

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
December 03, 2013**

A meeting of the Fayetteville City Council will be held on December 03, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Golden Acorn Award: Fayetteville Natural Heritage Association**
- 2. Quarterly Financial Report – 3rd Quarter of 2013, Paul Becker, Finance Director**

Agenda Additions:

A. Consent:

- 1. Re-approval of the November 5, 2013 City Council meeting minutes and approval of the November 19, 2013 City Council meeting minutes. APPROVED**

2. **General Construction Solutions, Inc.:** A resolution approving Change Order No. 1 to the contract with General Construction Solutions, Inc. in the amount of \$34,037.14 for the completion of construction on FEMA Project, Location 22 Sanitary Sewer near the entrance to the Cliffs Apartments related to Spring 2011 flooding, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 241-13

3. **Grubbs, Hoskyn, Barton & Wyatt, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for the additional amount of \$8,000.00 for additional geotechnical evaluations of Tract 14 of the Fayetteville Industrial Park, approving a project contingency of \$2,000.00 and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 242-13

4. **Continental Flooring Company:** A resolution authorizing the purchase and installation of vinyl plank flooring from Continental Flooring Company for the Transportation Division office in the amount of \$38,843.00 plus any applicable bonding fees and tax pursuant to an NJPA cooperative purchasing agreement.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 243-13

5. **Landers Toyota of Little Rock:** A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of \$55,910.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer Division, and approving a budget adjustment in the amount of \$28,500.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 244-13

6. **Bid #13-20 Shipley Motor Company of Lowell:** A resolution authorizing the purchase of one (1) Mack LE613 truck with Wayne Titan body in the amount of \$245,060.00, pursuant to Bid #13-20, from Shipley Motor Company of Lowell for use by the Solid Waste Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 245-13

7. **Assistance to Firefighters Grant:** A resolution authorizing application for a 90/10 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$427,500.00 for the purchase of a front line fire pumper apparatus for the Fire Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 246-13

8. **2013 Sales and Use Tax Bond Issue Proceeds:** A resolution approving a budget adjustment in the total amount of \$22,750,000.00 to appropriate proceeds from the 2013 Sales and Use Tax Bonds for street projects.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 247-13

B. Unfinished Business:

- 1. Amend UDC Height and Setback Regulations:** An ordinance to Amend §§161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 to change setbacks and setbacks for adjoining property and height limitations for several districts and to amend §164.11 Height and Setback Regulations; Exceptions to reduce or eliminate setbacks in certain circumstances, to require wider sidewalks for buildings higher than 36 feet and to provide a building height variance for buildings receiving LEED Gold Certification and meeting other requirements, and to amend §156.02 (F) to authorize a requirement for a height variance applicant to provide a Viewshed Analysis or Sun/Shadow Study. *This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent the Ordinance Review Committee for review.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5636

- 2. Resolution Calling for a Public Hearing for VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** A resolution to fix the date for hearing the University of Arkansas' request to vacate Brenda Drive, Court Street and Walton Street on December 17, 2013 at 6:00 p.m. in the City Council Chambers, Room 219 of the City Administration Building.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 248-13

- 3. VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance approving VAC 13-4516 submitted by Development Consultants, Incorporated for property located west of Razorback Road and north of Center Street to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a thirty foot wide alley off of Hotz Drive. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

TABLED TO THE DECEMBER 17, 2013 CITY COUNCIL MEETING AND LEFT ON THE SECOND READING

- 4. ADM 13-4512 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Two, reducing the number of dwelling units from 100 units to 72 units and removing the requirement for vertical mixed-use buildings. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5637

5. **ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Five, reducing the number of dwelling units from 60 units to 31 units and amending the housing type from townhouses to detached single-family houses. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5638

6. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting.***

LEFT ON THE SECOND READING

C. New Business:

1. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5639

2. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314.00 to provide public recreation services for the senior citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5640

