with minimum parking requirements. *Elsevier Science Ltd*.

potential infill development proposals are impossible or too costly to develop because of minimum parking requirements.

**DISCUSSION:** Staff proposes to remove the minimum parking ratios for non-residential uses. The first intention of this code amendment is to encourage appropriate infill development and revitalization, the first goal of City Plan 2030. This change will allow business owners/developers of non-residential uses and market demand to determine minimum parking needs for the intended use. In staff's opinion, a more accurate assessment of parking needs for a non-residential use will come from the business owner/developer and customers. Maximum parking ratios and residential parking ratios are not affected by the proposed code amendment.

There are numerous cities around the United States that have either partially or totally removed minimum parking ratios for non-residential uses with positive results. Staff's research and observation in Fayetteville has been that if a non-residential use does not have enough parking, the use will go out of business, move to a location that meets the customer's needs, or customers will find a different mode of transportation to the site. The City very rarely receives complaints about a lack of non-residential parking or adverse impacts to surrounding property because of a lack of non-residential parking, even in the downtown business community. While a scientific study in Fayetteville has not been conducted, recent studies by the Transportation Research Board show that parking is already oversupplied in mixed use districts by an average of 65%<sup>2</sup>. Moreover, surface parking lots suppress property value and waste potential for highly valuable economic development opportunities in many properties throughout our commercial districts.

The City's codes have included a parking waiver downtown for many years allowing a change of use in existing buildings without having to provide additional parking. This waiver has helped facilitate the redevelopment and revitalization of Dickson Street and the greater downtown area, but it has limited new and infill development. With the construction of the new municipal parking deck downtown and the recently implemented pay parking program and residential parking program, staff believes the timing is now appropriate to remove the minimum parking requirements for non-residential uses not just downtown but throughout the entire city.

This code change is an economic development tool that will allow turnover and revitalization of our existing building stock for a variety of new and start-up businesses. Underused parcels represent a costly missed opportunity in many cases. As noted in a recent Planning Magazine article published by the American Planning Association, "getting parking right might be a more dependable and longer lasting form of economic development" than any traditional approach. Simplified development procedures, opening up infill development to be more functionally viable, activating underperforming, vacant, or derelict lots, and enabling more opportunities for sustainable or green development principles are all potential, positive outcomes of this proposal. This proposal places a priority on people rather than automobiles for new development, and aligns our code with the City Plan 2030 policy direction for urban and traditional development patterns. The code change is essential for valuable growth of progressive, thoughtful infill projects where the number of parking spaces is dictated by the market rather than a contextually insensitive suburban code. Eliminating the non-residential minimum parking requirement does not mean developments will begin providing no parking-in fact, it would be difficult to justify even getting a development loan for construction if that was the case. Rather, it simply means there is more

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<sup>2</sup> Canepa, Brian & Karlin-Resnick, Joshua. (2015, May). Releasing the Parking Brake on Economic Development. *Planning, The Magazine of the American Planning Association*, 81(5), pp. 23-27.

flexibility to provide the parking that is truly needed for a development to succeed<sup>3</sup>, as determined by those best placed to make that decision.

The City does receive complaints on a regular basis when a residential development does not have enough parking. This can result in violations such as parking in the grass, blocking fire lanes, and property trespass. These issues are compounded in a university city like Fayetteville where a large number of students live off campus and where visitor parking is neither anticipated nor provided. For this reason staff does not propose to modify the minimum number of parking spaces for residential use at this time.

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- CC ordinance
- Exhibit 'A'
- July 27, 2015 Planning Commission staff report.
- Public Comment
- Supplementary Materials

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<sup>3</sup> Shoup, Donald. (2015, May). Putting a Cap on Parking Requirements: A Way to Make Cities Function Better. *Planning, The Magazine of the American Planning Association*, 81(5), pp. 28-30.

## Thompson, Quin

---

**From:** Garner, Andrew  
**Sent:** Thursday, July 30, 2015 12:03 PM  
**To:** Thompson, Quin  
**Subject:** [public comment for parking code change] FW: Parking

Quin,  
Please save this email in the public comment file and include a copy on the City Council packet.  
Thanks,  
Andrew

**From:** Ben Salmonsens [mailto:[bensalmonsens@gmail.com](mailto:bensalmonsens@gmail.com)]  
**Sent:** Tuesday, July 28, 2015 12:03 PM  
**To:** Garner, Andrew  
**Subject:** Parking

Mr. Garner,

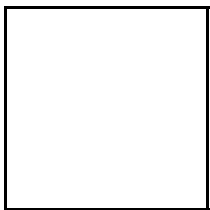
I believe ending the parking regulation rules would be a positive change for the city of Fayetteville. I agree with Hoskins saying that the business owners who are using their sources of capital to operate should be the ones who decide how much parking they have. Also, I think we can all agree that this is just one less requirement for developers to have to fulfill and will surely promote new development across Fayetteville. Thanks for taking the time to hear my recommendation on this issue.

Respectfully,

--

Regards,

**Benjamin Salmonsens**  
**Keller Williams Commercial Division**  
**Northwest Arkansas Region Representative**  
**Cell: 479-330-1250**



**From:** Art Hobson [<mailto:ahobson@uark.edu>]

**Sent:** Tuesday, August 04, 2015 8:22 AM

**To:** Planning <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>; Mayor <[Mayor@fayetteville-ar.gov](mailto:Mayor@fayetteville-ar.gov)>; Marr, Don <[dmarr@fayetteville-ar.gov](mailto:dmarr@fayetteville-ar.gov)>; Matthew Petty <[matt@matthewpetty.org](mailto:matt@matthewpetty.org)>; Adella Gray <[adellag@cox.net](mailto:adellag@cox.net)>; Lioneld Jordan <[ljordan7@hotmail.com](mailto:ljordan7@hotmail.com)>; Kinion, Mark <[ward2\\_pos1@fayetteville-ar.gov](mailto:ward2_pos1@fayetteville-ar.gov)>; Marsh, Sarah <[ward1\\_pos2@fayetteville-ar.gov](mailto:ward1_pos2@fayetteville-ar.gov)>; Tennant, Justin <[ward3\\_pos1@fayetteville-ar.gov](mailto:ward3_pos1@fayetteville-ar.gov)>; Schoppmeyer, Martin <[ward3\\_pos2@fayetteville-ar.gov](mailto:ward3_pos2@fayetteville-ar.gov)>; La Tour, John <[ward4\\_pos1@fayetteville-ar.gov](mailto:ward4_pos1@fayetteville-ar.gov)>; [longward4@gmail.com](mailto:longward4@gmail.com); Pate, Jeremy <[jpate@fayetteville-ar.gov](mailto:jpate@fayetteville-ar.gov)>; [agarner@fayetteville-ar.gov](mailto:agarner@fayetteville-ar.gov)

**Cc:** Marie Riley <[mriley@uark.edu](mailto:mriley@uark.edu)>

**Subject:** Parking proposal

Dear City Planners and City Councilors:

Congratulations to the Fayetteville Planning Commission for proposing that minimum parking requirements for commercial establishments be abolished! This has been needed for decades. I hope and presume that the City Council will follow suit. This will improve our quality of life, and make central Fayetteville a more supremely walkable destination—the leading goal of our excellent 2004 Downtown Master Plan that hundreds of our best citizens had a hand in creating. Infill, higher density, fewer cars, and more fun should be our bywords for downtown planning.

Cheers - Art Hobson

Art Hobson, Emeritus Professor of Physics, U Arkansas.

Look for [Tales of the Quantum](#) Oxford University Press, in 2015.

See my textbook & other stuff [here](#).

## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Quin Thompson, Current Planner

**MEETING DATE:** ~~July 27, 2015~~ **UPDATED AUGUST 05, 2015**

**SUBJECT:** **ADM 15-5088 Administrative Item (UDC AMENDMENT CHAPTER 172.05 STANDARDS FOR THE NUMBER OF SPACES BY USE):**  
Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 172.05. The proposal is to remove minimum parking standards for non-residential uses.

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**RECOMMENDATION:**

Staff recommends that the Planning Commission forward **ADM 15-5088** to the City Council with a recommendation for approval.

**BACKGROUND:**

This amendment was tabled at the July 13, 2015 Planning Commission meeting in order to allow more time for comment and discussion.

The minimum parking requirement has an enormous effect on many aspects of our built environment, and yet has limited research justifying the numbers. Minimum ratios are typically based on Institute of Transportation Engineers (ITE) recommendations that are in turn based on surveys performed to measure peak demand, that one day each year when suburban parking lots are at their fullest. Further, more than half of the 101 published parking rates are based on four or fewer surveys of parking occupancy, and 22% are based on a single survey (Shoup, 1999)<sup>1</sup>.

Several times each year planning staff denies a business license or has to discourage a prospective business owner from moving into an existing building because the location cannot meet the minimum parking requirements laid out in Chapter 172.05. Many times this is the result of a change in use of the property, for example from office use to restaurant or retail use. Retail use has a higher minimum parking ratio requirement than does office use, and the restaurant use is higher still. Because of the minimum parking ratios, an older office or retail center cannot easily adapt to changing real estate market conditions and prospective tenants are limited to the originally anticipated use.

Staff also meets with different developers about the same properties over and over again, particularly downtown and along developed corridors, where new potential infill sites are impossible or too costly to develop because of minimum parking requirements.

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<sup>1</sup> Shoup, Donald. 1999. The trouble with minimum parking requirements. Elsevier Science Ltd.

**DISCUSSION:** Staff proposes to remove the minimum parking ratios for non-residential uses. The intention of this code amendment is to encourage appropriate infill development and revitalization, the first goal of City Plan 2030. This change will allow business owners/developers of non-residential uses and market demand determine minimum parking needs. In staff's opinion, a more accurate assessment of parking needs for a non-residential use will come from the business owner/developer and customers. Maximum parking ratios and residential parking ratios are not affected by the proposed code amendment.

There are numerous cities around the United States that have either partially or totally removed minimum parking ratios for non-residential uses with positive results. Staff's research and observation in Fayetteville has been that if a non-residential use does not have enough parking, the use will go out of business or users will find a different mode of transportation to the site. The City very rarely receives complaints about a lack of non-residential parking or adverse impacts to surrounding property because of a lack of non-residential parking.

The City's codes have included a parking waiver downtown for many years allowing a change of use in existing buildings without having to provide additional parking. This waiver has helped facilitate the redevelopment and revitalization of Dickson Street and the greater downtown area, but it has limited new and infill development. With the construction of the new municipal parking deck downtown and the recently implemented pay parking program and residential parking program, the timing is now appropriate to remove the minimum parking requirements for non-residential uses throughout the entire city. This code change is an economic development tool that will allow turnover and revitalization of our existing building stock for a variety of new and start-up businesses. This proposal places a priority on people rather than automobiles for new development, and aligns our code with the City Plan 2030 policy direction for urban and traditional development patterns. The code change is essential for valuable growth of progressive, thoughtful infill projects where the number of parking spaces is dictated by the market rather than a heavy-handed suburban code.

The City does receive complaints on a regular basis because a residential development does not have enough parking. This can result in violations such as parking in the grass, blocking fire lanes, and property trespass. These issues are compounded in a university city like Fayetteville where a large number of students live off campus. For this reason staff does not propose to modify the minimum number of parking spaces for residential use.

|                                                                                         |                                          |                                        |                                                    |
|-----------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------|----------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                                      | <input type="checkbox"/> <b>Approved</b> | <input type="checkbox"/> <b>Denied</b> | <input checked="" type="checkbox"/> <b>Forward</b> |
| <b><u>Date:</u> July 27, 2015</b>                                                       |                                          |                                        |                                                    |
| <b><u>Motion:</u> HOFFMAN</b>                                                           |                                          | <b><u>Vote:</u> 7-1-0</b>              |                                                    |
| <b><u>Second:</u> AUTRY</b>                                                             |                                          |                                        |                                                    |
| <b><u>Note:</u> RECOMMEND FORWARD AS PROPOSED BY STAFF,<br/>WITH BROWN VOTING 'NO'.</b> |                                          |                                        |                                                    |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- UDC Chapter 172.05 (Existing)
- UDC Chapter 172.05 (Proposed)
- UDC Chapter 172.05 (Proposed changes shown in strikeout-highlight)
- Comments submitted by Tom Brown at the 07-13-15 Planning Commission meeting

**172.05 Standards For The Number Of Spaces By Use****(A) Required parking**

- (1) *Required number of spaces.* A proposed use shall conform to the established parking ratios listed in Table 3. The minimum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards. For all parking space requirements resulting in a fraction, the fraction shall be:
- (a) rounded to the next higher whole number when the fraction is 0.5 or higher.
  - (b) rounded to the next lower whole number when the fraction is less than 0.5.
- (2) *Change of use - existing structure.* A change of use in an existing structure may be permitted if the use adequately meets the minimum parking ratio standards herein. A change of use shall not be penalized for existing parking spaces that exceed the required parking ratios included in this chapter.
- (3) *Change of use – waiver.* In Downtown Core, Main Street Center, and Downtown General zoning districts, parking requirements are waived for any existing structure with a change of use. New construction, razed buildings or enlarged buildings shall conform to the parking requirements of the City of Fayetteville. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added.
- (4) *Building footprint – waiver.* In Downtown Core, Main Street Center and Downtown General zoning districts, parking requirements are waived for the square footage "footprint" of any building which existed and has been removed since October 1, 1995, in order to rebuild.
- (5) *Downtown Core, Main Street Center, and Downtown General Zoning Districts accessory outdoor use areas -* Accessory outdoor patios, balconies, decks, and other similar outdoor use areas for restaurants and bars shall be exempt from meeting off-street parking requirements in the *Downtown Core, Main Street Center, and Downtown General* zoning districts.

**TABLE 3****PARKING RATIOS  
(Use/Required Spaces)****Residential**

|                                |                     |
|--------------------------------|---------------------|
| Single-family, duplex, triplex | 2 per dwelling unit |
| Multi-family or townhouse      | 1 per bedroom       |

**Commercial**

|                                           |                                                                                                       |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Agricultural supply                       | 1 per 500 sq. ft. of GFA                                                                              |
| Amusement                                 | 1 per 200 sq. ft. of GFA                                                                              |
| Auditorium                                | 1 per 4 seats                                                                                         |
| Auto/motorcycle service stations          | 4 per each enclosed service bay                                                                       |
| Bank                                      | 1 per 200 sq. ft. of GFA                                                                              |
| Barber or beauty shop                     | 2 per chair                                                                                           |
| Building/home improvement supply          | 1 per 500 sq. ft. of GFA                                                                              |
| Coin-operated laundry                     | 1 per 3 machines                                                                                      |
| Dry cleaning                              | 1 per 300 sq. ft. of retail area and 1 per employee                                                   |
| Hotels and motels                         | 1 per guest room, plus 75% of spaces required for accessory uses.                                     |
| Furniture and carpet store                | 1 per 500 sq. ft. of GFA                                                                              |
| Plant nursery                             | 1 per 1,000 sq. ft. of indoor/outdoor retail area                                                     |
| Restaurants                               | 1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.                                   |
| Retail                                    | 1 per 250 sq. ft. of GFA                                                                              |
| Retail fuel sales with convenience stores | 1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces. |
| Retail fuel sales only                    | 1 per employee. Owner may count spaces at pump islands as parking spaces.                             |

**Office**

|                       |                          |
|-----------------------|--------------------------|
| Medical/Dental office | 1 per 250 sq. ft. of GFA |
| Professional office   | 1 per 300 sq. ft. of GFA |
| Sales office          | 1 per 200 sq. ft. of GFA |

**Public and Institutional Uses  
Nonprofit Commercial**

|                                   |                                                                                                           |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------|
| Art gallery, library, museum      | 1 per 1,000 sq. ft. of GFA                                                                                |
| Auditorium                        | 1 per 4 seats, provided only auditorium space is counted in determining parking                           |
| Child care center, nursery school | 1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated      |
| Church/religious institution      | 1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces |
| College auditorium                | 1 per 4 seats                                                                                             |
| College dormitory                 | 1 per sleeping room                                                                                       |
| College or university             | 1 per 500 sq. ft. of classroom area                                                                       |

|                                                                                                                                      |                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Community center                                                                                                                     | 1 per 250 sq. ft. of GFA                                                                                                                        |
| Cooperative housing                                                                                                                  | 1 per 2 occupants                                                                                                                               |
| Convalescent home, assisted living, nursing home                                                                                     | 1 per 2 beds                                                                                                                                    |
| Detention home                                                                                                                       | 1 per 1,500 sq. ft. of GFA                                                                                                                      |
| Elderly Housing                                                                                                                      | 1 per 2 units                                                                                                                                   |
| Funeral homes                                                                                                                        | 1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business                       |
| Government facilities                                                                                                                | 1 per 500 square feet of floor area                                                                                                             |
| Hospital                                                                                                                             | 1 per bed                                                                                                                                       |
| Convalescent home                                                                                                                    | 1 per bed                                                                                                                                       |
| School--elementary and junior high                                                                                                   | 1 per employee plus 1 space per classroom                                                                                                       |
| School--senior high                                                                                                                  | 1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater |
| Zoo                                                                                                                                  | 1 per 2,000 sq. ft. of land area                                                                                                                |
| All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space) | 1 per 4 occupants                                                                                                                               |

**Manufacturing/Industrial**

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| Manufacturing    | 1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater |
| Heavy industrial | 1 per 1,200 sq. ft. of GFA                                           |
| Extractive uses  | Adequate for all employees, trucks, and equipment                    |

**Recreational Uses**

|                                   |                                                                                                                        |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Amusement park, miniature golf    | 1 per 1,000 sq. ft. of site area                                                                                       |
| Bowling alley                     | 6 per lane                                                                                                             |
| Commercial recreation             | 1 per 200 sq. ft. of GFA                                                                                               |
| Commercial recreation-large sites | 1 per 1,000 sq. ft. of site area                                                                                       |
| Dance hall, bar or tavern         | 1 per 50 sq. ft. of GFA, excluding kitchen                                                                             |
| Golf course                       | 3 per hole                                                                                                             |
| Golf driving range                | 1 per tee box                                                                                                          |
| Health club, gym                  | 1 per 150 sq. ft. of GFA                                                                                               |
| Regional or community park        | 2 per acre of accessible active and passive space                                                                      |
| Neighborhood park                 | None                                                                                                                   |
| Private club or lodge             | 1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater |
| Riding stable                     | 1 per acre; not required to be paved                                                                                   |
| Tennis court                      | 2 per court                                                                                                            |

|                             |                   |
|-----------------------------|-------------------|
| Theater                     | 1 per 4 seats     |
| All other recreational uses | 1 per 4 occupants |

**Warehousing and Wholesale**

|                                          |                            |
|------------------------------------------|----------------------------|
| Warehousing                              | 1 per 2,000 sq. ft. of GFA |
| Wholesale                                | 1 per 1,000 sq. ft. of GFA |
| Center for collecting recycled materials | 1 per 1,000 sq. ft. of GFA |

(B) *On-street parking.* Permitted on-street parking spaces adjacent to a project frontage may count toward the parking requirements for all development, subject to approval by the Zoning and Development Administrator. Each on-street parking space provided may count toward the total required parking spaces for the development.

(C) *Off-street parking.*

(1) *Motorcycle and scooter parking.* In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.

(2) *Maximum number allowed.* Developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:

(a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.

(b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:

(i) Bioswales

(ii) constructed wetlands

(iii) pervious pavement

(iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer

(c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

(3) *Reductions.* Developments may utilize the following reductions to the required off-street

## Existing UDC 172.05

parking ratios listed in Table 3 when the following standards are met:

- (a) *Transit stops.* Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off street parking requirements by up to fifteen percent (15%).
- (b) *Motorcycle and scooter spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.
- (c) *Bike racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.
- (d) *Shared parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
  - (i) *Shared parking between developments.* Formal arrangements that share parking between intermittent uses with nonconflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.
  - (ii) *Shared parking agreements.* If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.
  - (iii) *Shared spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.
- (e) *Reduced parking within mixed use developments.* Parking requirements may be reduced where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements

are subject to the approval of the Planning Commission.

- (i) *Request for parking space reduction.* A shared parking plan must be prepared to the satisfaction of the Planning Commission showing that parking spaces most conveniently serve the land uses intended, directional signage is proved if appropriate, and pedestrian links are direct and clear.
- (ii) *Calculating parking space reductions.* Parking space reductions can be determined by a calculation using Table 4, Parking Occupancy Rates. If the calculation does show a parking space regulation reduction to be feasible, the applicant shall submit a parking reduction worksheet showing the process for calculating the reduction as outlined herein. The calculation using Table 4, Occupancy Rates shall be conducted as follows:
  - (a) *Determine minimum spaces required.* The minimum number of parking spaces that are to be provided and maintained for each use shall be determined by using Table 3, Parking Ratios.
  - (b) *Calculate occupancy rates.* The minimum number of parking spaces shall be multiplied by the "occupancy rate" (the percentage) provided in Table 4, Parking Occupancy Rates, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods, respectively.
  - (iii) *Sum parking spaces.* Sum the parking spaces for the combined uses for each time period. The number of parking spaces from the time period with the highest calculated number of parking spaces shall be the number of spaces required for the shared parking facility

**TABLE 4**

Parking Occupancy Rates  
(Percent of basic minimum needed during time period)

## Existing UDC 172.05

| Uses                                               | M-F<br>8am-<br>5pm | M-F<br>6pm-<br>12am | M-F<br>12am-<br>6am | Sat &<br>Sun.<br>8am-<br>5pm | Sat<br>&<br>Sun.<br>6pm-<br>5pm | Sat.<br>&<br>Sun.<br>12am<br>- 6am |
|----------------------------------------------------|--------------------|---------------------|---------------------|------------------------------|---------------------------------|------------------------------------|
| Land Use Categories                                |                    |                     |                     |                              |                                 |                                    |
| Residential                                        | 60%                | 100%                | 100%                | 80%                          | 100%                            | 100%                               |
| Commercial*                                        | 90%                | 80%                 | 5%                  | 100%                         | 70%                             | 5%                                 |
| Office                                             | 100%               | 20%                 | 5%                  | 5%                           | 5%                              | 5%                                 |
| Public &<br>Institutional<br>Uses (non-<br>church) | 100%               | 20%                 | 5%                  | 10%                          | 10%                             | 5%                                 |
| Public &<br>Institutional<br>Uses (church)         | 10%                | 5%                  | 5%                  | 100%                         | 50%                             | 5%                                 |
| Manufacturing/<br>Industrial                       | 100%               | 60%                 | 40%                 | 50%                          | 30%                             | 10%                                |
| Warehouse/<br>Wholesale                            | 100%               | 20%                 | 5%                  | 5%                           | 5%                              | 5%                                 |
| Recreation                                         | 40%                | 100%                | 10%                 | 80%                          | 100%                            | 50%                                |
| Specific Commercial Uses                           |                    |                     |                     |                              |                                 |                                    |
| Hotel                                              | 70%                | 100%                | 100%                | 70%                          | 100%                            | 100%                               |
| Restaurant                                         | 70%                | 100%                | 10%                 | 70%                          | 100%                            | 20%                                |
| Theater                                            | 40%                | 80%                 | 10%                 | 80%                          | 100%                            | 10%                                |
| Conference/<br>Convention                          | 100%               | 100%                | 5%                  | 100%                         | 100%                            | 5%                                 |

**Source:** Shared Parking Planning Guidelines, Institute of Transportation Engineers.

\*Some specific uses have different occupancy rates. Check under "Specific Commercial Uses" with the rest of the table.

- (4) Increases or reductions in excess of those identified herein shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses, procedures, and upon the finding that the increase or reduction is needed.

(Ord. 4567, 05-04-04; Ord. 4930, 10-03-06; Ord. 5118, 3-18-08; Ord. 5297, 12-15-09; Ord. 5435, 8-16-11)

## **172.05 Standards for the Number of Spaces by Use**

### **A. Required Parking**

1. Non-residential use. There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use.

2. Residential. The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.

(a) *Reductions for residential use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3 when the following standards are met:

- (i) *Transit stops.* Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off street parking requirements by up to fifteen percent (15%).
- (ii) *Motorcycle and scooter spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.
- (iii) *Bike racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle

rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.

(iv) *Shared parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.

(1) *Shared parking between developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

(2) *Shared parking agreements.* If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.

(3) *Shared spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

3. Maximum number allowed for residential and non-residential uses. Residential and non-residential developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:

- (a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.

(b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:

- (i) Bioswales
- (ii) constructed wetlands
- (iii) pervious pavement
- (iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer

(c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

4. Parking ratio calculation. The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

a. rounded to the next higher whole number when the fraction is 0.5 or higher.

b. rounded to the next lower whole number when the fraction is less than 0.5.

5. On-street parking. Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.

6. Motorcycle and scooter parking. (1) Motorcycle and scooter parking. In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces

for a use or combination of uses shall be striped as a motorcycle and scooter parking space.

7. Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

**TABLE 3**  
**PARKING RATIOS**  
**(Use/Required Spaces)**

Residential

|                                |                     |
|--------------------------------|---------------------|
| Single-family, duplex, triplex | 2 per dwelling unit |
| Multi-family or townhouse      | 1 per bedroom       |

Commercial

|                                  |                                                                     |
|----------------------------------|---------------------------------------------------------------------|
| Agricultural supply              | 1 per 500 sq. ft. of GFA                                            |
| Amusement                        | 1 per 200 sq. ft. of GFA                                            |
| Auditorium                       | 1 per 4 seats                                                       |
| Auto/motorcycle service stations | 4 per each enclosed service bay                                     |
| Bank                             | 1 per 200 sq. ft. of GFA                                            |
| Barber or beauty shop            | 2 per chair                                                         |
| Building/home improvement supply | 1 per 500 sq. ft. of GFA                                            |
| Coin-operated laundry            | 1 per 3 machines                                                    |
| Dry cleaning                     | 1 per 300 sq. ft. of retail area and 1 per employee                 |
| Hotels and motels                | 1 per guest room, plus 75% of spaces required for accessory uses.   |
| Furniture and carpet store       | 1 per 500 sq. ft. of GFA                                            |
| Plant nursery                    | 1 per 1,000 sq. ft. of indoor/outdoor retail area                   |
| Restaurants                      | 1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window. |
| Retail                           | 1 per 250 sq. ft. of GFA                                            |

|                                           |                                                                                                       |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Retail fuel sales with convenience stores | 1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces. |
| Retail fuel sales only                    | 1 per employee. Owner may count spaces at pump islands as parking spaces.                             |

Office

|                       |                          |
|-----------------------|--------------------------|
| Medical/Dental office | 1 per 250 sq. ft. of GFA |
| Professional office   | 1 per 300 sq. ft. of GFA |
| Sales office          | 1 per 200 sq. ft. of GFA |

Public and Institutional Uses

Nonprofit Commercial

|                                                  |                                                                                                           |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Art gallery, library, museum                     | 1 per 1,000 sq. ft. of GFA                                                                                |
| Auditorium                                       | 1 per 4 seats, provided only auditorium space is counted in determining parking                           |
| Child care center, nursery school                | 1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated      |
| Church/religious institution                     | 1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces |
| College auditorium                               | 1 per 4 seats                                                                                             |
| College dormitory                                | 1 per sleeping room                                                                                       |
| College or university                            | 1 per 500 sq. ft. of classroom area                                                                       |
| Community center                                 | 1 per 250 sq. ft. of GFA                                                                                  |
| Cooperative housing                              | 1 per 2 occupants                                                                                         |
| Convalescent home, assisted living, nursing home | 1 per 2 beds                                                                                              |
| Detention home                                   | 1 per 1,500 sq. ft. of GFA                                                                                |
| Elderly Housing                                  | 1 per 2 units                                                                                             |

|                                                                                                                                      |                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Funeral homes                                                                                                                        | 1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business                       |
| Government facilities                                                                                                                | 1 per 500 square feet of floor area                                                                                                             |
| Hospital                                                                                                                             | 1 per bed                                                                                                                                       |
| Convalescent home                                                                                                                    | 1 per bed                                                                                                                                       |
| School--elementary and junior high                                                                                                   | 1 per employee plus 1 space per classroom                                                                                                       |
| School--senior high                                                                                                                  | 1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater |
| Zoo                                                                                                                                  | 1 per 2,000 sq. ft. of land area                                                                                                                |
| All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space) | 1 per 4 occupants                                                                                                                               |

Manufacturing/Industrial

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| Manufacturing    | 1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater |
| Heavy industrial | 1 per 1,200 sq. ft. of GFA                                           |
| Extractive uses  | Adequate for all employees, trucks, and equipment                    |

Recreational Uses

|                                   |                                            |
|-----------------------------------|--------------------------------------------|
| Amusement park, miniature golf    | 1 per 1,000 sq. ft. of site area           |
| Bowling alley                     | 6 per lane                                 |
| Commercial recreation             | 1 per 200 sq. ft. of GFA                   |
| Commercial recreation-large sites | 1 per 1,000 sq. ft. of site area           |
| Dance hall, bar or tavern         | 1 per 50 sq. ft. of GFA, excluding kitchen |

|                             |                                                                                                                        |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------|
| Golf course                 | 3 per hole                                                                                                             |
| Golf driving range          | 1 per tee box                                                                                                          |
| Health club, gym            | 1 per 150 sq. ft. of GFA                                                                                               |
| Regional or community park  | 2 per acre of accessible active and passive space                                                                      |
| Neighborhood park           | None                                                                                                                   |
| Private club or lodge       | 1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater |
| Riding stable               | 1 per acre; not required to be paved                                                                                   |
| Tennis court                | 2 per court                                                                                                            |
| Theater                     | 1 per 4 seats                                                                                                          |
| All other recreational uses | 1 per 4 occupants                                                                                                      |

Warehousing and Wholesale

|                                          |                            |
|------------------------------------------|----------------------------|
| Warehousing                              | 1 per 2,000 sq. ft. of GFA |
| Wholesale                                | 1 per 1,000 sq. ft. of GFA |
| Center for collecting recycled materials | 1 per 1,000 sq. ft. of GFA |

## PROPOSED CODE CHANGES SHOWN IN ~~STRIKEOUT~~-HIGHLIGHT/UNDERLINE

### 172.05 Standards For The Number Of Spaces By Use

#### (A) Required parking.

~~(1) Required number of spaces. A proposed use shall conform to the established parking ratios listed in Table 3. The minimum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards. For all parking space requirements resulting in a fraction, the fraction shall be:~~

~~(a) rounded to the next higher whole number when the fraction is 0.5 or higher.~~

~~(b) rounded to the next lower whole number when the fraction is less than 0.5.~~

~~(2) Change of use - existing structure. A change of use in an existing structure may be permitted if the use adequately meets the minimum parking ratio standards herein. A change of use shall not be penalized for existing parking spaces that exceed the required parking ratios included in this chapter.~~

~~(3) Change of use - waiver. In Downtown Core, Main Street Center, and Downtown General zoning districts, parking requirements are waived for any existing structure with a change of use. New construction, razed buildings or enlarged buildings shall conform to the parking requirements of the City of Fayetteville. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added.~~

~~(4) Building footprint - waiver. In Downtown Core, Main Street Center and Downtown General zoning districts, parking requirements are waived for the square footage "footprint" of any building which existed and has been removed since October 1, 1995, in order to rebuild.~~

~~(5) Downtown Core, Main Street Center, and Downtown General Zoning Districts accessory outdoor use areas- Accessory outdoor patios, balconies, decks, and other similar outdoor use areas for restaurants and bars shall be exempt from meeting off-street parking requirements in the Downtown Core, Main Street Center, and Downtown General zoning districts.~~

Totally removed  
this subsection

1. Non-residential use. There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use.

New code

2. Residential. The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3.

(a) Reductions for residential use. Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3 when the following standards are met:

(i) Transit stops. Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off street parking requirements by up to fifteen percent (15%).

(ii) Motorcycle and scooter spaces. Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.

(iii) Bike racks. Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.

(iv) Shared parking. Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.

(1) Shared parking between developments. Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

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was cut from  
the end of this  
subchapter and  
pasted here

- (2) Shared parking agreements. If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.
- (3) Shared spaces. Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

3. Maximum number allowed for residential and non-residential uses. Residential and non-residential developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:

- (a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.
- (b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:
- (i) Bioswales
  - (ii) constructed wetlands
  - (iii) pervious pavement
  - (iv) other such techniques that aid in improving water quality and quantity as approved by the City Engineer
- (c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.

This section was cut from the end of this subchapter and pasted here

4. Parking ratio calculation. The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

- (a) rounded to the next higher whole number when the fraction is 0.5 or higher.
- (b) rounded to the next lower whole number when the fraction is less than 0.5.

5. On-street parking. Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.

6. Motorcycle and scooter parking. (1) Motorcycle and scooter parking. In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.

7. Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

This sentence was changed to allow increase or decrease in number of spaces by variance instead of conditional use

**TABLE 3**  
**PARKING RATIOS**  
(Use/Required Spaces)

| Residential                      |                                 |
|----------------------------------|---------------------------------|
| Single-family, duplex, triplex   | 2 per dwelling unit             |
| Multi-family or townhouse        | 1 per bedroom                   |
| Commercial                       |                                 |
| Agricultural supply              | 1 per 500 sq. ft. of GFA        |
| Amusement                        | 1 per 200 sq. ft. of GFA        |
| Auditorium                       | 1 per 4 seats                   |
| Auto/motorcycle service stations | 4 per each enclosed service bay |
| Bank                             | 1 per 200 sq. ft. of GFA        |
| Barber or beauty shop            | 2 per chair                     |

|                                           |                                                                                                       |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Building/home improvement supply          | 1 per 500 sq. ft. of GFA                                                                              |
| Coin-operated laundry                     | 1 per 3 machines                                                                                      |
| Dry cleaning                              | 1 per 300 sq. ft. of retail area and 1 per employee                                                   |
| Hotels and motels                         | 1 per guest room, plus 75% of spaces required for accessory uses.                                     |
| Furniture and carpet store                | 1 per 500 sq. ft. of GFA                                                                              |
| Plant nursery                             | 1 per 1,000 sq. ft. of indoor/outdoor retail area                                                     |
| Restaurants                               | 1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.                                   |
| Retail                                    | 1 per 250 sq. ft. of GFA                                                                              |
| Retail fuel sales with convenience stores | 1 per 250 square feet of retail floor area. Owner may count spaces at pump islands as parking spaces. |
| Retail fuel sales only                    | 1 per employee. Owner may count spaces at pump islands as parking spaces.                             |

Office

|                       |                          |
|-----------------------|--------------------------|
| Medical/Dental office | 1 per 250 sq. ft. of GFA |
| Professional office   | 1 per 300 sq. ft. of GFA |
| Sales office          | 1 per 200 sq. ft. of GFA |

Public and Institutional Uses  
Nonprofit Commercial

|                                                  |                                                                                                                           |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Art gallery, library, museum                     | 1 per 1,000 sq. ft. of GFA                                                                                                |
| Auditorium                                       | 1 per 4 seats, provided only auditorium space is counted in determining parking                                           |
| Child care center, nursery school                | 1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated                      |
| Church/religious institution                     | 1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces                 |
| College auditorium                               | 1 per 4 seats                                                                                                             |
| College dormitory                                | 1 per sleeping room                                                                                                       |
| College or university                            | 1 per 500 sq. ft. of classroom area                                                                                       |
| Community center                                 | 1 per 250 sq. ft. of GFA                                                                                                  |
| Cooperative housing                              | 1 per 2 occupants                                                                                                         |
| Convalescent home, assisted living, nursing home | 1 per 2 beds                                                                                                              |
| Detention home                                   | 1 per 1,500 sq. ft. of GFA                                                                                                |
| Elderly Housing                                  | 1 per 2 units                                                                                                             |
| Funeral homes                                    | 1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business |
| Government facilities                            | 1 per 500 square feet of floor area                                                                                       |
| Hospital                                         | 1 per bed                                                                                                                 |
| Convalescent home                                | 1 per bed                                                                                                                 |
| School--elementary and junior high               | 1 per employee plus 1 space per classroom                                                                                 |
| School--senior high                              | 1 per employee plus 1 per 3 students based on design                                                                      |

|                                                                                                                                      |                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
|                                                                                                                                      | capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater |
| Zoo                                                                                                                                  | 1 per 2,000 sq. ft. of land area                                                           |
| All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space) | 1 per 4 occupants                                                                          |

#### Manufacturing/Industrial

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| Manufacturing    | 1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater |
| Heavy industrial | 1 per 1,200 sq. ft. of GFA                                           |
| Extractive uses  | Adequate for all employees, trucks, and equipment                    |