3. **RZN 13-4520 (S. of Martin Luther King Blvd. and East of S. Beechwood/Eaton):** An ordinance rezoning that property described in rezoning petition RZN 13-4520, for approximately 16.57 acres located south of Martin Luther King Boulevard and east of South Beechwood from I-1, Heavy Commercial and Light Industrial to CS, Community Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5641

4. **Amend §166.08 Street Design and Access Management Standards:** An ordinance to amend §166.08 Street Design and Access Management Standards of the Unified Development Code to clarify or alter several design regulations.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5642

D. City Council Agenda Session Presentations:

E. City Council Tour:

- 1. December 2, 2103 – 4:00 PM – Mt. Kessler**

F. Announcements:

Adjournment: 9:22 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

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

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

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

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

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

Subject:	Consent				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Adams			
approved 241-13 thru 847-13	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	Absent			
	Mayor Jordan				

7-0

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

Subject:		Amend UDC Height and Setback Regulations			
Motion To:		Jable to 12-17-13	Amend to New Ord. handed out	Amend to 39 feet	Amend to 39 feet
Motion By:		Marsh	Kinion	marsh	Marsh
Seconded:		Petty	Gray		
B. 1 Unfinished Business See Addition Sheet 5636	Gray	N	✓	NO	NO
	Marsh	✓	N	Second	Second
	Kinion	N	✓	was	was
	Petty	✓	N	received.	received
	Tennant	N	✓		
	Schoppmeyer	N	✓		
	Adams	N	✓		
	Long	Absent	absent		
	Mayor Jordan				

2-5
failed

5-2

Subject:		Resolution calling for Public Hearing, VAC 13-4516 (Brenda DR, Court and Walton Street/U of A):			
Motion To:		Approve			
Motion By:		Adams			
Seconded:		Tennant			
B. 2 Unfinished Business passed 248-13	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	absent			
	Mayor Jordan				

City Council Meeting:

Subject:	Amend UDC Height and Setback Regulations				
Motion To:		Pass			
Motion By:					
Seconded:					
B.I. Unfinished Business <u>passed</u> 5036	Gray	✓			
	Marsh	N			
	Kinion	✓			
	Petty	N			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	absent			
	Mayor Jordan				

5-2

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

Subject:	VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas)				
Motion To:		<i>Table to Dec. 17, 2013</i>			
Motion By:		<i>Adams</i>			
Seconded:		<i>Gray</i>			
B. 3 Unfinished Business <i>Tabled to December 17, 2013</i> <i>Left on the Second Reading</i>	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	<i>Absent</i>			
	Mayor Jordan				
<i>7-0</i>					

Subject:	ADM 13-4512 (Wedington Dr and Salem Rd/Forest Hills PZD Modification to Planning Area 2)				
Motion To:		<i>3rd Read</i>	<i>Amend Section 3</i>	<i>Pass</i>	
Motion By:		<i>Adams</i>	<i>Petty</i>		
Seconded:		<i>Gray</i>	<i>Adams</i>		
B. 4 Unfinished Business <i>passed as amended</i> <i>5/037</i>	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Mayor Jordan				
		<i>7-0</i>	<i>7-0</i>	<i>7-0</i>	

Subject:	ADM 13-4513 (Wedington Dr and Salem Rd/Forest Hills PZD Modification to Planning Area 5)				
Motion To:		3rd Read	Amend	Pass	
Motion By:		Gray	Gray		
Seconded:		Tennant	Adams		
B. 5 Unfinished Business <i>passed as Amended</i> 5038	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	absent	absent	absent	
	Mayor Jordan				

7-0

7-0

7-0

Subject:	ADM 13-4450 (Pratt Place Inn)				
Motion To:		2nd Read			
Motion By:		Gray			
Seconded:		Tennant			
B. 6 Unfinished Business <i>Left on the Second Reading</i>	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	absent			
	Mayor Jordan				

7-0

Subject:	Fayetteville Youth Center, Inc.				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Gray</i>	<i>Gray</i>		
Seconded:		<i>Tennant</i>	<i>Adams</i>		
C. 1 New Business <i>passed</i> <i>5639</i>	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Mayor Jordan				