#### Recreational Uses

|                                   |                                                                                                                        |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Amusement park, miniature golf    | 1 per 1,000 sq. ft. of site area                                                                                       |
| Bowling alley                     | 6 per lane                                                                                                             |
| Commercial recreation             | 1 per 200 sq. ft. of GFA                                                                                               |
| Commercial recreation-large sites | 1 per 1,000 sq. ft. of site area                                                                                       |
| Dance hall, bar or tavern         | 1 per 50 sq. ft. of GFA, excluding kitchen                                                                             |
| Golf course                       | 3 per hole                                                                                                             |
| Golf driving range                | 1 per tee box                                                                                                          |
| Health club, gym                  | 1 per 150 sq. ft. of GFA                                                                                               |
| Regional or community park        | 2 per acre of accessible active and passive space                                                                      |
| Neighborhood park                 | None                                                                                                                   |
| Private club or lodge             | 1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater |
| Riding stable                     | 1 per acre; not required to be paved                                                                                   |
| Tennis court                      | 2 per court                                                                                                            |
| Theater                           | 1 per 4 seats                                                                                                          |
| All other recreational uses       | 1 per 4 occupants                                                                                                      |

#### Warehousing and Wholesale

|                                          |                            |
|------------------------------------------|----------------------------|
| Warehousing                              | 1 per 2,000 sq. ft. of GFA |
| Wholesale                                | 1 per 1,000 sq. ft. of GFA |
| Center for collecting recycled materials | 1 per 1,000 sq. ft. of GFA |

~~(B) On-street parking. Permitted on-street parking spaces adjacent to a project frontage may count toward the parking requirements for all development, subject to approval by the Zoning and Development Administrator. Each on-street parking space provided may count toward the total required parking spaces for the development.~~

#### ~~(C) Off-street parking.~~

~~(1) Motorcycle and scooter parking. In parking lots containing 25 parking spaces or more, one (1) space for every 25 parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.~~

This section was cut from this location and pasted before Table 3

(2) ~~Maximum number allowed.~~ Developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:

- (a) ~~Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.~~
- (b) ~~Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:~~
  - (i) ~~Bioswales~~
  - (ii) ~~constructed wetlands~~
  - (iii) ~~pervious pavement~~
  - (iv) ~~other such techniques that aid in improving water quality and quantity as approved by the City Engineer~~
- (c) ~~Developments may increase the number of off-street parking spaces by an additional 5% when one (1), two-inch (2") caliper tree for every 10 additional parking spaces is planted on-site in addition to all other landscaping requirements.~~

(3) ~~Reductions.~~ Developments may utilize the following reductions to the required off-street parking ratios listed in Table 3 when the following standards are met:

- (a) ~~Transit stops.~~ Properties located within a quarter (0.25) mile radius of a transit stop may further reduce the minimum off-street parking requirements by up to fifteen percent (15%).
- (b) ~~Motorcycle and scooter spaces.~~ Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one motorcycle/scooter space for one automobile space.
- (c) ~~Bike racks.~~ Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one additional bicycle rack for one automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.
- (d) ~~Shared parking.~~ Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
  - (i) ~~Shared parking between developments.~~ Formal arrangements that share parking between intermittent uses with nonconflicting parking demands (e.g., a church and a bank) are encouraged as a means to reduce the amount of parking required.
  - (ii) ~~Shared parking agreements.~~ If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.
  - (iii) ~~Shared spaces.~~ Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

(e) ~~Reduced parking within mixed use developments.~~ Parking requirements may be reduced where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.

- (i) ~~Request for parking space reduction.~~ A shared parking plan must be prepared to the satisfaction of the Planning Commission showing that parking spaces most conveniently serve the land uses intended, directional signage is proved if appropriate, and pedestrian links are direct and clear.
- (ii) ~~Calculating parking space reductions.~~ Parking space reductions can be determined by a calculation using Table 4, Parking Occupancy Rates. If the calculation does show a parking space regulation reduction to be feasible, the applicant shall submit a parking reduction worksheet showing the

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process for calculating the reduction as outlined herein. The calculation using Table 4, Occupancy Rates shall be conducted as follows:

- (a) ~~Determine minimum spaces required.~~ The minimum number of parking spaces that are to be provided and maintained for each use shall be determined by using Table 3, Parking Ratios.
- (b) ~~Calculate occupancy rates.~~ The minimum number of parking spaces shall be multiplied by the "occupancy rate" (the percentage) provided in Table 4, Parking Occupancy Rates, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods, respectively.
- (iii) ~~Sum parking spaces.~~ Sum the parking spaces for the combined uses for each time period. The number of parking spaces from the time period with the highest calculated number of parking spaces shall be the number of spaces required for the shared parking facility

**TABLE 4**  
**Parking Occupancy Rates**  
(Percent of basic minimum needed during time period)

| Uses                                               | M-F<br>8am-<br>6pm | M-F<br>6pm-<br>12am | M-F<br>12am-<br>6am | Sat. &<br>Sun.<br>8am-<br>6pm | Sat.<br>&<br>Sun.<br>6pm-<br>5pm | Sat.<br>&<br>Sun.<br>12am<br>-6am |
|----------------------------------------------------|--------------------|---------------------|---------------------|-------------------------------|----------------------------------|-----------------------------------|
| <b>Land-Use Categories</b>                         |                    |                     |                     |                               |                                  |                                   |
| Residential                                        | 60%                | 100%                | 100%                | 80%                           | 100%                             | 100%                              |
| Commercial*                                        | 90%                | 80%                 | 5%                  | 100%                          | 70%                              | 5%                                |
| Office                                             | 100%               | 20%                 | 5%                  | 5%                            | 5%                               | 5%                                |
| Public &<br>Institutional<br>Uses (non-<br>church) | 100%               | 20%                 | 5%                  | 10%                           | 10%                              | 5%                                |
| Public &<br>Institutional<br>Uses (church)         | 10%                | 5%                  | 5%                  | 100%                          | 50%                              | 5%                                |
| Manufacturing/<br>Industrial                       | 100%               | 60%                 | 40%                 | 50%                           | 30%                              | 10%                               |
| Warehouse/<br>Wholesale                            | 100%               | 20%                 | 5%                  | 5%                            | 5%                               | 5%                                |
| Recreation                                         | 40%                | 100%                | 10%                 | 80%                           | 100%                             | 50%                               |
| <b>Specific Commercial Uses</b>                    |                    |                     |                     |                               |                                  |                                   |
| Hotel                                              | 70%                | 100%                | 100%                | 70%                           | 100%                             | 100%                              |
| Restaurant                                         | 70%                | 100%                | 10%                 | 70%                           | 100%                             | 20%                               |
| Theater                                            | 40%                | 80%                 | 10%                 | 80%                           | 100%                             | 10%                               |
| Conference/<br>Convention                          | 100%               | 100%                | 5%                  | 100%                          | 100%                             | 5%                                |

**Source:** Shared Parking Planning Guidelines, Institute of Transportation Engineers.

\*Some specific uses have different occupancy rates. Check under "Specific Commercial Uses" with the rest of the table.

(4) Increases or reductions in excess of those identified herein shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses, procedures, and upon the finding that the increase or reduction is needed.

(Ord. 4567, 05-04-04; Ord. 4930, 10-03-06; Ord. 5118, 3-18-08; Ord. 5297, 12-15-09; Ord. 5435, 8-16-11)

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*Submitted by Commissioner Tom Brown at the 07-13-2015 meeting*

**ADM 15-5088 Non-residential Parking Requirements (UDC CH 172.05)**

1. We live in a city with an urban form that has historically been influenced by the automobile. Our goal is to transition to a more walk able, bike able, transit orientated urban environment, but it will take time.
2. Eliminating minimum non-residential parking standards (ratios) may help push us to develop a more walk able, bike able, transit orientated urban form. But, what will be the cost of this abrupt transition? More tension between bordering residential and non-residential uses over limited parking resources or the loss of commercial uses because they are not able to adjust their business model to fewer drive in costumers.
3. Minimum non-residential parking standards (ratios) are an important tool in managing the impacts of limited parking resources on the city.
4. Along the urban transect, the minimum non-residential parking standard in the city's Agricultural and Rural Residential areas provide us with a tool to require drainage and vegetation mitigation in response to excess impervious surface conditions that may result when developers request parking in excess of the parking minimum.
5. While at the other end of the transect, in City Neighborhood and Urban Center areas where densities and land values are greater the minimum non-residential parking standards can be used to manage the negative impacts of new developments on existing adjacent residential uses involving the competition for limited parking resources.
6. At this time, I find it difficult to support the complete elimination of existing minimum parking standards (ratios), because we will need all the tools we have as we transition to a more "walk able, bike able, transit orientated city". But, I am ready to listen as we explore the attractiveness of making the proposed change or any other change in Chapter 172 of the UDC.
7. As an alternative, I would like to offer the suggestion to consider expanding Chapter 172 of the UDC to:
  - Add a citywide provision to give future developers the option of paying a fee in lieu of providing onsite parking that meets the minimum-parking standard.
  - Add reference to the existing down town "in lieu fee" detailed in UBC Chapter 156.03.
  - Add a detailed statement describing the objective of making the City more walk able, bike able and transit orientated.
  - Begin an intensive counseling effort by Planning Staff with future applicants to consider how best Chapters 156 and 172 can be applied.

# Releasing the Parking Brake on Economic Development

Cities flourish with reduced parking requirements.

By **BRIAN CANEPA** and **JOSHUA KARLIN-RESNICK**



**THE COST IS INVISIBLE TO CONSUMERS AND POLICY MAKERS**, but every developer knows just how much parking requirements figure into any pro forma. **↓↑** The minimum requirements in place in most municipalities—one to two spaces per residential unit—add an estimated six to 16 percent to per-unit costs through a combination of construction expenses and the opportunity costs of using a limited development envelope on car storage rather than revenue-generating living space. **↓↑** Requirements for retail uses are often much higher. A recent study by the Transportation Research Board found that parking was oversupplied in mixed use districts by an average of 65 percent, meaning that between four and 10 percent of the added costs—likely much more for nonresidential uses—are pure waste. **↓↑** Developers and planners in Petaluma, California, can attest to the power of eliminating this form of forced waste. Fifteen years ago, Petaluma's Theatre District was marked by surface parking, vacant lots, and derelict industrial buildings. Planners considered it a prime opportunity to extend and reinvigorate its downtown with a mixed use district anchored by a multiscreen cinema. In the end, easing parking requirements in the area became crucial to making that vision a reality. **↓↑** Instead of forcing the developer, Basin Street Properties, to provide as much as one space per 50 or 100 square feet of bar or restaurant, the city allowed the company to determine how much parking was reasonable. Considering the on-street parking supply in the area and how the project's different uses might have different periods of peak parking demand, the developer settled on one space per 300 square feet across the project.

# Getting parking right might be a more dependable and longer lasting form of economic development.

Vin Smith, a planning consultant who represented Basin Street in the planning and entitlement process, says the project would “absolutely not” have penciled out without the city’s flexibility on parking. “We easily saved a floor or two of parking garage construction,” Smith says. At a price tag of roughly \$20,000 per space, that means the reduced parking requirements saved as much as \$3 million.

Little more than a decade later, it’s obvious that the now built-out Theatre District provides a compelling argument for that kind of flexibility. The area is alive on Friday night: Residents are arriving home from work, office workers are heading to happy hour, and people are walking to catch a movie at the 12-screen Boulevard Cinemas, a meal at Bistro 100, or to find something sweet at MoYo’s Frozen Yogurt Lounge. Smith, who lives in the area, says the parking supply is well used but not overloaded.

## A critical time

For the last century or so, cities have been struggling with the paradox of parking: Cars need large amounts of space, but making room for them comes at a direct cost to the vibrancy that makes the people in the cars want to come in the first place.

A 2013 study called “The Effects of Urban Fabric Changes on Real Estate Property Tax,” by researchers at the University of Connecticut, estimated that Hartford dedicates 15 percent of CBD land area—more than 7.5 million square feet—to parking. If each office worker needs 250 square feet of building space (a conservative estimate), that means the city could accommodate 30,000 additional sorely needed jobs if that land were dedicated to one-story office buildings rather than car-storage space.

The same study estimated that if the amount of land dedicated to surface parking had stayed the same as it was in 1950, the annual loss to government coffers would equal nearly \$22 million in Hartford, \$6.5 million in nearby New Haven, and \$3 million in Arlington, Virginia.

The story is doubtless the same in many cities across the country, and the lost economic activity is all the more damaging in an era of tight municipal budgets. Even as the economy recovers from the 2008 financial crisis, every underused parcel in a city’s downtown represents a costly missed opportunity.

Economic development is a central charge of local elected officials and their appointees, and their strategies often take the form of tax breaks for companies that promise a short-term infusion of jobs. Getting parking right might be a more dependable and longer lasting form of economic development.

Consider the examples of Ann Arbor, Michigan; Columbus, Indiana; and Sacramento, California. These three cities—of different sizes, with different development contexts, and in different parts of the country—have each reduced or eliminated off-street parking requirements downtown and in mixed use areas, yielding a range of benefits.

In some places, lifting onerous parking requirements has made infill development more financially viable, opening the door to projects that renew derelict buildings or activate what were previously inactive hardscapes or garbage-strewn lots. For others, it has simplified the development process, speeding the pace of revitalization.

In no cases have the reduced requirements led to the parking shortages or economic losses that are frequently feared.

**Sacramento's sea change**

Developer Michael Heller says that for years, Sacramento was a large central city with lofty, progressive ideals but conservative parking practices that more or less matched those in the suburbs, where land was plentiful enough to make it easy to surround a building with a sea of parking at a reasonable cost. Where land was much scarcer, the requirements led to either scaled down ambitions or time-consuming, costly, and highly political efforts to waive parking requirements and make projects viable.

"On one side of their mouths, everyone at the city was espousing green principles and encouraging transit-oriented development, but on the development-application processing side, you had to deal with this antiquated code," Heller says. "You got pulled in two directions."

All that changed in 2012. The city eliminated parking minimums in its Central Business and Arts and Entertainment districts, reduced minimums in some other parts of the city, and allowed developers to reduce those already lower requirements with programs and facilities that encouraged access by non-auto modes. The changes were rooted in a study that found that even at peak times, between 40 and 65 percent of spaces were unoccupied in five focus areas in central Sacramento.

The reforms have led to a sea change in the development process. Under the old regime, most developers found they simply did not have the land to build all the required parking and would instead apply for a waiver. Processing it would take anywhere from four to eight months and often ended up being a "lose-lose situation," says Greg Sandlund, an associate planner for the city who played a key role in the city's parking-requirement overhaul.

The planning commission and city council denied just one parking ratio waiver between 2000 and 2010, which meant that "the community got worked up and the development was delayed," even though the parking that was ultimately provided was far lower than the code required. "It became a game that only the sophisticated knew how to play," Heller says. "It wasn't a genuine process and it took a lot of time and money."

Today, the city's parking code aligns with the visions espoused in the general plan, allowing planners to simply enter "no planning issues" (that is, no planning problems) on applications for projects that are looking to build the amount of parking developers think is needed to compete in the marketplace. Heller points to two developments to explain how the code update changed his business.

In the mid-2000s, his company built the Midtown Art Retail Restaurant Scene, a block-long, mixed use, adaptive-reuse development in a thriving neighborhood just a few blocks east of the Califor-

**Today,  
Sacramento's  
parking code aligns  
with the visions  
espoused in  
the general plan,  
allowing planners  
to simply enter  
"no planning issues"  
(that is, no  
planning problems)  
on applications  
for projects that  
are looking to build  
the amount of  
parking  
developers think  
is needed to  
compete in  
the marketplace.**

nia state capitol. Heller says it has 55,000 square feet of retail and office space, which means the parking regulations required roughly 150 dedicated parking spaces on a parcel that was already built lot line to lot line, with no room to add vehicle storage.

Heller cobbled together agreements with five small lots near the building to account for some of that parking and had to go to the planning commission to waive the rest of the requirement. The process was "a lot of work" and ultimately delayed the project by several months, he says.

Today, Heller is moving forward on another adaptive reuse project about a mile to the southwest, next to a light-rail station, called the Ice Blocks. With 60,000 square feet of office space, 50,000 square feet of retail, and 150 housing units, the project would have required more than 500 parking spaces under the old regulations. Instead, Heller is providing two spots for every three residential units and minimal parking for the office and retail space, and he will be implementing a robust transportation demand management program to encourage people to come to the site by other modes. The project is moving forward quickly, spared the expense and delays that had been a part of the previous process.

"The city really listened to us on this topic and took bold measures to embrace true green principles in the new parking code," Heller says. "I tip my hat to staff on this because the city is now teed up for real growth with a framework for progressive, thoughtful infill projects."

Sacramento's development market is still stuck in a post-economic-crisis slump, having built just 200 housing units last year, but Sandlund says that sparing developers from building millions of dollars' worth of unneeded parking has helped move more projects into the pipeline. "I don't think there's been an explosion of development, but if anything, at least the parking code isn't getting in the way of development," Sandlund adds.

There is evidence that larger economic impacts are right around the corner. One proposal that entered the pipeline last year was the i15 project, a proposed eight-story mixed use development with 96 residential units, more than 5,000 square feet of ground-floor retail, and zero on-site parking. The regulatory changes have also had a major impact on things like tenant improvements. Whereas transforming a retail space into one suitable for a restaurant, with higher parking requirements, would have required a lengthy trip through the waiver process, such improvements can be made by right today.

**Columbus kicks the rules to the curb**

Those unfamiliar with Columbus, Indiana (pop. 45,000), have no reason to suspect this small city would be on the cutting edge of parking policy. But

→ The 115 multifamily project, now in Sacramento, California's development pipeline, would never have been proposed for a small infill site if on-site parking had been required. Instead, residents with cars will use an adjacent existing public lot; those without cars will have access to Zipcars two blocks away and public transit just a block away.

in 2008, it eliminated parking requirements in its downtown district. The change was part of a larger effort to revitalize the area, and its implementation amounted to a "non-event," rooted in a "shared understanding of where downtown was going," says planning director Jeff Bergman, AICP.

"There was a feeling at the time that the local government, through the zoning ordinance, didn't have nor really could have enough information to accurately regulate parking downtown, not without potentially causing some sort of negative consequence," he says. Without reliable metrics, the city decided to leave these decisions to the market.

Bergman notes that the change has allowed developers and planners to focus on other aspects of projects, instead of getting hung up on whether a project was going to meet its parking requirements. This has led to better developments that reflect the true vision of developers and the needs of their tenants.

As an example, Bergman points to a regional headquarters for the First Financial Bank, in the southwest corner of downtown. The combined bank branch and office building development opened in 2014 with 62 surface parking spaces, built to accommodate the anticipated needs of employees traveling to the office for regular meetings.

Parking was a non-issue during the development approval process. And the limited parking approach has been successful from the developer's perspective.