7-0

7-0

7-0

Subject:	Northwest Arkansas Economic Development District				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Tennant</i>	<i>Gray</i>		
Seconded:		<i>Gray</i>	<i>Tennant</i>		
C. 2 New Business <i>passed</i> <i>5640</i>	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Mayor Jordan				

7-0

7-0

7-0

Subject:	RZN 13-4520 (S. of Martin Luther King Blvd. and East of S. Beechwood/Eaton)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Adams	Gray		
Seconded:		Marsh	Tennant		
C. 3 New Business <u>passed</u> 5641	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	absent	absent	absent	
	Mayor Jordan				

Subject:	Amend §166.08 Street Design and Access Management Standards				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Marsh	Marsh		
C. 4 New Business <u>passed</u> 5642	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	absent	absent	absent	
	Mayor Jordan				

7-0

7-0

7-0



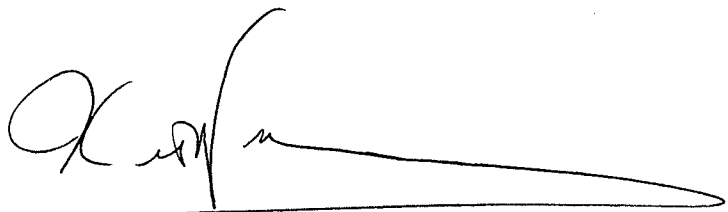
Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney



DATE: December 4, 2013

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of December 3, 2013

1. **General Construction Solutions, Inc.:** A resolution approving Change Order No. 1 to the contract with General Construction Solutions, Inc. in the amount of \$34,037.14 for the completion of construction on FEMA Project, Location 22 Sanitary Sewer near the entrance to the Cliffs Apartments related to Spring 2011 flooding, and approving a budget adjustment.
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4. **Landers Toyota of Little Rock:** A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of \$55,910.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer Division, and approving a budget adjustment in the amount of \$28,500.00.

5. **Bid #13-20 Shipley Motor Company of Lowell:** A resolution authorizing the purchase of one (1) Mack LE613 truck with Wayne Titan body in the amount of \$245,060.00, pursuant to Bid #13-20, from Shipley Motor Company of Lowell for use by the Solid Waste Division.
6. **Assistance to Firefighters Grant:** A resolution authorizing application for a 90/10 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$427,500.00 for the purchase of a front line fire pumper apparatus for the Fire Department.
7. **2013 Sales and Use Tax Bond Issue Proceeds:** A resolution approving a budget adjustment in the total amount of \$22,750,000.00 to appropriate proceeds from the 2013 Sales and Use Tax Bonds for street projects.
8. **Amend UDC Height and Setback Regulations:** An ordinance to amend § 164.11 **Height and Setback Regulations; Exceptions** to provide homeowners protection of their right to sunlight and air.
9. **Resolution Calling for a Public Hearing for VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** A resolution to fix the date for hearing the University of Arkansas' request to vacate Brenda Drive, Court Street and Walton Street on December 17, 2013 at 6:00 p.m. in the City Council Chambers, Room 219 of the City Administration Building.
10. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.
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B. Unfinished Business:

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This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent the Ordinance Review Committee for review.

Left on the Third Reading

2. **Resolution Calling for a Public Hearing for VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** A resolution to fix the date for hearing the University of Arkansas' request to vacate Brenda Drive, Court Street and Walton Street on December 17, 2013 at 6:00 p.m. in the City Council Chambers, Room 219 of the City Administration Building.
3. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance approving VAC 13-4516 submitted by Development Consultants, Incorporated for property located west of Razorback Road and north of Center Street to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a thirty foot wide alley off of Hotz Drive. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

Left on the Second Reading

4. **ADM 13-4512 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Two, reducing the number of dwelling units from 100 units to 72 units and removing the requirement for vertical mixed-use buildings. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