The Cole, a four-story mixed use residential building across the street, is another development that has gone up since the regulatory change. The project wrapped around a redevelopment authority-sponsored parking garage that was already going up on the same block, and the developer was able to negotiate with the authority to reserve 200 spaces for use by the 146 residential units in the new building.

Developer Matt Griffin, who led the effort for the Buckingham Companies, says the Cole shows that eliminating parking requirements does not mean developers will stint on parking. In the case of the Cole and infill projects in other places, it has simply meant he has had the flexibility to provide only the amount of parking that his company thought was truly needed for the developments to succeed.

"Most jurisdictions are coming around to the point that at least for multifamily projects, it's our business, and if we underpark ourselves, we're going to destroy our primary cash flow," Griffin says.



### Ann Arbor at the forefront

Although it is near the epicenter of the auto industry, Ann Arbor was an early trendsetter in minimizing the role of parking in the development equation; it eliminated most of its downtown parking requirements in the 1960s. Coupled with a long-standing commitment to building publicly owned and managed structured parking and pricing it at market rates, the lack of requirements laid the groundwork for what is one of Michigan's most vibrant downtowns. Ann Arbor boasts retail occupancy rates that are among the highest in the state and a mere three percent residential vacancy rate.

According to the city's zoning code, downtown projects that adhere to the letter of the code are not required to provide any parking, and those that exceed floor-area limits are required to provide just one space per 1,000 square feet of additional floor area, far lower than typical requirements.

Susan Pollay, executive director of the city's Downtown Development Authority, says the low requirements have had a direct impact on the city's development environment. "There has been a strategy that from the beginning [eliminated] parking at the heart of our zoning, so we've been able to build a strong downtown core," she says.

Over the years, developers have steadily gobbled up surface parking lots for projects. Of late, the focus has been in the area around East Washington and South Division streets. On that corner, Pollay says, a small building surrounded by surface parking was recently replaced by a 10-story residential building with a grocery store and fast-food restaurant on the ground floor and far less parking than zoning codes typically require.

## BUFFALO, NEW YORK

**“People walked around downtown and saw all this surface parking that is ample and underpriced and said, ‘We want development here, we want buildings here.’”**

**DANIEL HESS,**  
associate professor  
of urban and regional  
planning, University of  
Buffalo

Next door, another residential high rise went up on a lot with a low building and surface parking lot. Across Washington, the McKinley Towne Center filled in its driveway with a new retail building to create a steady, active street front along East Liberty Street.

Across downtown, at the corner of Huron and Ashley streets, a recently built mixed use residential high rise with minimal parking will soon be joined by a new hotel that will provide no parking, replacing another low-density development surrounded by a sea of asphalt. There is plenty of parking in a city-owned parking garage down the block.

The University of Michigan’s tens of thousands of students, faculty, staff, and supporters provide a sizable and steady market for Ann Arbor businesses, which are located close to the campus. But the city shows that the fears that drive policy makers to err on the side of oversupplying parking are largely unfounded. If a tight parking supply really limited an area’s economic potential, Ann Arbor businesses would be struggling, university or not. Instead, despite high parking prices and long wait lists for garage permits, the development market could scarcely be hotter.

“Apartments are filled to the brim,” Pollay says. “If parking was the driving factor, that wouldn’t be the case because none of them are providing parking at the rates that would typically be required.”

#### An idea spreads

Buffalo, New York, may soon become the next example—and the biggest to date—of what can happen when a city takes parking out of the development-review process. At press time, the city was about to become the first in the country to eliminate parking re-

quirements citywide, in hopes of spurring development on some of its many surface parking lots.

The change was part of a zoning code update that was focused on revitalizing the city’s downtown, which today contains two parking spaces for every job. City officials saw those parking spaces as a massive opportunity.

“People walked around downtown and saw all this surface parking that is ample and underpriced and said, ‘We want development here, we want buildings here,’” says Daniel Hess, an associate professor of urban and regional planning at the University of Buffalo who has studied the city’s zoning code reform process.

That a Rust Belt city like Buffalo has eliminated parking minimums is evidence that we have come a long way in how we think about downtown development. The idea that providing ample parking was the key to economic success has begun to give way to the realization that too much parking can cause economic stagnation. Sacramento, Columbus, Ann Arbor, and, soon, Buffalo are leading examples of how much economic development potential is sitting right under many cities’ tires. ■

Brian Canepa is a principal and chief growth officer at Nelson\Nygaard Consulting Associates. Joshua Karlin-Resnick is an associate there. They worked on the Sacramento zoning code update and on Petaluma’s Theatre District development.

*Parking Requirement Impacts on Housing Affordability*, by the Victoria Transportation Policy Institute: [vtpi.org/park-hou.pdf](http://vtpi.org/park-hou.pdf).

*Parking in Mixed-Use Districts*, by Rachel Weinberger and Joshua Karlin-Resnick, presented at the 94th annual Transportation Research Board meeting in 2015.

# Putting a Cap on Parking Requirements

A way to make cities function better. By **DONALD SHOUP, FAICP**

Suppose the automobile and oil industries have asked you to devise planning policies that will increase the demand for cars and fuel. Consider three policies that will make cars essential for most trips. First, segregating land uses (housing here, jobs there, shopping somewhere else) will increase travel demand. Second, limiting density will spread the city and increase travel demand. Third, minimum parking requirements will ensure ample free parking almost everywhere, making cars the default way to travel.

American cities have unwisely embraced each of these car-friendly policies, luring people into cars for 87 percent of all their daily trips. Zoning ordinances that segregate land uses, limit density, and require lots of parking create drivable cities but prohibit walkable neighborhoods. Urban historians often say that cars have changed the city, but public policies have also changed the city to favor cars.

Minimum parking requirements are particularly ill-advised. In my book *The High Cost of Free Parking*, I argued that parking requirements subsidize cars, increase traffic congestion and carbon emissions, pollute the air and water, encourage sprawl, raise housing costs, degrade urban design, reduce walkability, exclude poor people, and damage the economy. To my knowledge, no one has argued that parking requirements do not have these harmful effects. Instead, a flood of recent research has shown that parking requirements do have these effects.

## The high cost

Planners are put in a difficult position when asked to set parking requirements in zoning ordinances, largely because they do not know the parking demand at every site, or how much the parking spaces cost, or how the requirements increase the cost of development. Nevertheless, cities have managed to set parking requirements for hundreds of land uses in thousands of cities—the Ten Thousand Commandments for off-street parking.

Not knowing how much required parking spaces cost, planners cannot know how much the parking requirements increase the cost of housing. Small, spartan apartments cost much less to build than large, luxury apartments, but their parking spaces cost the same. Because many cities require the same number of spaces for all housing, the cost of required parking can consume the entire

subsidy intended for affordable housing.

Minimum parking requirements resemble an Affordable Parking Act. They make parking more affordable by raising the cost of housing and everything else. Using data on the cost of constructing parking spaces and shopping centers, I estimated that the parking requirement of four spaces per 1,000 square feet for a shopping center in Los Angeles increases the cost of building a shopping center by 93 percent if the parking is underground and by 67 percent if the parking is in an aboveground structure.

This cost increase is passed on to all shoppers. Parking requirements raise the price of food for people who are too poor to own a car to ensure that richer people can park free when they drive to a grocery store.

## The median is the message

A single parking space can cost far more than the entire net worth of many American families. In recent research, I estimated that the average cost per space for parking structures in the U.S. is about \$24,000 for aboveground parking and \$34,000 for underground parking. We can compare the cost of a parking space with the net worth of U.S. households (the value of all assets minus all debts). In 2011, this median net worth was \$68,828 for all U.S. households, \$7,683 for Hispanic households and \$6,314 for black households.

Thus one underground parking space can cost five times more than the median net worth for all black households in the country. Nevertheless, cities require several parking spaces (at home, work, shopping, recreation, churches, schools, and many other places) for every household.

Many families have a negative net worth because their debts exceed their assets. Eighteen percent of all households, 29 percent of Hispanic households, and 33 percent of black households had zero or negative net worth in 2011. The only way these families can take advantage of all the parking cities require is to go further into debt to buy a car, which they must then support, often by financing it at a high subprime interest rate on a car loan.

In other words, cities require parking for every building without noticing the high cost of the required spaces or the burden placed on families who have little or no wealth.

## Time for reform

Perhaps because of the growing doubts about minimum parking requirements, a few cities have begun to backpedal, at least in their downtowns. They recognize that parking requirements prevent infill redevelopment on small lots, where it is difficult and costly to fit both a new building and the required parking. And they see that parking requirements prevent new uses when older buildings lack the parking spaces required for those new uses.

'A city can be friendly to people or it can be friendly to cars, but it can't be both.'

—ENRIQUE PEÑALOSA, FORMER MAYOR OF BOGOTA, COLOMBIA

According to recent newspaper articles, many cities have reduced or removed their parking requirements. Some of the reasons: "to promote the creation of downtown apartments" (Greenfield, Massachusetts), "to see more affordable housing" (Miami), "to meet the needs of smaller businesses" (Muskegon, Michigan), "to give business owners more flexibility while creating a vibrant downtown" (Sandpoint, Idaho), and "to prevent ugly, auto-oriented townhouses" (Seattle).

Given this policy momentum, I thought the time to reform parking requirements in California had arrived when the legislature considered Assembly Bill 904 (the Sustainable Minimum Parking Requirements Act of 2012). AB 904 would have set an upper limit on how much parking cities can require in transit-rich districts: no more than one space per dwelling unit or two spaces per 1,000 square feet of commercial space. The bill defined these districts as areas within a quarter-mile of transit lines that run every 15 minutes or better.

AB 904 would limit how much parking cities can require, but it would not limit the parking supply. Developers could provide more than the required parking if they thought the demand justified the cost.

Why would a state want to adopt this policy? Federal and state governments give cities billions of dollars every year to build and operate mass transit systems, yet most cities require ample parking on the assumption that almost everyone will drive almost everywhere, even where public transit is available.

Twenty public transit lines serve the UCLA campus in Westwood, with 119 buses per hour arriving during the morning peak (7 to 9 a.m.). Nevertheless, across the street from campus, Los Angeles requires 3.5 parking spaces for every apartment that contains more than four rooms.

Los Angeles is building its Subway to the Sea under Wilshire Boulevard, which already boasts the city's most frequent bus service. Nevertheless, along parts of Wilshire the city requires at least 2.5 parking spaces for each dwelling unit, regardless of the number of rooms.

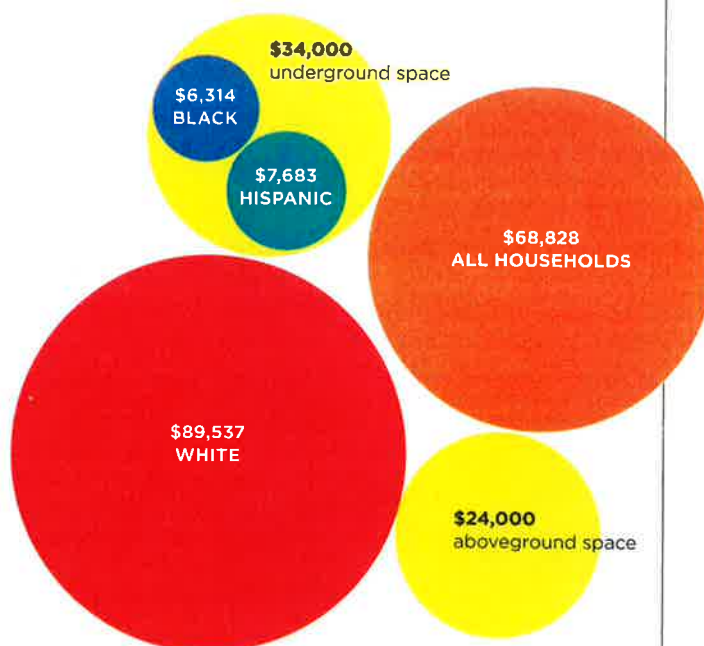
Also on Wilshire Boulevard, Beverly Hills requires 22 parking spaces per 1,000 square feet for restaurants, which means the parking lot is seven times larger than the restaurant. Public transit in this parking environment resembles a rowboat in the desert.

### Why limit parking requirements?

The rationale for a limit on parking requirements in transit-rich districts is the same as the rationale for most city planning: The uncoordinated actions of many individuals can add up to a collective result that most people dislike. In this case, minimum parking requirements create an asphalt wasteland that blights the environ-

### Parking inequity

The cost of one structured parking space far exceeds the median net worth of minority households.



SOURCES: U.S. CENSUS BUREAU, NET WORTH AND ASSET OWNERSHIP, 2011; DONALD SHOUR, IN *PARKING: ISSUES AND POLICIES*, 2014; GRAPHIC BY JOAN CAIRNEY

ment and compels people to drive. Limits on the parking requirements in transit-rich neighborhoods can reduce this blight by making redevelopment more feasible near transit stations.

How will reducing off-street parking requirements affect development? Zhan Guo and Shuai Ren at New York University studied the results when in 2004 London shifted from minimum parking requirements with no maximum to maximum parking limits with no minimum. Comparing developments completed before and after the reform, they found that the parking supplied after the reform was only 68 percent of the maximum allowed and only 52 percent of the previous minimum required.

This result implies that the previous parking minimum was almost *double* the number of parking spaces that developers would have voluntarily provided. The researchers concluded that removing the parking minimum caused 98 percent of the reduction in parking spaces, while imposing the maximum caused only two percent of the reduction. Removing the minimum was far more important than imposing a maximum.

Cities usually require or restrict parking without considering the middle ground of neither a minimum nor a maximum. This

behavior recalls a Soviet maxim: "What is not required must be prohibited." AB 904, however, was something new. It did not restrict parking but simply imposed a cap on minimum parking requirements, a far milder reform.

Aided by lobbying from the California Chapter of APA, opponents succeeded in defeating AB 904 in the legislature, but it has since been resurrected and revised, and will be reintroduced as a new bill in the next session.

There have been precedents for statewide limits on parking requirements. Oregon's *Transportation Systems Plan* requires local governments to amend their land-use and subdivision regulations to achieve a 10 percent reduction in the number of parking spaces per capita. The United Kingdom's transport policy guidelines for local planning specify that "plans should state maximum levels of parking for broad classes of development. . . . There should be no minimum standards for development, other than parking for disabled people."

These attempts to take state and national concerns into account suggest that, when left to their own devices, local governments require too much parking.

### An arranged marriage

Many people believe that America freely chose its love affair with the car, but I think there was an arranged marriage. By recommending minimum parking requirements in zoning ordinances, the planning profession was both a matchmaker and a leading member of the wedding party.

Unfortunately, no one provided a good prenuptial agreement. Planners can now become marriage counselors or divorce lawyers where the relationship between people and cars no longer works well. Putting a cap on parking requirements is a good place to start.

Donald Shoup is a distinguished professor of urban planning at the University of California, Los Angeles, and the author of *The High Cost of Free Parking*, published in paperback by APA's Planners Press in 2011. He will retire later this year, and UCLA is launching a scholarship in his name. Details are at [shoupista.com](http://shoupista.com).

### RESOURCES

#### FROM APA

*The High Cost of Free Parking*, by Donald Shoup, APA Planners Press, 2011 (paperback).

#### MORE

California Assembly Bill 904. The Sustainable Minimum Parking Requirements Act of 2012: [shoup.bol.ucla.edu/AssemblyBill904.pdf](http://shoup.bol.ucla.edu/AssemblyBill904.pdf).

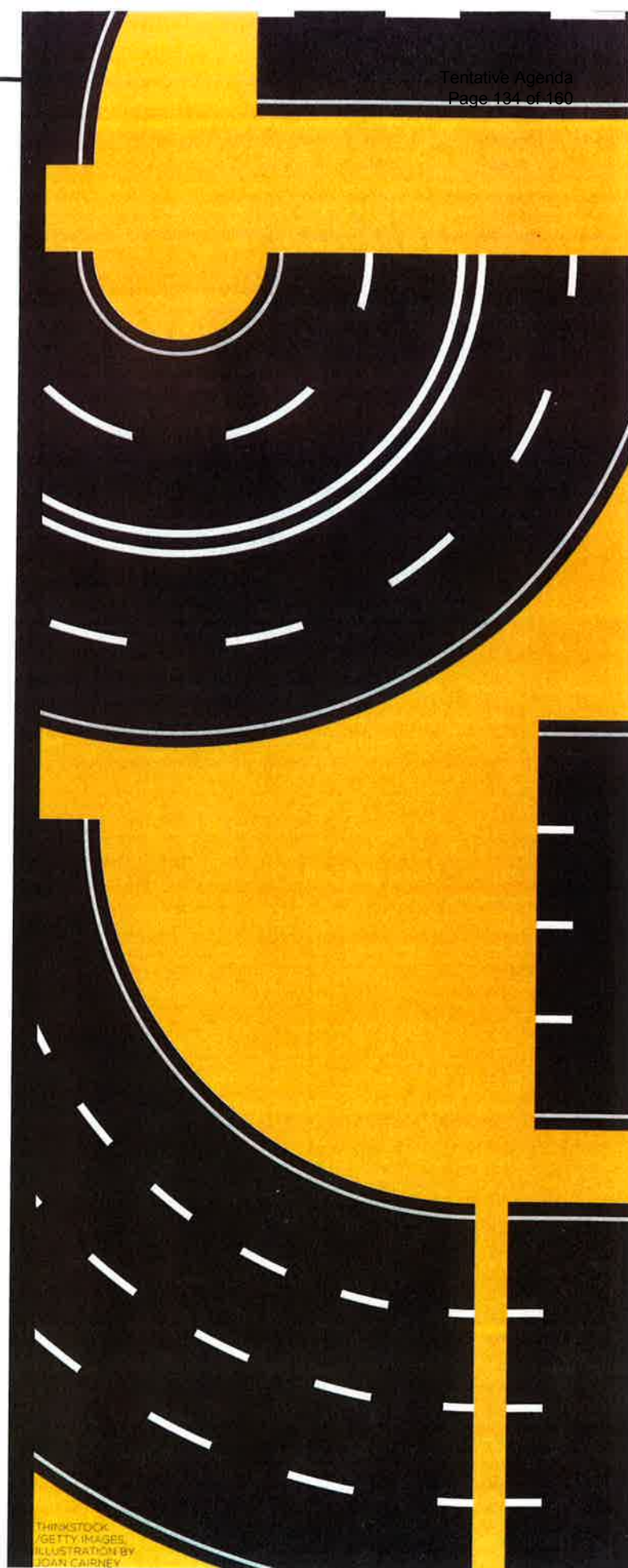
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Letters about AB 904 from mayors, planning academics, planning practitioners, and the California Chapter of APA are available here: [shoup.bol.ucla.edu/LettersAboutAssemblyBill904.pdf](http://shoup.bol.ucla.edu/LettersAboutAssemblyBill904.pdf).

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# The trouble with minimum parking requirements

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## Abstract

Urban planners typically set the minimum parking requirements for every land use to satisfy the peak demand for free parking. As a result, parking is free for 99% of automobile trips in the United States. Minimum parking requirements increase the supply and reduce the price – but not the cost – of parking. They bundle the cost of parking spaces into the cost of development, and thereby increase the prices of all the goods and services sold at the sites that offer free parking. Cars have many external costs, but the external cost of parking in cities may be greater than all the other external costs combined. To prevent spillover, cities could price on-street parking rather than require off-street parking. Compared with minimum parking requirements, market prices can allocate parking spaces fairly and efficiently. © 1999 Elsevier Science Ltd. All rights reserved.

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How can a conceptual scheme that one generation admiringly describes as subtle, flexible, and complex become for a later generation merely obscure, ambiguous, and cumbersome?

Thomas Kuhn

Urban planners set minimum parking requirements for every land use. These requirements typically ensure that developers will provide enough spaces to satisfy the peak demand for free parking. This article examines: (1) how urban planners set parking requirements, (2) how much the required parking costs, and (3) how parking requirements distort the markets for transportation and land. As a way to eliminate this distortion, I will propose that cities should price on-street parking rather than require off-street parking.

## 1. The shaky foundation of minimum parking requirements

Where do minimum parking requirements come from? No one knows. The “bible” of land use planning, F. Stuart Chapin’s *Urban Land Use Planning*, does not mention parking requirements in

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## SELECTED LAND USES WITH MINIMUM PARKING REQUIREMENTS

|              |                        |                         |
|--------------|------------------------|-------------------------|
| Asylum       | Indoor Soccer Facility | Rifle Range             |
| Bingo Parlor | Junkyard               | Slaughterhouse          |
| Convent      | Kenel                  | Taxi Stand              |
| Diet Clinic  | Landfill               | Ultra-Light Flight Park |
| Exterminator | Massage Parlor         | Veterinarian            |
| Fraternity   | Night Club             | Wastewater Treatment    |
| Gunsmith     | Oil Change Shop        | Zoo                     |
| Horse Stable | Pet Cemetery           |                         |

Source: Selected from the minimum parking requirements for 179 land uses in Planning Advisory Service (1991, 3).

Fig. 1. Selected land uses with minimum parking requirements.

any of its four editions.<sup>1</sup> The leading textbooks on urban transportation planning also do not mention parking requirements.<sup>2</sup> This silence suggests that planning academics have not seriously considered – or even noticed – the topic.

This academic neglect has not prevented practicing planners from setting parking requirements for every conceivable land use. Fig. 1 shows a small selection of the myriad land uses for which planners have set specific parking requirements. Without training or research, urban planners know exactly how many parking spaces to require for bingo parlors, junkyards, pet cemeteries, rifle ranges, slaughterhouses, and every other land use.

Richard Willson (1996) surveyed planning directors in 144 cities to learn how they set parking requirements. The two most frequently cited methods were “survey nearby cities” and “consult Institute of Transportation Engineers (ITE) handbooks”. Both strategies cause serious problems.

### 1.1. Survey nearby cities

Although surveying nearby cities seems a sensible way to set parking requirements, the Planning Advisory Service (1971), pp. 1–3) explains a serious problem with this approach:

Since the establishment of the principle that zoning ordinances may legally require the provision of off-street parking, ordinance drafters have been asking questions like: “How many spaces should be provided for a drive-in restaurant?” – or any other land use for that matter. The question is typically answered by relying upon what ordinances for other jurisdictions require... The implicit assumption is that other areas must know what they are doing (the ordinances were adopted, after all) and so it is a relatively safe bet to adopt a parking standard “close to the average”. *This may simply result in a repetition of someone else’s mistakes.* Nevertheless, the planner who needs to present a numerical standard by the next planning commission meeting cannot answer the original question by saying, “I don’t really know” (italics added).

Setting parking requirements by relying on what other cities require not only risks repeating someone else’s mistakes, but also fails to reveal where the requirements came from in the first place.

<sup>1</sup> See Chapin (1957, 1965), Chapin and Kaiser (1979) and Kaiser et al. (1995).

<sup>2</sup> See Dickey (1983), Hanson (1995), Meyer and Miller (1984) and Papacostas and Prevedouros (1993).

## 1.2. Consult ITE handbooks

To base parking requirements on more objective data, planners consult *Parking Generation*, published by the Institute of Transportation Engineers. For each land use, this publication reports the “parking generation rate”, defined as the peak parking occupancy observed in surveys by transportation engineers.

A vast majority of the data... is derived from suburban developments with little or no significant transit ridership... The ideal site for obtaining reliable parking generation data would... contain ample, convenient parking facilities for the exclusive use of the traffic generated by the site... *The objective of the survey is to count the number of vehicles parked at the time of peak parking demand* (Institute of Transportation Engineers, 1987a, vii–xv, italics added).

The ITE summarizes the survey results and reports the average peak parking occupancy observed at each land use as the parking generation rate for that land use. Half of the 101 reported parking generation rates are based on four or fewer surveys of parking occupancy, and 22% of the parking generation rates are based on a single survey.

Because parking is free for 99% of all automobile trips in the United States, parking must be free at most of the ITE survey sites.<sup>3</sup> Parking generation rates therefore typically measure the peak demand for parking observed in a few surveys conducted at suburban sites that offer ample free parking and lack public transit. Urban planners who use these parking generation rates to set minimum parking requirements are making a big mistake.

*Parking Generation* is a questionable resource for several reasons. First, parking generation rates are inflated by the ample free parking. Second, no information is provided on several key issues. Why and where were the surveys conducted? How long did the surveys last? How long did the peak parking occupancy last? Finally, nothing is said about off-peak parking occupancy. *Parking Generation* raises more questions than it answers.

Fig. 2 shows the *Parking Generation*’s report for one land use, fast-food restaurants. At the 18 survey sites parking generation ranges from 3.55 to 15.92 parking spaces per 1000 square feet of floor area.<sup>4</sup> The  $R^2$  of 0.038 shows that the variation in floor area accounts for less than 4% of the variation in peak parking occupancy. Parking generation is essentially unrelated to floor area in the sample. Nevertheless, the *average* parking generation rate – normally interpreted as *the* relationship between parking demand and floor area for a land use – is reported as *precisely* 9.95 parking spaces per 1000 square feet of floor area.

Urban planners who consult ITE publications act like frightened natives before a powerful totem. For example, the median parking requirement for fast-food restaurants in the US is 10 spaces per 1000 square feet of floor area, the same as the ITE’s average parking generation

<sup>3</sup> For all automobile trips made on the previous day, the 1990 Nationwide Personal Transportation Survey (NPTS) asked 48,000 respondents, “Did you pay for parking during any part of this trip”? Ninety-nine percent of the 56,733 responses to this question were “No”.

<sup>4</sup> Gross floor area is the building’s total floor area, including cellars, basements, corridors, lobbies, stairways, elevators, and storage. Gross floor area is measured from the building’s outside wall faces.

# FAST FOOD RESTAURANT WITH DRIVE-IN WINDOW (836)

Peak Parking Spaces Occupied vs: **1,000 GROSS SQUARE FEET LEASABLE AREA**

On a: **WEEKDAY**

## PARKING GENERATION RATES

| Average Rate | Range of Rates | Standard Deviation | Number of Studies | Average 1,000 GSF Leasable Area |
|--------------|----------------|--------------------|-------------------|---------------------------------|
| 9.95         | 3.55–15.92     | 3.41               | 18                | 3                               |

## DATA PLOT AND EQUATION

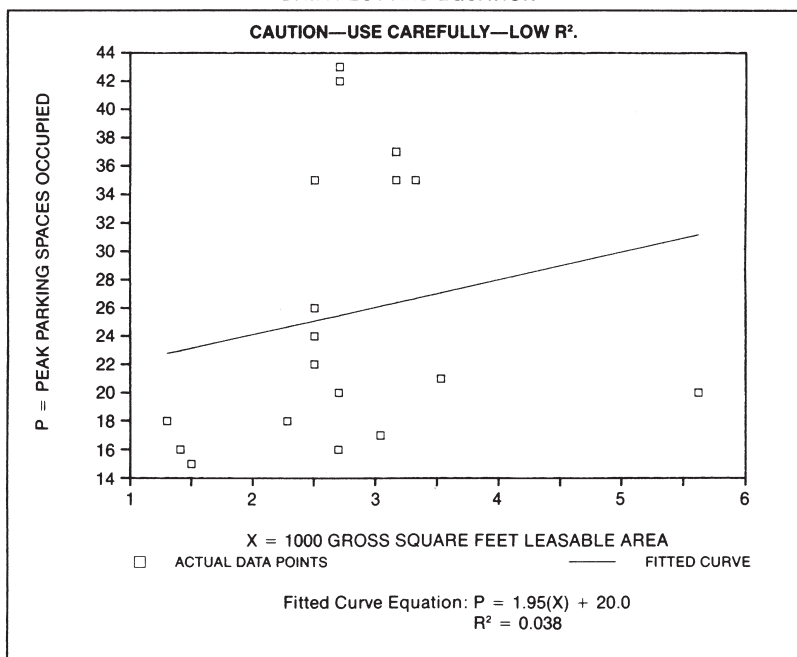


Fig. 2. Parking generation at fast food restaurants with drive-in windows. Source: Institute of Transportation Engineers (1987a, p. 146).

rate.<sup>5</sup> Beyond the ITE's impressive professional reputation, the ITE data appeal to urban planners because minimum parking requirements are intended to meet the peak parking demand, and no one else provides systematic data that relate peak parking demand to land use.

## 2. Minimum parking requirements inflate trip generation rates

How do minimum parking requirements affect the demand for vehicle trips? The ITE publishes *Trip Generation* to show the demand for vehicle trips associated with various land uses. For each

<sup>5</sup> The Planning Advisory Service (1991) surveyed the parking requirements in 127 cities. The median of 10 spaces per 1000 square feet is for the cities that base their requirements on gross floor area.

land use, this publication reports the “trip generation rate”, defined as the number of vehicle trips that begin or end at a land use during a given period. In choosing a survey site the Institute of Transportation Engineers (1987b), p. 23) recommends, “the site should be self-contained with adequate parking not shared by other activities”.

Half of the 1533 reported trip generation rates are based on four or fewer surveys, and 26% of the trip generation rates are based on a single survey. As with *Parking Generation*, the survey sites probably offer free parking. The trip generation rates therefore typically measure the number of automobile trips observed in a few surveys conducted at sites with free parking. Free parking inflates the trip generation rates because vehicle trip demand is higher where the price of parking is lower.

Fig. 3 shows *Trip Generation*’s report for fast-food restaurants. It shows the total number of vehicle trips to and from each survey site during a 24-h period from Monday to Friday. Trip

### FAST FOOD RESTAURANT WITH DRIVE-THROUGH WINDOW (834)

Average Vehicle Trip Ends vs: **1,000 SQUARE FEET GROSS FLOOR AREA**  
On a: **WEEKDAY**

#### TRIP GENERATION RATES

| Average Weekday Vehicle Trip Ends per 1,000 Square Feet Gross Floor Area |                  |                    |                   |                               |
|--------------------------------------------------------------------------|------------------|--------------------|-------------------|-------------------------------|
| Average Trip Rate                                                        | Range of Rates   | Standard Deviation | Number of Studies | Average 1,000 Square Feet GFA |
| 632.125                                                                  | 284.000–1359.500 | *                  | 8                 | 3.0                           |

#### DATA PLOT AND EQUATION

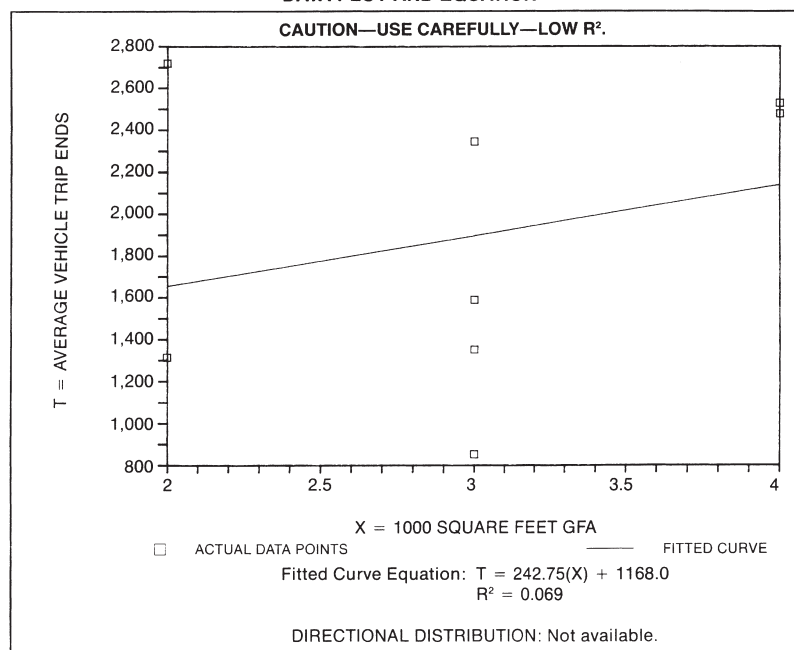


Fig. 3. Trip generation at fast food restaurants with drive-through windows. Source: Institute of Transportation Engineers (1987b, p. 1119).

generation ranges from 284 to 1,359.5 vehicle trips per day per 1000 square feet of floor area among the eight survey sites. The  $R^2$  of 0.069 shows that the variation in floor area accounts for less than 7% of the variation in vehicle trips. Trip generation is essentially unrelated to floor area in the sample. Nevertheless, the *average* trip generation rate – normally interpreted as *the* relationship between vehicle trips and floor area for a land use – is reported as *precisely* 632.125 vehicle trips per day per 1000 square feet of floor area.

### 2.1. Parking generation compared with trip generation

To test the reliability of parking and trip generation rates, we can compare the number of vehicle trips per day *to* fast-food restaurants with the peak parking demand *at* fast-food restaurants. The number of daily round trips to a site divided by the number of parking spaces at the site can be interpreted as the parking turnover rate, which is the number of different cars that occupy a parking space during the day. Table 1 shows both the trip generation rates (expressed in round trips, or half the number of trip ends) and parking generation rates per 1000 square feet of floor area for all the land uses that are common between the *Trip Generation* and *Parking Generation* editions published in 1987 (the most recent edition of *Parking Generation*).

The final column of Table 1 shows the parking turnover rate. For example, on an average weekday a fast-food restaurant generates 316.1 vehicle-round-trips and a peak parking occupancy of 10 spaces per 1000 square feet of floor area. Therefore, 32 different cars occupy each parking space during an average day ( $316.1/10$ ).

Table 1  
Trip generation rates compared with parking generation rates (per 1000 square feet)

| Land use                 | Trip generation rate<br>(round trips/day) | Parking generation rate<br>(parking spaces) | Trips per parking space per<br>day (round trips/space) |
|--------------------------|-------------------------------------------|---------------------------------------------|--------------------------------------------------------|
| Manufacturing            | 1.9                                       | 1.6                                         | 1.2                                                    |
| Furniture store          | 2.2                                       | 1.2                                         | 1.8                                                    |
| Industrial park          | 3.5                                       | 1.5                                         | 2.4                                                    |
| Residential condominium  | 2.9                                       | 1.1                                         | 2.6                                                    |
| Quality restaurant       | 47.8                                      | 12.5                                        | 3.8                                                    |
| Warehousing              | 2.4                                       | 0.5                                         | 4.9                                                    |
| Motel                    | 5.1                                       | 0.9                                         | 5.7                                                    |
| Retirement community     | 1.7                                       | 0.3                                         | 6.1                                                    |
| Church                   | 3.8                                       | 0.4                                         | 9.0                                                    |
| Government office        | 34.5                                      | 3.8                                         | 9.0                                                    |
| Discount store           | 35.6                                      | 3.6                                         | 10.0                                                   |
| Hardware store           | 25.6                                      | 2.4                                         | 10.6                                                   |
| Supermarket              | 62.8                                      | 2.9                                         | 21.9                                                   |
| Tennis courts/club       | 16.5                                      | 0.7                                         | 23.2                                                   |
| Fast food w/ drive-thru  | 316.1                                     | 10.0                                        | 31.6                                                   |
| Fast food w/o drive-thru | 388.6                                     | 11.7                                        | 33.3                                                   |
| Bank w/ drive-in         | 145.6                                     | 4.2                                         | 34.4                                                   |
| Bank w/ walk-in only     | 95.0                                      | 0.6                                         | 150.8                                                  |
| Convenience market       | 443.5                                     | 1.4                                         | 314.6                                                  |

Sources: Institute of Transportation Engineers (1987a, b).

The parking turnover rate at furniture stores is only 1.8 cars per parking space per day, implying slow business. At churches it is a busy nine cars per space per day, heralding a religious awakening. At government office buildings it is also nine cars per space per day, suggesting that the state has not withered away. At tennis courts it is 23.2 cars per space per day, implying very short games but many of them.

These turnover rates are unreliable because the underlying parking and trip generation rates are often based on scant evidence (the parking or trip generation rate is based on only one survey for 4 of the 19 land uses). The surveys of parking generation for each land use were probably conducted at different sites and at different times from the surveys of trip generation. These bizarre turnover rates also suggest a more serious problem: the parking and trip generation rates are misleading guides to transportation and land use planning.

## 2.2. *The tail that wags two dogs*

Free parking is an unstated assumption behind both parking generation rates and minimum parking requirements. Transportation engineers do not consider the price of parking as a variable in estimating parking generation rates. Urban planners who set parking requirements make the same mistake. Urban planners interpret the ITE parking generation rates as the demand for parking, neglecting the fact that demand has been observed only where parking is free. The following five steps describe the dysfunctional interaction between transportation engineers and urban planners.

1. Transportation engineers survey parking occupancy at sites that offer ample free parking and lack public transit. The ITE summarizes the peak parking occupancies observed at each land use and reports the parking generation rate.
2. Urban planners use the parking generation rates to set minimum parking requirements for all land uses. Because the required parking supply is so large, the market price of parking is zero, and most new developments offer free parking.
3. Transportation engineers survey vehicle trips to and from sites that offer free parking. The ITE summarizes the data on vehicle trips observed at each land use and reports the trip generation rate.
4. Transportation planners design the roads and highways to satisfy the trip generation rates. Therefore, the transportation system provides enough capacity to satisfy the expected demand for vehicle trips to and from land uses that provide free parking.
5. Urban planners limit land use density so that new development will not generate more vehicle trips than nearby roads and highways can carry.