Left on the Second Reading

5. **ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Five, reducing the number of dwelling units from 60 units to 31 units and amending the housing type from townhouses to detached single-family houses. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

Left on the Second Reading

6. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting.*

Left on the First Reading

C. New Business:

- 1. Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.
- 2. Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314.00 to provide public recreation services for the senior citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.
- 3. RZN 13-4520 (S. of Martin Luther King Blvd. and East of S. Beechwood/Eaton):** An ordinance rezoning that property described in rezoning petition RZN 13-4520, for approximately 16.57 acres located south of Martin Luther King Boulevard and east of South Beechwood from I-1, Heavy Commercial and Light Industrial to CS, Community Services.
- 4. Amend §166.08 Street Design and Access Management Standards:** An ordinance to amend §166.08 Street Design and Access Management Standards of the Unified Development Code to clarify or alter several design regulations.

D. City Council Agenda Session Presentations:

E. City Council Tour:

- 1. December 2, 2103 – 4:00 PM – Mt. Kessler**

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

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

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

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

City of Fayetteville Item Review Form

2013-0182

Legistar File Number

12-3-2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

Submitted By

Fire

Department

Action Required:

Request approval to apply for the 2013 Assistance to Firefighters Grant in the amount of \$475,000. The actual amount of the grant would be \$427,500 (90%) with a city match of \$47,500(10%). The matching contribution would be available from Fire Department Act 833 Revenue for the purchase of a Front Line Fire Pumper Apparatus.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

From: David Dayringer, Fire Chief

Date: November 14, 2013

Subject: Approval to apply for and use matching funds for federal grant.

PROPOSAL:

The City of Fayetteville Fire Department has identified an opportunity to apply for an Assistance to Firefighters Grant (AFG) through the Federal Emergency Management Agency (FEMA) in order to purchase a Front Line Fire Pumper Apparatus. The cost of a Fire Pumper is approximately \$475,000. The amount of the grant will be \$427,500 (90%) with a City match of \$47,500 (10%).

RECOMMENDATION:

Staff recommends approval of the matching funds for a 2013 Assistance to Firefighters Grant in the amount of \$475,000. The actual amount of the grant would be \$427,500 (90%) with a City match of \$47,500 (10%). Funding would be for the purchase of a Front Line Fire Pumper Apparatus.

BUDGET IMPACT:

Funds for the City's 10% match contribution are available from Fire Department Act 833 Revenue.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION FOR A 90/10 MATCHING ASSISTANCE TO FIREFIGHTERS GRANT THROUGH FEMA IN THE ESTIMATED AMOUNT OF \$427,500.00 FOR THE PURCHASE OF A FRONT LINE FIRE PUMPER APPARATUS FOR THE FIRE DEPARTMENT

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 application for a 90/10 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$427,500.00 for the purchase of a front line fire pumper apparatus for the Fire Department.

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



**LEGAL
DEPARTMENT**

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
Sondra Smith, City Clerk/Treasurer
Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney

DATE: November 26, 2013

RE: Vacation of street pursuant to A.C.A. § 14-301-301

I think we need to more closely follow the statutory procedures set forth in A.C.A. § 14-301-302 and 303 prior to vacating the streets as requested by the U of A. Our power to vacate streets stated in A.C.A. § 14-301-301 ends: "the city or town council shall have the power to vacate and abandon the street or alley, or any portion thereof, **by proceeding in the manner set forth in this subchapter.**" (emphasis added).

The next section requires the owners of the property abutting to file a petition requesting vacation. I assume our vacation application may suffice for this statutorily required petition. However, the City Council at its next meeting is supposed to "by resolution fix a day for the hearing of the petition" We need to present a Resolution fulfilling this requirement. Then "the city clerk (needs) to give notice of the meeting by publication once a week for two (2) consecutive weeks in some newspaper having a general circulation in the city"

We can still go forward to vacate the streets pursuant to our power in A.C.A. § 14-54-104 although at least our Appellate Court has held that an existing street should be vacated under A.C.A. § 14-301-301 instead of A.C.A. § 14-54-104.