In this five-step process, the unstated assumption of free parking underpins planning for both transportation and land use. Peak parking occupancy observed at sites that offer free parking becomes the minimum number of parking spaces that all development must provide. Ubiquitous free parking then stimulates the demand for vehicle travel. The observed travel demand becomes the guide for designing the transportation system that brings cars to the free parking. Planners limit development density to prevent traffic congestion around the sites that offer free parking.

Because of this circular reasoning, free parking is the tail that wags two dogs – transportation and land use.

### 3. The cost of complying with minimum parking requirements

Theory and data play small roles in setting parking requirements, and so we should not be surprised that the requirements often look foolish. This foolishness is a serious problem because minimum parking requirements increase development cost and they powerfully shape land use, transportation, and urban form. While urban planners rarely consider the cost of parking requirements, developers rarely have the luxury of *not* considering this cost.

#### 3.1. *The cost of parking spaces*

What does it cost a developer to comply with minimum parking requirements? We can estimate this cost by taking into account the number of required parking spaces and the cost per space. Appendix A presents evidence that aboveground structured parking often costs about US\$10,000 per space and that underground parking often costs about US\$25,000 per space. The most common parking requirement for an office building is four spaces per 1000 square feet of floor area.<sup>6</sup> If aboveground parking costs US\$10,000 per space, the cost of providing the required parking is US\$40 per square foot of floor area ( $4 \times \text{US\$10,000}/1000$ ). If underground parking costs US\$25,000 per space, the cost of the required parking is US\$100 per square foot of floor area ( $4 \times \text{US\$25,000}/1000$ ).

In Los Angeles the average construction cost of an office building, excluding the cost of parking, is about US\$150 per square foot.<sup>7</sup> Therefore, in this example, the cost of four *above-ground* parking spaces per 1000 square feet of office space increases the cost of the office space by 27% ( $\text{US\$40}/150$ ). The cost of four *underground* parking spaces per 1000 square feet of office space increases the cost of the office space by 67% ( $\text{US\$100}/150$ ).

Because motorists park free for most vehicle trips, they clearly do not pay the cost of providing parking spaces. If motorists do not pay for parking spaces, who does? Minimum parking requirements bundle the cost of parking spaces into the cost of development, and thereby increase the cost of all the goods and services sold at the sites that offer free parking. These requirements “externalize” the cost of parking, so that you cannot reduce what you pay for parking by con-

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<sup>6</sup> Two surveys of parking requirements in 117 cities in Southern California suggest that the typical parking requirement for office buildings is 4 spaces per 1000 square feet of floor area. The first survey was conducted in 1975, and it was repeated for the same cities in 1993 (Shoup, 1995). In both years the most frequent parking requirement (the mode) was 4 spaces per 1000 square feet of floor area. Sixty-five percent of the cities that required less than the mode in 1975 had increased their requirement by 1993, and none had reduced it. Eighty percent of the cities that required more than the mode in 1975 had reduced their requirement by 1993, and none had increased it. These changes doubled the percentage of cities requiring 4 spaces per 1000 square feet from 27% in 1975 to 54% in 1993.

<sup>7</sup> The average cost of US\$150 per square foot refers to Class A, steel-framed office buildings. This figure includes construction cost, tenant improvement costs, and “soft” costs such as financing, insurance, and real estate taxes during construction, but excludes the cost of parking. This figure was supplied by the Los Angeles County Assessor.

suming less of it. Minimum parking requirements bypass the price system in the markets for both transportation and land.

### 3.2. *The cost of parking spaces compared with the cost of cars*

Minimum parking requirements increase the supply and reduce the price – but not the cost – of parking. To reveal the size of the resulting subsidy for parking, we can compare the value of parking and cars with what motorists pay for parking and cars.

Table 2 shows the number of registered vehicles and the capital value (in current dollars) of these vehicles for the years 1985–1995.<sup>8</sup> For example, 202 million vehicles were registered in 1995, and this stock of vehicles was valued at US\$1079 billion, or US\$5352 per vehicle.<sup>9</sup> How does this value of vehicles compare with the value of parking spaces?

Minimum parking requirements are intended to satisfy the expected peak demand for parking at every land use – at home, work, school, banks, restaurants, shopping centers, movie theaters, and hundreds of other land uses from airports to zoos. Because the peak parking demands at different land uses occur at different times of the day or week, and may last for only a short time, several off-street parking spaces must be available for every motor vehicle. Although no one knows the number of parking spaces per car, Gruen (1973) estimated that for every car there must be at least one parking space at the place of residence and three to four spaces elsewhere.

Suppose there are four parking spaces per vehicle. If the average vehicle is worth US\$5352 and if there are four parking spaces per vehicle, the average vehicle value per parking space is US\$1338 (US\$5352/4). Therefore, if the average land-and-improvement value of a parking space exceeds US\$1338, the average value of four parking spaces exceeds the average US\$5352 value per vehicle they serve. Because US\$1338 is a very modest sum for both the land and construction cost of a parking space, *the total value of all parking spaces probably exceeds the total value of all vehicles.*

Motorists pay for their vehicles (worth US\$1.1 trillion in 1995) but they park free for 99% of automobile trips.<sup>10</sup> Motorists pay so little for parking because parking requirements bundle the cost of parking into the cost of development. Parking is free for most automobile trips only because its cost has been shifted in to higher prices for everything else. Everyone pays for parking whether they use it or not. Cars have many external costs, but the cost of parking in cities may be

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<sup>8</sup> The US Department of Commerce has estimated the total value of all fixed reproducible tangible wealth in the United States for the years 1929–1995. One category of this wealth is the capital value of all vehicles (cars and trucks). The capital value of an asset in each year is defined as the cumulative value of past gross investment in that asset minus the cumulative value of past depreciation.

<sup>9</sup> Because 65% of all vehicles were more than five years old in 1995, depreciation explains the low average value of US\$5352 per vehicle.

<sup>10</sup> The total receipts of all private and public parking operators in the United States was only US\$4.4 billion in 1992. Private operators received 83% of this revenue, and municipalities received 17%. The 1992 Census Data on Service Industries reports the revenue for private parking facilities, and the 1992 Census of Governments reports revenue from municipal parking facilities. Parking operators *receive* revenue that motorists do not pay when someone else pays it for them—as with validated and employer-paid parking. On the other hand, the Census data do not include the parking receipts of establishments primarily engaged in activities other than parking (department stores, hospitals, and restaurants, for example). If these two factors cancel each other, motorists paid about US\$4.4 billion for parking in 1992.

Table 2  
The value of motor vehicles in the United States

| Year | Registered vehicles<br>(million) | Capital value of vehicles |                            |
|------|----------------------------------|---------------------------|----------------------------|
|      |                                  | Total (US\$ billion)      | Per Vehicle (US\$/vehicle) |
| 1985 | 172                              | 614                       | 3575                       |
| 1986 | 176                              | 688                       | 3918                       |
| 1987 | 179                              | 731                       | 4085                       |
| 1988 | 184                              | 790                       | 4286                       |
| 1989 | 187                              | 833                       | 4446                       |
| 1990 | 189                              | 868                       | 4595                       |
| 1991 | 188                              | 879                       | 4673                       |
| 1992 | 190                              | 910                       | 4778                       |
| 1993 | 194                              | 961                       | 4952                       |
| 1994 | 198                              | 1032                      | 5211                       |
| 1995 | 202                              | 1079                      | 5352                       |

*Sources:* Katz and Herman (1997) for capital values and Federal Highway Administration (1995) for number of vehicles. Values are expressed in current dollars of each year.

far greater than all these other external costs combined. By hiding a huge share of the cost of owning and using cars in cities, minimum parking requirements intensify all the other problems of external cost (such as air pollution and traffic congestion), making an already bad situation far worse.

Minimum parking requirements distort transportation and land use. They are not, however, the first example of an unwise professional practice that has produced unintended consequences. A medical analogy illustrates the problem.

#### 4. An analogy: lead poisoning

Parking requirements in urban planning resemble lead therapy in medicine. Lead has antiseptic properties because it is toxic to microorganisms, and until the 20th century physicians prescribed lead to treat many ailments. One popular medical treatise recommended using lead as a therapy for abscesses, burns, cancer, contusions, gout, gunshot wounds, inflammation, itch, piles, rheumatism, ruptures, sprains, stiffness of the joints, and ulcers.<sup>11</sup>

Early physicians did not realize that lead is toxic to humans, and lead poisoning went largely unnoticed as a medical problem until the end of the nineteenth century. Nevertheless, a few early critics had recognized lead's harmful effects. As a printer, Benjamin Franklin had much contact with lead, and he wrote to a friend in 1786, "The Opinion of this mischievous effect from lead is at least above sixty year old; and you will observe with Concern how long a useful Truth may be known and exist, before it is generally receiv'd and practis'd on."<sup>12</sup>

<sup>11</sup> Goulard (1784), p. 2) says, "when the reader has perused the following treatise he will be inclined to think that this metal [lead] is one of the most efficacious remedies for the cure of most diseases which require the assistance of surgery".

<sup>12</sup> Quoted in McCord (1953), p. 398).

Lead continued to be used as medicine for more than a century after Franklin's warning, and folk remedies continue to use it as an ingredient today. Lead has local antiseptic properties, but any local benefit comes at a high price to the whole person.

#### *4.1. Minimum parking requirements: urban lead therapy*

Like lead therapy, minimum parking requirements produce a local benefit – they ensure that every land use can accommodate all the cars “drawn to the site”. But this local benefit comes at a high price to the whole city. Minimum parking requirements increase the density of both parking spaces and cars. More cars create more traffic congestion, which in turn provokes calls for more local remedies, such as street widening, intersection flaring, intelligent highways, and higher parking requirements. More cars also produce more exhaust emissions (which until recently included lead). Like lead therapy, minimum parking requirements produce a local benefit but damage the whole system.

Minimum parking requirements resemble other primitive medical practices that were adopted without good theory and careful empirical research. Describing a leading medical text written in 1896, Lewis Thomas (1981), p. 40) says.

The public expectation then, as now, was that the doctor would *do something*. There was no disease for which a treatment was not recommended... Every other page contains a new, complex treatment always recommended with the admonition that the procedure be learned by rote (since it rarely made any intrinsic sense) and be performed precisely as described. Acute poliomyelitis had to be treated by subcutaneous injections of strychnine; the application of leeches; the administration of belladonna, extract of ergot, potassium of iodide, and purgative doses of mercury; the layering of thick ointments containing mercury and iodine over the affected limbs; faradic stimulation of the muscles; ice-cold shower baths over the spine; and cupping... each of these with a dosage schedule to be followed precisely, some of them singly, others in various combinations... All of this has the appearance of institutionalized folly, the piecing together of a huge structure of nonsensical and dangerous therapy, and indeed it was. The pieces were thought up and put together almost like thin air, but perhaps not quite. Empiricism made a small contribution, just enough in the case of each to launch it into fashion.

I suspect that, looking backward a century from now, urban planners will see minimum parking requirements to have been no better than physicians now see lead therapy: a poison prescribed as a cure. Like many discredited and abandoned medical practices, minimum parking requirements are A “institutionalized folly”.

Many parking spaces are provided voluntarily rather than in response to requirements. And far from being a poison, parking is an indispensable part of the transportation system. What *is* poisonous, is for planners to require massive overdoses of parking.

Sometimes a disaster must occur to stimulate the reexamination of customary practices. Minimum parking requirements have produced no single disaster, but evidence of their harm confronts us everywhere – traffic congestion, air pollution, energy imports, the orientation of the built environment around the car, perhaps even global climate change. Although not their sole cause, minimum parking requirements magnify all these problems.

Likening parking requirements to lead poisoning is a criticism of current planning practice, not of individual planners. Physicians who prescribed lead were making an honest mistake. Urban planners who prescribe parking requirements are, I believe, also making an honest mistake. Although many planners may agree with this criticism, they may also feel that it is unhelpful unless the critic can propose a better way to deal with the parking problem. I will propose an alternative: *cities should price on-street parking rather than require off-street parking.*

## 5. An alternative: let prices do the planning

Minimum parking requirements are a mistake but they do respond to a real problem – spillover parking. If a land use does not provide enough off-street parking, some motorists drawn to the site will park on nearby streets, competing for the scarce curb parking supply. Urban planners know that this spillover parking creates enormous political problems. If spillover parking from a new development congests the adjacent curb parking, everyone nearby will angrily ask planners and politicians, “How could you let this happen”?

To prevent parking spillover where adjacent curb parking is free, new land uses must provide enough off-street spaces to satisfy the demand for free parking. Free curb parking explains why planners consciously or unconsciously base off-street parking requirements on the demand for free parking. In his survey of planning directors in 144 cities, Richard Willson (1996) asked “Why does your city have minimum parking requirements”? The most frequent response was the circular explanation “to have an adequate number of spaces”. In effect, planners treat free parking as an entitlement, and they consider the resulting demand for free parking to be a “need” they can measure.

Because parking requirements are so ingrained in planning practice, complaining about them may seem futile, like complaining about photosynthesis or gravity. If free parking were an entitlement and the planner’s goal were to prevent parking spillover, requiring enough off-street parking to meet the demand at zero price would make sense. But free parking is *not* an entitlement. As the alternative to requiring off-street parking, consider pricing curb parking.

### 5.1. The market price for curb parking

The market price for curb parking is the price that matches demand with supply and keeps a few spaces vacant. Traffic engineers usually recommend a vacancy rate for curb parking of at least 15% to ensure easy parking access and egress.<sup>13</sup> If cities priced curb parking to balance supply and demand with a few vacant spaces on every block, motorists could always find a convenient parking space close to their final destination.

Fig. 4 illustrates the policy of market prices for curb parking. Because the supply of curb spaces is fixed, the supply of curb spaces available with a 15% vacancy rate is a vertical line positioned above the horizontal axis at an 85% occupancy rate. The demand curve slopes downward, and the market-clearing price of parking occurs where the demand curve intersects the vertical supply

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<sup>13</sup> See Brierly (1972), May (1975) and Witheford and Kanaan (1972).

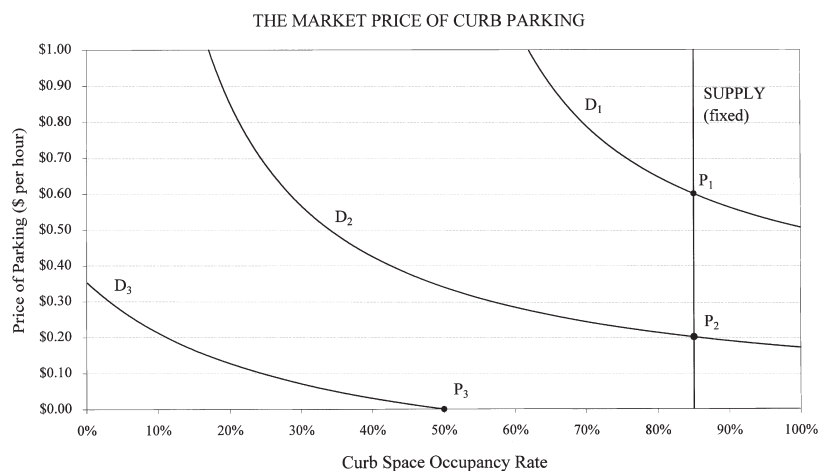


Fig. 4. The market price of curb parking.

curve. For example, when parking demand is high (demand curve  $D_1$ ), the price that will yield a 15% vacancy rate is high ( $P_1$  is 60¢/h). When demand is lower (demand curve  $D_2$ ), a price of only 20¢/h will yield a 15% vacancy rate. When parking demand is lowest (demand curve  $D_3$ ), the vacancy rate will be 50% even when parking is free.

If the price of parking is set too high, many parking spaces remain vacant, and a valuable resource is unused. If the price of parking is set too low, the occupancy rate reaches 100%, and motorists hunting for a vacant space waste time, congest traffic, and pollute the air. Because the demand for parking rises and falls during the day but the supply of parking is fixed, demand-responsive parking prices would necessarily rise and fall to maintain an “inventory” of vacant parking spaces on each block. The lowest price that will yield a vacancy rate of about 15% is the market price of curb parking.

Obviously, prices cannot constantly fluctuate to maintain a vacancy rate of *exactly* 15%, but they can vary sufficiently to avoid chronic over- or under-occupancy. Commercial parking operators always set prices high enough to avoid regularly putting out the “full” sign, and cities could contract with commercial operators to price curb parking properly, if necessary.

## 5.2. Parking benefit districts

Elsewhere I have argued that market prices can effectively regulate the off-street parking supply, and that the government’s chief contribution should be to set market prices for curb parking. I have also argued that, to make this pricing solution politically popular, cities could establish Parking Benefit Districts that dedicate curb parking revenue to pay for public services in the neighborhood where the revenue is collected.<sup>14</sup> If the benefits financed by parking charges were visible and local, residents would want to charge market prices for curb parking for the revenue,

<sup>14</sup> See Shoup (1992, 1994, 1995, 1997) for the proposal to use the revenue from market-priced curb parking to finance neighborhood public services. Several new technologies can charge for curb parking without using conventional parking meters. Cities have also begun to subcontract with private enterprises to collect curb parking revenue.

not because they thought it good public policy. Residents who benefit from parking charges paid by strangers would begin to think like parking lot owners.

The *economic* argument to charge for curb parking is *efficiency* – the benefits would outweigh the costs. The *political* argument to create Parking Benefit Districts is *distribution* – the benefits for neighborhoods would lead residents to vote for the proposal. Parking meters have few friends if their revenue disappears into the city's general fund. Curb parking revenue needs the appropriate recipient – its neighborhood – before residents will recommend market prices for parking. For example, parking revenue could pay to plant street trees, repair sidewalks, or put utility wires underground. Curb parking charges would yield more revenue than the property taxes in many neighborhoods, so many residents could reap enormous benefits. Charging strangers to park in front of your house is like Monty Python's scheme for Britain to tax foreigners living abroad.

Charging for parking does not require a meter at every space. Several payment systems – from high-tech electronic in-vehicle meters and multispace meters to low-tech paper stickers – have eliminated the practical and aesthetic objections to charging for parking. Where the potential revenues are high and the collection costs are low, the transaction costs of charging for parking are not a serious objection. The problem is political, not technical, and dedicating curb parking revenue to its neighborhood can solve the political problem.