MUNICIPAL STREETS GENERALLY

§ 14-301-301

Note 1

Library References

Municipal Corporations Ⓒ521.
Westlaw Key Number Search: 268k521.
C.J.S. Municipal Corporations §§ 1396, 1404.

SUBCHAPTER 3—VACATING STREETS AND ALLEYS FOR PUBLIC USE GENERALLY

§ 14-301-301. Vacating authority

(a) Cities of the first and second class and incorporated towns are given power and authority to vacate public streets and alleys within the cities and towns under the conditions and in the manner herein provided.

(b) In all cases where the owner of property within a city or town shall have dedicated, or may hereafter dedicate, a portion of the property to the public use as streets or alleys by platting the property and causing the plat to be filed for record, as provided by law, and any street or alley, or section thereof, shown on the plat so filed shall not have been actually used by the public as a street or alley for a period of five (5) years and in all cases where all property abutting any street or alley, or section thereof, is owned by any educational institution or college, whether the property shall have been actually used by the public as a street or alley for a period of five (5) years or not, the city or town council shall have power to vacate and abandon the street or alley, or any portion thereof, by proceeding in the manner set forth in this subchapter.

Acts of 1945, Act 17, §§ 1, 2; Acts of 1947, Act 88, § 1; Acts of 1949, Act 98, § 1.

Formerly A.S.A. 1947, §§ 19-3824, 19-3825.

Cross References

Vacation of public utility easements, see § 14-199-103.

Library References

Municipal Corporations Ⓒ657(2).
Westlaw Key Number Search: 268k657(2).
C.J.S. Municipal Corporations §§ 1432 to 1435, 1443.

Notes of Decisions

In general 1
Abandonment or nonuse 4
Consent of landowners 8
Construction and application 2
Construction with other laws 3
Conveyances 9
Educational institutions 5
Improvement districts 6
Injunctions 10
Limitations of actions 11
Questions of fact 12

Rights of individual property owners 7

1. In general

A city has the power to vacate a portion of a street not needed for corporate purposes. Ark. Stats. § 19-2304. City of Sherwood v. Dupree Co., 1978, 263 Ark. 442, 565 S.W.2d 425. Municipal Corporations Ⓒ 657(2)

If determination is made that street is not needed for corporate purposes, city is not prohibited either from conveying streets to only abutting owner or from vacating street for benefit of abutting owner. Ark. Stats. § 19-2304. Freeze v. Jones, 1976, 260 Ark. 193, 539 S.W.2d

RESOLUTION NO. _____

A RESOLUTION TO FIX THE DATE FOR HEARING THE UNIVERSITY OF ARKANSAS' REQUEST TO VACATE BRENDA DRIVE, COURT STREET AND WALTON STREET ON DECEMBER 17, 2013 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS, ROOM 219 OF THE CITY ADMINISTRATION BUILDING

WHEREAS, City Clerk Sondra Smith is requested to publish notice of the hearing date on the petition of the University of Arkansas to vacate Brenda Drive, Court Street and Walton Street once a week for two weeks pursuant to A.C.A. § 14-301-302.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby fixes the date for hearing the University of Arkansas' request to vacate Brenda Drive, Court Street and Walton Street on December 17, 2013 at 6:00 p.m. in the City Council chambers, Room 219 of the City Administration building.

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith



Aldermen

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

**City of Fayetteville Arkansas
City Council Meeting Minutes
November 05, 2013**

A meeting of the Fayetteville City Council was held on November 05, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Pledge of Allegiance

Mayor's Announcements, Proclamations, and Recognitions:

City Council Meeting Presentations, Reports, and Discussion Items:

Fayetteville Town Center Report – Sandra Bennett

A copy of the report is attached.

Agenda Additions: None

Consent:

Approval of the October 15, 2013 City Council meeting minutes.

Approved

Preferred Office Products, Inc.: A resolution authorizing the purchase of six (6) Cannon copiers in the total amount of \$40,468.26, pursuant to a state procurement contract, from Preferred Office Products, Inc. of Fayetteville.

Resolution 210-13 as recorded in the office of the City Clerk

Scruggs Equipment of Memphis, Tennessee: A resolution authorizing the purchase of one (1) Elgin Crosswind sweeper from Scruggs Equipment of Memphis, Tennessee in the amount of \$223,002.00, pursuant to an NJPA Cooperative purchasing agreement, for use by the Transportation Department, and approving a budget adjustment.

Resolution 211-13 as recorded in the office of the City Clerk

Bid #13-43 Southern Tire Mart, LLC: A resolution awarding Bid #13-43 and authorizing a contract with Southern Tire Mart, LLC in variable amounts for tire recapping for a period of one (1) year with automatic yearly extension for up to four (4) years.

Resolution 212-13 as recorded in the office of the City Clerk

Bid #13-49 MHC Kenworth of Springdale: A resolution awarding Bid #13-49 and authorizing a contract with MHC Kenworth or Springdale in the amount of \$158,000.00 for the purchase of one (1) pothole patcher truck, and approving a budget adjustment.

Resolution 213-13 as recorded in the office of the City Clerk

Bid #13-50 Pick-It Construction, Inc.: A resolution awarding Bid #13-50 and approving a contract with Pick-It Construction, Inc. in the amount of \$130,900.00 for the renovation of concession areas and restrooms at Walker Park, approving a ten percent (10%) project contingency and approving a budget adjustment in the amount of \$16,760.00.

Resolution 214-13 as recorded in the office of the City Clerk

Arkansas Historic Preservation Program: A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of \$1,200.00 for travel and training expenses in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

Resolution 215-13 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution approving a budget adjustment in the amount of \$4,328.00 recognizing hazmat services revenue to the Fire Department, and authorizing an increase in the related expense budget.

Resolution 216-13 as recorded in the office of the City Clerk

RFP #13-11, Access Control and Security System – Contract: A resolution awarding RFP #13-11 and authorizing a contract with Royal Communications, Inc. for an access control and security system for a period of one (1) year with four (4) automatic renewal options.

Resolution 217-13 as recorded in the office of the City Clerk

RFP #13-11, Access Control and Security System – Phases 1-3: A resolution authorizing the first three phases of RFP #13-11 with Royal Communications, Inc. for access control system installation for the Police Department, Solid Waste and Recycling and Fayetteville Executive Airport-Drake Field, authorizing a ten percent (10%) project contingency, and approving a budget adjustment.

Resolution 218-13 as recorded in the office of the City Clerk

Energize NWA Grant: A resolution approving acceptance of an Energize NWA grant from the Endeavor Foundation in the amount of \$39,940.00 for the construction of three bikeway routes linking the Razorback Greenway with the University of Arkansas and Fayetteville Public Schools, and approving a budget adjustment.

Resolution 219-13 as recorded in the office of the City Clerk

2013 Arkansas Department of Environmental Quality Grant: A resolution authorizing acceptance of a 2013 Arkansas Department of Environmental Quality Grant through the Boston Mountain Solid Waste District in the amount of \$30,000.00 for the purchase of indoor apartment recycling containers, and approving a budget adjustment.

Resolution 220-13 as recorded in the office of the City Clerk

Fayetteville Transportation Plan: A resolution to express the intent of the City Council to fund a Transportation Plan in the amount of \$250,000.00 to \$500,000.00.

Resolution 221-13 as recorded in the office of the City Clerk

Ruby Architect's, Inc.: A resolution to approve a contract with Ruby Architect's, Inc. in an amount not to exceed \$13,570.00 for architectural services for the Woolsey Homestead and to approve the attached budget adjustment.

Resolution 222-13 as recorded in the office of the City Clerk

Lose & Associates, Inc.: A resolution awarding RFQ #13-13 and authorizing a contract with Lose & Associates, Inc. in an amount not to exceed \$86,735.00 for landscape architectural, architectural and engineering services for the design of a regional park master plan and a preliminary grading and drainage plan, and approving a ten percent (10%) project contingency.