## 6. A model of parking choice

If market prices allocated parking spaces, how would motorists decide where to park? A simple model of parking choice will help to answer this question. To anticipate the results, market prices will allocate the most convenient parking spaces to motorists who: (a) carpool, (b) park for a short time, (c) walk slowly, and (d) place a high value on reducing walking time. Conversely, market prices will allocate the peripheral parking spaces to motorists who: (a) drive alone, (b) park for a long time, (c) walk fast, and (d) place a low value on reducing walking time.

### 6.1. Variables in the model of parking choice

Suppose the price of parking is highest at the destinations where parking demand is highest, and that the price declines with distance from these destinations. Since the price of parking increases as you drive toward your destination, you will pay more money to park closer to your destination but you will also spend less time walking from your car to your destination. Given the trade-off between money spent on parking and time spent on walking, where should you park your car and walk the rest of the way?

To find the optimal parking space, consider the following variables (and their dimensions):  $d$  is the distance from parking space to final destination (miles),  $p(d)$  is the price of parking at distance  $d$  from the final destination (US\$/hour),  $t$  is the parking duration (hours),  $w$  is the walking speed from parking space to final destination (miles/hour),  $n$  is the number of persons in the car (persons) and  $v$  is the average value of time spent walking (\$/hour/person).

The total cost associated with parking at any location is the money cost of parking plus the time cost of walking from the parking space to the final destination and back. The money cost of

parking equals the parking duration multiplied by the price per hour, or  $tp(d)$ .<sup>15</sup> The time to walk from the parking space to the final destination and back is  $2d/w$ , the distance walked divided by the walking speed. To convert this time cost of walking into its money equivalent we can multiply the walking time by the dollar value of time,  $v$ . Because everyone in the car,  $n$ , experiences this time cost, the (monetized) cost of time spent walking equals  $2nvd/w$ .<sup>16</sup> At distance  $d$  from the final destination the total cost of parking and walking is therefore

$$tp(d) + 2nvd/w. \quad (1)$$

The first term of the expression is the money cost of parking, and the second term is the (monetized) time cost of walking from the parking space to the final destination and back.

## 6.2. The optimal parking space

What parking location minimizes the total cost of parking and walking? As you drive toward your destination the cost of parking increases and the cost of walking decreases. The minimum total cost of parking *and* walking occurs where the increase in the money cost of parking balances the decrease in the time cost of walking. If the money cost of parking increases *less* than the time cost of walking decreases as you approach your destination, you should keep driving. If the money cost of parking increases *more* than the time cost of walking decreases, you have driven too far.<sup>17</sup>

Differentiating equation (1) with respect to  $d$  and setting the result equal to zero gives the distance from a final destination that minimizes the total cost of parking and walking.

$$t\partial p/\partial d + 2nv/w = 0 \text{ and } -t\partial p/\partial d = 2nv/w. \quad (2)$$

The changes in the money cost of parking ( $t\partial p/\partial d$ ) and the time cost of walking ( $2nv/w$ ) are equal in value and opposite in sign for any small movement from the location that minimizes the total cost of parking *and* walking. A parking space substantially *closer* to your final destination will increase the money cost of parking by more than it reduces the time cost of walking. A parking space substantially *farther* from your destination will increase the time cost of walking by more than it reduces the money cost of parking. The optimal parking space perfectly balances greed and sloth.

<sup>15</sup> I assume that you know how long you want to park. Alternatively, you may know only the expected value of how long you want to park. In either case, you pay only for the exact time that you park. The parking charge is a linear function of the number of minutes you park, with no advance commitment to how long you will park.

<sup>16</sup> The value of time is the price you are willing to pay to reduce the time spent walking between your parking space and your final destination. It will depend on whether you are in a hurry, how tired you are, packages you are carrying, the weather, and many other circumstances that can vary greatly from trip to trip.

<sup>17</sup> This parking location model resembles the Alonso-Mills-Muth housing location model. Muth (1969), p. 22) explains that the equilibrium housing location is where “the reduction in expenditure necessary to purchase a given quantity of housing that results from moving a unit distance away from the market (equals) the increase in transport costs occasioned by such a move”. If we substitute the words “parking” for “housing” and “walking” for “transport” in this extract, Muth is describing the equilibrium parking location. The quantity of space occupied is variable in the housing decision but fixed in the parking decision, while the time that space is occupied is fixed in the housing decision but variable in the parking decision.

### 6.3. An example

Suppose the price of parking is US\$1/h at your destination, and that the price declines with distance from your destination according to the negative exponential formula

$$p(d) = \$1e^{-2d}. \quad (3)$$

Eq. (3) implies that the price of parking,  $p$ , declines with distance,  $d$ , from the center, and that the slope of the curve relating price to distance also declines with increasing distance from the center (see Fig. 5). A negative exponential curve is typical of the relationship between commercial parking prices and the distance from activity centers.

Suppose that you want to park for 4 h ( $t = 4$ ), you are alone ( $n = 1$ ), your time is worth US\$8/h ( $v = \text{US\$8}$ ), and you walk 4 miles an hour ( $w = 4$ ). Fig. 5 shows the cost of parking and of walking as a function of parking  $d$  miles from your destination. The money cost of parking 4 h is  $\text{US\$}4e^{-2d}$ , which declines with distance from your destination.<sup>18</sup> The time cost of walking is  $(2 \times 1 \times \text{US\$8}/4)d$ , which increases with distance from your destination. The total cost of parking and walking (the upper curve in Fig. 5) reaches its minimum value of US\$3.35 at a distance somewhere between 0.3 and 0.4 miles from your destination. To minimize the total cost of parking and walking you should park about a third of a mile from your destination and walk the rest of the way.<sup>19</sup>

Solving Eq. (2) gives the exact distance that minimizes the total cost of parking and walking. Substituting Eq. (3) into Eq. (2) and solving for the optimal distance from a final destination, denoted as  $d^*$ , gives

$$d^* = [-\log_e(nv/tw)]/2. \quad (4)$$

Given the values of  $n = 1$  person,  $v = \text{US\$8 h}$ ,  $t = 4$  h and  $w = 4$  miles an hour, the value for  $d^*$  in Eq. (4) is 0.34 miles. At this distance the price of parking is 50¢/h, so the cost of parking four hours is US\$2. Walking the round trip of 0.68 miles from parking space to final destination and back at four miles an hour will take about 10 min. If time costs US\$8/h, 10 min will cost US\$1.35. The minimum total cost of parking and walking to your destination is thus US\$3.35 for the trip (see Fig. 5).<sup>20</sup>

<sup>18</sup> The exponential relationship implies that the parking price gradient gets steeper as you approach your destination (the absolute value of  $\partial p/\partial d$  increases as  $d$  approaches 0).

<sup>19</sup> Automobile speed and operating cost have been neglected but are easily added to the model. Parking closer to your destination increases driving time and automobile operating cost. Therefore, the total time-and-money cost of driving, parking, and walking is minimized where the total value of driving and walking time saved by parking closer equals the total parking and automobile operating cost added by parking closer. If  $a$  denotes automobile operating cost (US\$/mile), and  $s$  denotes driving speed (miles/hour), total cost is minimized where  $t(\partial p/\partial d) = -2nv(1/w - 1/s) + 2a$ . If  $a$  is low and  $s$  is high, they are negligible parts of the decision, and the solution for  $d^*$  reduces to Eq. (4).

<sup>20</sup> If you want to spend 4 h at your destination, the 10 min walking time must be added to the time at your destination, so the total parking duration will be 4 h and 10 min. The additional parking duration will add another 8.54¢ to the parking cost. This result suggest that you should park a bit closer to your destination when you consider the effect of walking time on the total parking cost. To simplify the discussion, this factor has been neglected. A negative value of  $d^*$  implies that you should park at your destination.

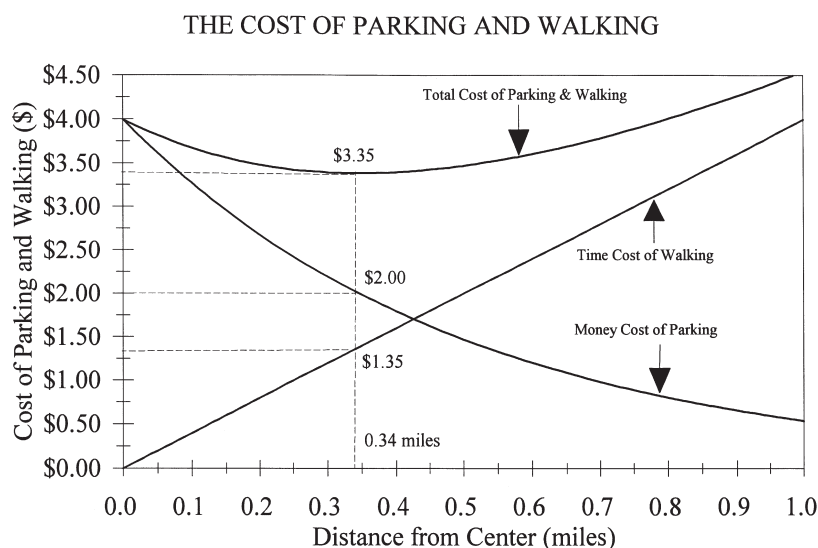


Fig. 5. The cost of parking and walking.

The total money-and-time cost curve is flat between 0.25 and 0.5 miles from the destination because the slopes of the money-parking-cost and monetized-time-cost curves are about equal in absolute value but opposite in sign within this range.<sup>21</sup> The total cost of parking and walking is about US\$3.35 anywhere between 0.25 and 0.5 miles from your destination. Parking less than 0.25 miles or more than 0.5 miles from your destination increases the total cost of parking and walking. For example, the total cost of parking and walking is US\$4 both *at* your destination and also at 0.8 miles *from* your destination.

#### 6.4. Implications of the model

Motorists do not use calculus when choosing where to park. The proposed parking location model merely expresses in mathematical form some of the various factors that motorists surely consider when they pay to park. The model confirms common sense, but several of its predictions are not immediately obvious.

First, the number of persons in a car is as important as the value of their time in determining parking location. For example, a carpool of four people who each value time at US\$5/h ( $nv = 4 \times 5$ ) will choose the same location as a solo driver who values time at US\$20/h

<sup>21</sup> The monetized time cost of walking from your parking space to your destination and back increases with distance from your destination at a constant rate of US\$4 per mile. The money cost of parking decreases with distance from your destination at a rate of US\$4 per mile at 0.34 miles from your destination. At parking locations closer than 0.34 miles from your destination, the money cost of parking decreases with increasing distance from your destination at a rate of more than US\$4 per mile. At parking locations farther than 0.34 miles from your destination, the money cost of parking decreases with increasing distance from your destination at a rate of less than US\$4 per mile.

Table 3  
Elasticity of  $d^*$  with respect to parking choice variables

| Variable                | Partial derivative of $d^*$             | Elasticity of $d^*$ with respect to variable $i$ |
|-------------------------|-----------------------------------------|--------------------------------------------------|
| $t$ (parking duration)  | $\partial d^*/\partial t = +1/(2t) > 0$ | $\epsilon_t = +1/(2d^*) > 0$                     |
| $w$ (walking speed)     | $\partial d^*/\partial w = +1/(2w) > 0$ | $\epsilon_w = +1/(2d^*) > 0$                     |
| $n$ (number of persons) | $\partial d^*/\partial n = -1/(2n) < 0$ | $\epsilon_n = -1/(2d^*) < 0$                     |
| $v$ (value of time)     | $\partial d^*/\partial v = -1/(2v) < 0$ | $\epsilon_v = -1/(2d^*) < 0$                     |

Note:  $d^* = [-\log_e(nv/tw)]/2$  and  $\epsilon_i = (\partial d^*/\partial i)/(d^*/i)$ .

( $nv = 1 \times 20$ ), all else equal. A higher vehicle occupancy and a higher value of time justify parking closer to the final destination.

Second, parking duration is as important as the value of time in determining parking location. For example, a solo driver who values time at US\$10/h and parks for one hour ( $v/t = 10/1$ ) will choose the same location as another solo driver who values time at US\$20/h and parks for two hours ( $v/t = 20/2$ ), all else equal. A shorter parking duration justifies parking closer to the final destination.

Third, the number of persons in a car is as important as parking duration in determining parking location. For example, a solo driver who parks for 1 h ( $n/t = 1/1$ ) will choose the same location as a three-person carpool who park for 3 h ( $n/t = 3/3$ ), all else equal.

Table 3 shows the derivatives and elasticities of the optimal distance,  $d^*$ , with respect to the variables that determine it. The derivative of  $d^*$  is positive with respect to  $t$  and  $w$ , which implies that the longer you park and the faster you walk, the farther away you should park. The derivative of  $d^*$  is negative with respect to  $n$  and  $v$ , which implies that the more people in your car and the higher value of their time, the closer in you should park.

The elasticities of  $d^*$  with respect to the variables that determine it decrease with increasing distance from the center (see Fig. 6). For example, the elasticity of  $d^*$  with respect to the parking duration,  $t$ , is  $+1/(2d^*)$ . At  $d^* = 0.25$  miles from the center, the elasticity of  $d^*$  with respect to  $t$  is  $+2$ , so a 10% decrease in the length of time you want to park will shift your optimal parking location 20% closer to your final destination.<sup>22</sup>

These predictions are consistent with previous research on parking choices. David Gillen (1978) developed a model of parking location choice similar to the one expressed in Eq. (4), although he did not consider the number of persons in a car. Using data from Toronto, Gillen found that motorists who pay for parking by the hour are willing to trade a shorter parking duration for a closer parking location.

Using trip data from Vancouver, Brown and Lambe (1972) showed that allocating parking spaces by market prices will minimize the total walking time from parking spaces to final destinations. A linear programming model that minimizes total walking time predicted commercial off-street parking prices with an average error of only 20%. The price of curb parking was well below the level that would minimize total walking time.

<sup>22</sup> This result follows from the assumed functional relationship between  $p$  and  $d$ . In this particular case, the same relative increase in  $t$ ,  $w$ ,  $n$ , or  $v$  will always produce the same absolute change in  $d^*$ . As  $d^*$  approaches zero, the elasticities approach infinity.

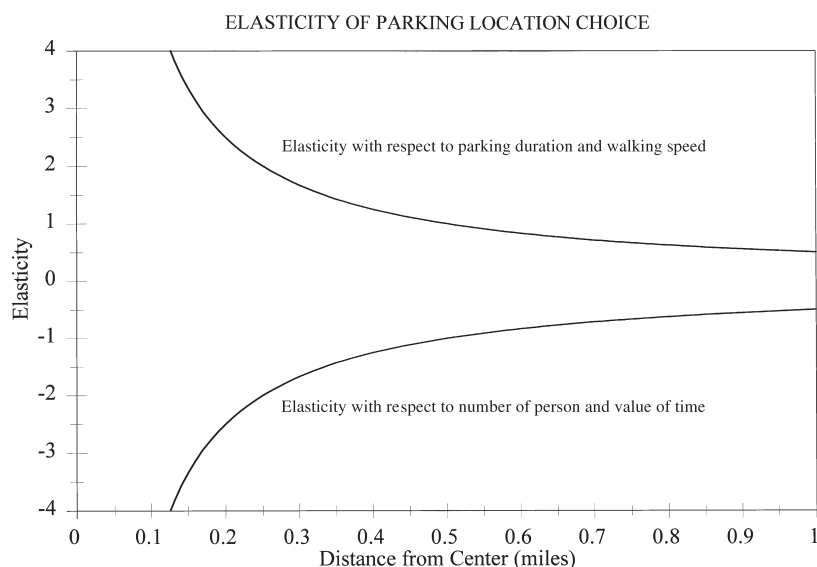


Fig. 6. Elasticity of parking location choice.

Naturally, a simple model of parking prices like the one presented here does not describe most current parking decisions because parking is free for 99% of all automobile trips. The model is a simplified description of parking choice, but its assumptions are far more sensible than the assumptions behind minimum parking requirements.<sup>23</sup>

## 7. Efficiency and equity of charging for curb parking

If curb parking were priced to yield a minimum vacancy rate of about 15% in every location, the resulting price gradients would shift predictably throughout the day as demand shifts. The peak parking prices might occur at employment centers during the day, at entertainment centers during the evening, and in high-density residential areas during the night. Many overlapping price gradients would form a three-dimensional parking price surface whose height at any point is the vertical summation of all the individual gradients. The individual gradients would form around many dispersed centers, like anthills covering a terrain that itself has peaks (the central business districts) and valleys (low density neighborhoods). The price of parking at any location would rise

<sup>23</sup> Several relevant variables and interactions between variables have also been left out of the model. For example, parking closer to your destination incurs additional driving time and automobile expense. How long you want to park depends on the price of parking because you can reduce the parking cost by staying a shorter time at your final destination. How long you want to park also depends on how much time you spend walking because the parking duration is the sum of the time at the final destination and the time walking to and from it. A further complication is that the value of time spent driving can be different from the value of time spent walking.

and fall during the day, and the local peaks would shift around like kittens fighting under a blanket.

### *7.1. Efficiency*

Market prices would allocate parking spaces among motorists in a logical way. The more convenient parking spaces would go to carpoolers, those in a hurry, those who want to park for only a short time, those who have difficulty walking, and those more willing to spend money. The best parking spaces could always be reserved for those with physical disabilities. The more distant parking spaces would go to solo drivers, those with time to spare, those who want to park a long time, those who enjoy walking, and those more eager to save money.

Even if market prices can efficiently allocate a fixed stock of parking spaces, can market forces alone supply enough spaces to meet the demand for parking? If minimum parking requirements are eliminated, the ratio of parking spaces to cars will decline, and the price of parking will rise. This price rise will have two effects on demand and supply.

First, motorists will economize on parking by changing their travel behavior. Shifting to higher occupancy vehicles to spread the cost of parking among more people will reduce the demand for parking. Shifting to walking, cycling, or public transit will also reduce the demand for parking. Shifting vehicle trips to off-peak will reduce the demand for parking at peak hours. Finally, citizens can choose to own fewer cars, and this will reduce the demand for parking.

Second, freed from minimum parking requirements, developers will supply parking spaces in response to parking prices. The higher price of parking will encourage developers to voluntarily supply more parking in places where the resulting revenue will cover the cost of providing the parking. Parking will tend to become unbundled from other transactions, and firms that specialize in providing parking will manage more of the parking supply. Off-street parking prices will tend to cover the cost of providing parking spaces, including the cost of land, and these off-street prices will put a ceiling on the price of adjacent curb parking.

Flexible market prices can equate demand with the fixed supply of parking in the short run, and these prices will signal where the supply can profitably be increased in the long run. The proper role for the government is to price curb parking to maintain a minimum vacancy rate so that parking will always be available if motorists are willing to pay for it.

Market prices for parking resemble a spot market for land. Demand-responsive parking prices would reveal what parking spaces are really worth, and how motorists are willing to change their travel choices to save money on parking. Motorists could choose parking spaces according to how long they want to stay, how many people are in the car, how they value walking time (are they in a hurry? are they carrying heavy packages? are they tired? are they short of money?) and many other circumstances of time and place that only the individual motorists can know.

In contrast to the “spontaneous” order created by market prices and individual choices, urban planners require almost every land use to provide at least enough parking spaces to satisfy the peak demand for free parking. As a result, parking is free for almost every automobile trip because the cost of parking is shifted into higher prices for almost everything else. Minimum parking requirements in zoning ordinances are a disastrous substitute for millions of individual evaluations of what a parking space is worth.

## 7.2. Equity

The proposal to price curb parking rather than require off-street parking raises a serious political question. Is it fair to charge motorists for parking? To judge whether charging for parking is fair, it must be compared with the alternative—minimum parking requirements. Minimum parking requirements force everyone to pay for parking through higher prices for all other goods and services, but everyone does not benefit equally from free parking.<sup>24</sup> On average, households with incomes below US\$10,000 a year own only one car, while households with incomes above US\$40,000 a year own 2.3 cars. Eight percent of non-Hispanic White households, 19% of Hispanic households, and 30% of African-American households do not own a car. In total, 10.6 million American households do not own a car, yet even these households indirectly pay the costs imposed by minimum parking requirements.<sup>25</sup> Because cars are not distributed equally in the population, charging motorists only for the parking they use is fairer than requiring everyone to pay for parking whether they use it or not.

Market prices would *not* allocate the best parking spaces only to the rich. With market prices, motorists can pay less for parking if they carpool, stay for a shorter time, or park farther away, and they will pay nothing for parking if they walk, bicycle or ride public transit. Even those who cannot regularly afford to park in the best spaces can park in them on occasions when time is very important. Because income is only one factor that determines the value of time on a particular trip, and because the value of time is only one factor that determines parking location, income is only one of many factors that determine parking location.

Given the eternal debate on the merits of markets versus planning, many skeptics will distrust using prices to allocate parking spaces. But even those who doubt the ability of markets to allocate resources fairly may agree that relying on prices to allocate curb parking spaces and using the revenue to fund public services will contribute to a host of social, economic, and environmental goals they support.

## 8. Conclusion: time for a paradigm shift

Although it would be presumptuous to call urban planning a science, minimum parking requirements in planning resemble a paradigm in science. According to Thomas Kuhn (1996), a paradigm is a conceptual scheme that has gained universal acceptance throughout a profession, and each profession's practices embody its ruling paradigms.

Kuhn argued that scientific education inculcates in students an intense commitment to the existing scientific paradigms. But planning education ignores parking requirements, and therefore does not inculcate in students any commitment to them. Instead, motorists have come to expect the free parking that the requirements produce. The planning profession's commitment to parking requirements is based not on education and science but on motorists' yearning to park free.

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<sup>24</sup> Shoup (1997) explains how parking requirements increase the price of housing, and Willson (1995) explains how they increase the price of office space.

<sup>25</sup> The 1990 NPTS reports the distribution of vehicle ownership by household income (Pisarski, 1995, pp. 3–24). The 1990 Census reports the distribution of households that do not own a car (Pisarski, 1996, p. 36).

Discussing the difficulty of paradigm shifts in science, Kuhn asks, “How can a conceptual scheme that one generation admiringly describes as subtle, flexible, and complex become for a later generation merely obscure, ambiguous, and cumbersome”?<sup>26</sup> Without doubt, minimum parking requirements are obscure, ambiguous, and cumbersome. In addition, minimum parking requirements impose enormous hidden costs, and they impede our progress toward important social, economic, and environmental goals. Planning for parking deserves a new paradigm.

Minimum parking requirements are based on two highly unreasonable assumptions: (1) the demand for parking does not depend on its price, and (2) the supply of parking should not depend on its cost. This neglect of price and cost stems from a belief that planners can assess community needs and can regulate the land market to meet these needs. Regulation *is* justified in many cases where market prices fail to communicate social costs. But market failure does *not* justify minimum parking requirements.

Letting prices determine the number of parking spaces will transfer to the market an important function that urban planners now perform. But this does not mean an end to planning for parking because planners should regulate many other features of parking that affect the community, such as aesthetics, landscaping, layout, location, pedestrian access, provisions for the handicapped, setback, signage, and stormwater runoff.

Pricing curb parking rather than requiring off-street parking will improve urban design, reduce traffic congestion, restrain urban sprawl, conserve natural resources, and produce neighborhood public revenue. Eliminating parking requirements will also reduce the cost of housing and of many other goods and services. In conclusion, deregulating the quantity and increasing the quality of parking will improve transportation, land use, and the environment.

## Acknowledgements

I am grateful to the Federal Transit Administration and the University of California Transportation Center for financial support. For their many suggestions for improving this paper I am also grateful to Ellison Alegre, Lee Burns, Jeffrey Brown, Eric Carlson, Joy Chen, Elke Daugherty, D. Gregg Doyle, David Gillen, Daniel Hess, Eugene Kim, Kristen Massey, Andrew Mondscheim, Virginia Parks, John Pucher, Thomas Rice, Gian-Claudia Sciara, Patricia Shoup, Seth Stark, Richard Willson, and Matthew Zisman.

## Appendix A. The cost of parking spaces

How much does a parking space cost? This question has no easy answer because the cost of parking depends on the value of land, which varies greatly among sites. But in the case of structured parking we can account for the value of land as its opportunity cost for surface parking. The number of spaces a parking structure adds to the parking supply is the number of

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<sup>26</sup> Kuhn (1957), p. 76) was describing how latter-day astronomers looked back at the Ptolemaic, earth-centered concept of the universe.

parking spaces in the structure minus the number of surface parking spaces lost as a result of building the structure. The structure's construction cost (excluding land value) divided by the number of parking spaces added to the parking supply gives the structure's *cost per parking space added*, which accounts for land value as the opportunity cost of the surface parking spaces lost (Shoup, 1997).

This methodology was used to calculate the construction cost per parking space added by twelve parking structures built on the UCLA campus between 1961 and 1991.<sup>27</sup> Each structure's original cost was converted into dollars of 1998 purchasing power by adjusting for construction cost inflation since the structure was built.

The average cost of the six structures built in the 1960s was US\$13,400 per space added, while the average cost of the six structures built since 1977 was US\$25,600 per space added. The newer parking structures are more expensive because they are smaller and partly or entirely underground, compared with the larger, aboveground structures built earlier. That is, the type of parking structure—not an increase in the real cost of parking spaces (above the rate of inflation of general construction costs)—can explain the higher real cost of new parking spaces.

We can test this hypothesis that the type of parking structure explains the increase in cost after 1977. Since the initial study of the twelve structures built between 1961 and 1991, UCLA has built two new campus parking structures as additions to existing parking structures. The first is a 1995 aboveground addition to the aboveground structure built in 1964. The second is a 1998 underground addition to the underground structure built in 1983. Table 4 compares the cost per parking space added by the two original structures and their subsequent additions. The ENR Construction Cost Index is used to convert the original construction costs to 1998 dollars.

The cost was US\$12,214 per space for the original aboveground structure built in 1964, and US\$14,725 per space for the addition built 31 yr later.<sup>28</sup> The cost was US\$28,540 per space for the original underground structure built in 1983, and US\$26,300 per space for the addition built 15 yr later.<sup>29</sup> The close match between the cost of each original parking structure and the cost of its later

<sup>27</sup> See Shoup (1997) for the details of the cost per parking space added by the twelve parking structures. The 20-city average of the *ENR* Construction Cost Index for 31 March 1998, was divided by the average *ENR* Construction Cost Index for the year in which the parking structure was built. This ratio was then multiplied by the original construction cost to yield the construction cost expressed in dollars of 1998 purchasing power.

<sup>28</sup> The original aboveground structure contains 39% more parking spaces than the aboveground addition, and its footprint is twice as large as that of the addition. Economies of scale help to explain the original structure's lower cost per space. The UCLA parking structures built in the 1960s look like the aboveground parking structures built in suburban areas where vacant land is abundant. In case studies of suburban office developments in Southern California in 1994, Willson (1995), p. 39) found "the average combined land and construction cost for structure parking in the case study sites was US\$12,300 per space". This cost is almost identical to the average cost of US\$12,400 (in 1994\$) per parking space added by the aboveground parking structures built at UCLA in the 1960s.

<sup>29</sup> The underground addition is almost three times the size of the original underground structure, and economies of scale help to explain the newer structure's lower cost per space. The UCLA parking structures built since 1977 are typical of the parking structures built in dense areas where vacant land is scarce. The higher cost of recent parking structures at UCLA thus reflects the higher cost of building parking structures in dense urban areas.

Table 4

Cost of aboveground and underground parking spaces (cost per space added by parking structures in Los Angeles)

|              | Aboveground (UCLA) |               | Underground (UCLA) |               | Underground (Pershing Square) |
|--------------|--------------------|---------------|--------------------|---------------|-------------------------------|
|              | 1964 Structure     | 1995 Addition | 1983 Structure     | 1998 Addition | 1950 Structure                |
| Current US\$ | 1946               | 13,712        | 19,752             | 26,300        | 2500                          |
| 1998 US\$    | 12,214             | 14,725        | 28,540             | 26,300        | 28,800                        |

The original portion of Structure 3, built in 1964, contains 1168 spaces in five aboveground levels; the addition built in 1995 contains, 840 spaces in seven aboveground levels. The original portion of Structure 4, built in 1983, contains 448 spaces in two underground levels; the addition built in 1998 contains 1263 spaces in two underground levels. The Pershing Square Garage in downtown Los Angeles contains 2150 spaces in three underground levels. The ENR Construction Cost Index is used to convert original construction costs to 1998 values.

addition suggests that, after correcting for inflation, the cost of building parking structures has changed little in recent decades.

To test this finding of cost stability, Table 4 also shows the cost of an underground garage constructed beneath Pershing Square in downtown Los Angeles in 1952.<sup>30</sup> When the original cost of US\$2500 per space is converted to its equivalent in 1998 purchasing power, the cost of the Pershing Square garage is US\$25,700 per parking space, very close to the cost of the two underground garages built at UCLA in 1983 and 1998. In real terms, the cost of building underground parking has not changed in half a century.

If these high costs are surprising, it is only because the cost of parking is rarely calculated. Nevertheless, there is other evidence about cost because some cities allow developers to pay a fee in lieu of providing required parking spaces. To justify the in-lieu fees, some of these cities carefully document their cost of providing public parking spaces.<sup>31</sup> In Palo Alto, California, the cost is US\$17,848 per space added by a municipal parking structure. In Lake Forest, Illinois, the cost is US\$18,000 per space for the land and construction cost of surface parking lots. In Walnut Creek, California, the cost is US\$32,400 per space added by a municipal parking structure. In Beverly Hills, California, the average cost was US\$37,000 per space for the estimated land and construction cost of municipal parking structures. The cost of parking spaces at UCLA is thus in line with the cost of parking spaces in cities that allow developers to pay in-lieu fees.

The cost of many surface parking spaces is less than the cost of structured parking spaces, but land values understate the cost of surface parking because developers who are required to provide parking spaces will bid less for land. Therefore, the market value of land subject to a minimum parking requirement will understate the cost of surface parking spaces. For example, when Oakland, California, introduced its parking requirement of one space per 1000 square feet for apartment buildings, land values fell by 33% (Shoup, 1997). Willson (1995) estimated that increasing the parking requirement for office buildings in Southern California by 1.3 spaces per 1000

<sup>30</sup> Klose (1965), p. 190) gives the original cost of constructing the Pershing Square garage.

<sup>31</sup> See Shoup, forthcoming. These costs refer to the values that were used to justify the cities' in-lieu fees in 1996. In Beverly Hills the cost refers to the average estimated land and construction cost of municipal parking spaces for projects that applied to pay the in-lieu fees between 1978 and 1992; the highest cost was US\$53,000 per parking space.

square feet would reduce land values by 32%. Because minimum parking requirements depress land values, low land values do not necessarily imply that minimum parking requirements have a low cost.

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*Agenda Session 8/25/15*

*No  
Changes*

## **City of Fayetteville, Arkansas**

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



### **Meeting Agenda - Tentative Agenda**

**Tuesday, August 25, 2015**

**4:30 PM**

**City Hall Room 326**

### **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*

**ELECTED OFFICIALS:**  
*Mayor Lioneld Jordan*  
*City Attorney Kit Williams*  
*City Clerk Sondra Smith*

**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items:**

2015-0117

QUARTERLY FINANCIAL REPORT - 2ND QUARTER 2015, PAUL  
BECKER, CHIEF FINANCIAL OFFICER

**Agenda Additions:**

**A. Consent:**

~~A. 1~~      2014-0510

APPROVAL OF THE AUGUST 18, 2015 CITY COUNCIL MEETING  
MINUTES.

~~A. 2~~      2015-0349

**ANIMAL SERVICES DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE  
AMOUNT OF \$39,089.00 REPRESENTING DONATION REVENUE TO  
ANIMAL SERVICES FOR THE FIRST AND SECOND QUARTERS OF  
2015

**Attachments:**

2015-0349 Agenda Packet

BA- 1 and 2 Qtr Donation Rev 2015

✓ A. 3      2015-0377**WILLIAMS TRACTOR OF FAYETTEVILLE:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 T590 T4 BOBCAT COMPACT TRACK LOADERS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$101,189.02 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES

**Attachments:**

SRP - Skid Steers TRSW 6016-6017

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A RESOLUTION TO AUTHORIZE THE PURCHASE OF A 2015 FORD F250 4X4 FROM LEWIS FORD OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$23,075.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY PARKS AND RECREATION

**Attachments:**

SRP - Ford Truck PKMN 2194

✓ A. 5      2015-0376**BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$147,170.00 RECOGNIZING PARKLAND DEDICATION FEES FROM THE NORTHWEST AND NORTHEAST QUADRANTS TO BE USED FOR LIGHTING AT BRYCE DAVIS PARK AND IMPROVEMENTS TO LAKE FAYETTEVILLE

**Attachments:**

Legistar packet - PLD NW & NE

BA (Agenda Item) - PLD Revenue Recognition 9-1-15

✓~~A~~. 6      2015-0371

**FAYETTEVILLE ADVERTISING AND PROMOTION  
COMMISSION AMENDMENT NO. 2:**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT WITH THE FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION FOR THE CITY TO PROVIDE OPERATIONAL AND MAINTENANCE SERVICES FOR THE TOWN CENTER PARKING DECK IN EXCHANGE FOR THE USE OF FIFTY-FIVE (55) PARKING SPACES FOR A PERIOD OF ONE YEAR WITH FIVE ADDITIONAL ONE YEAR AUTOMATIC RENEWALS

**Attachments:**

Fayetteville A & P Commission

✓~~A~~. 7      2015-0375

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
RISK MAP PHASE 2:**

A RESOLUTION TO AUTHORIZE THE CITY'S PARTICIPATION IN PHASE 2 OF THE RISK MAP PROGRAM WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE ARKANSAS NATURAL RESOURCES COMMISSION TO UPDATE THE WASHINGTON COUNTY FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AT A COST OF UP TO \$43,658.00

**Attachments:**

2015-0375 FEMA Risk Map Phase 2

✓~~B~~. Unfinished Business: None

✓~~C~~. New Business:

✓~~C~~. 1      2015-0380

**RZN 15-5130 (1285 E. MILLSAP RD./CHRISTIAN LIFE  
CATHEDRAL):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5130, FOR APPROXIMATELY 15 ACRES, LOCATED AT 1285 E. MILLSAP ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

**Attachments:**

15-5130 CC EXHIBITS

15-5130 CC Docs

**C. 2**      2015-0384**VAC 15-5127 (19 N. PALMER AVE./BAKER):**

AN ORDINANCE TO APPROVE VAC 15-5127 SUBMITTED BY ALLEN BAKER FOR PROPERTY LOCATED AT 19 N. PALMER AVENUE TO VACATE AN EXISTING BLANKET WATER AND SEWER EASEMENT

**Attachments:**15-5127 CC EX A & B15-5127 Staff Report**C. 3**      2015-0383**ADM 15-5153 (TIMBER TRAILS SUBDIVISION PZD AMENDMENT):**

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 04-1154, TIMBER TRAILS, CONTAINING APPROXIMATELY 26 ACRES, TO MODIFY THE ZONING OF LOTS 70 THROUGH 77, 98, AND 99 TO ALLOW FOR USE UNIT 8, SINGLE FAMILY DWELLINGS

**Attachments:**15-5153 CC EX A15-5153 Staff Report**C. 4**      2015-0372**AMEND 172.05 (ADM 15-5088 UDC AMENDMENT CHAPTER 172.05 NON-RESIDENTIAL PARKING REQUIREMENTS:**

AN ORDINANCE TO AMEND SECTION 172.05 OF THE UNIFIED DEVELOPMENT CODE TO REMOVE MINIMUM PARKING STANDARDS FOR NON-RESIDENTIAL USES

**Attachments:**15-5088 CC EX A15-5088 CC Staff reportsSupplemental Materials**D. City Council Agenda Session Presentations:****D. 1**      2015-0369

AGENDA SESSION PRESENTATION: ALISON JUMPER, REGIONAL PARK PROGRESS UPDATE

**E. City Council Tour:**

**F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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*Pre Agenda 8/19/15*

## **City of Fayetteville, Arkansas**

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



### **Meeting Agenda - Tentative Agenda**

**Tuesday, August 25, 2015**

**4:30 PM**

**City Hall Room 326**

### **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*

**ELECTED OFFICIALS:**  
**Mayor Lioneld Jordan**  
**City Attorney Kit Williams**  
**City Clerk Sondra Smith**

**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items:**

✓ 2015-0117

QUARTERLY FINANCIAL REPORT - 2ND QUARTER 2015, PAUL  
BECKER, CHIEF FINANCIAL OFFICER

**Agenda Additions:**

**A. Consent:**

✓ A. 1 2014-0510

APPROVAL OF THE AUGUST 18, 2015 CITY COUNCIL MEETING  
MINUTES.

✓ A. 2 2015-0349

**ANIMAL SERVICES DONATION REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE  
AMOUNT OF \$39,089.00 REPRESENTING DONATION REVENUE TO  
ANIMAL SERVICES FOR THE FIRST AND SECOND QUARTERS OF  
2015

**Attachments:**

2015-0349 Agenda Packet

BA- 1 and 2 Qtr Donation Rev 2015

A. 3

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**Attachments:**Fayetteville A & P Commission**B. Unfinished Business: None****C. New Business:**Consent  
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