Resolution 223-13 as recorded in the office of the City Clerk

PPL 13-4437 (Skillern Road Master Street Plan Amendment/Oak Creek): A resolution for PPL 13-4437 amending the Master Street Plan removing the extension of Skillern Road, a principal arterial, between Oakland Zion Road and Mission Boulevard, as described and depicted in the attached map.

Resolution 224-13 as recorded in the office of the City Clerk

Alderman Marsh moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Amend UDC Height and Setback Regulations: An ordinance to Amend §§161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 to change setbacks and setbacks for adjoining property and height limitations for several districts and to amend §164.11 Height and Setback Regulations; Exceptions to reduce or eliminate setbacks in certain circumstances, to require wider sidewalks for buildings higher than 36 feet and to provide a building height variance for buildings receiving LEED Gold Certification and meeting other requirements, and to amend §156.02 (F) to authorize a requirement for a height variance applicant to provide a Viewshed Analysis or Sun/Shadow Study. ***This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting.***

Jeremy Pate, Director of Development Services gave a brief summary of the Planning Commissions input. He stated the Planning Commission thought the proposed solution was disproportionate to the stated problem that was presented. The standards were too broad and far reaching. He stated there was discussion about the LEED standard requirement for residential or commercial use in buildings above 60 feet. The Commissioners felt the requirement for residential would not function as it was intended. The performance standards mentioned in the buildings that are to be constructed above 60 feet should be discussed on their own merit and not tied to a building height discussion.

Alderman Petty moved to amend the ordinance to change the front property line to 60 feet in Community Services and Downtown General Zoning Districts. Alderman Marsh seconded the motion. Upon roll call the motion to amend passed unanimously.

Alderman Marsh read a statement voicing her support of height limits. She asked Jeremy Pate to discuss the proposed amendments that were developed.

Jeremy Pate, Director of Development Services gave a brief description of the proposed amendments.

Alderman Marsh stated the Dover Kohl plan says how important it is to have residents living in downtown. She believes with a mixed use component there could be services such as a pharmacy or a coffee shop. From a constructability standpoint, building at a zero lot line is difficult to achieve.

Mayor Jordan: If you go up 24 feet, how much is the setback?

Jeremy Pate: Zero. You would be able to build right on the property line.

Mayor Jordan: The stepback would be how much?

Jeremy Pate: Zero to five feet would be that maximum 24 feet. After that 5 feet you would refer back to the current proposal which you could then go up to 36 feet in height. This would add another story to your project.

Mayor Jordan: The other amendment on residential it will go to mixed use?

Alderman Marsh: Yes.

Alderman Petty voiced his opinion and is in favor of the amendments.

Tracy Hoskins, Citizen and Planning Commissioner stated he is concerned about any proposal that would require an investor to use their building for a particular purpose. He believes that it will discourage growth in Fayetteville and spoke in opposition of the proposed amendment.

Steve Cark, President of the Fayetteville Chamber of Commerce stated he has concerns about the amendments. There has not been a study, input session, review or an opportunity for citizens to look at this specific language. He continued to voice his opinion and spoke in opposition of the amendments due to the lack of citizen input.

Tom Overby, owner of a building at 211 North Block stated the information on the amendments is available by viewing the meetings on the city website. He stated he has been in contact with Alderman Marsh and Jeremy Pate and has received information that he requested.

Stephen Smith, Ward 2 resident spoke in favor of the proposed amendments and thanked Council for the work they are doing.

Tony Hickerson, north Fayetteville resident stated our property was a zero lot line and if there had been a five foot setback we would not have been able to build on the lot. He urged that if the whole ordinance passes, the five foot setback change is considered.

Aubrey Shepherd stated a zero lot line is terrifying to a lot of us.

Hathum Alley stated his family owns a property between Church and Block Street. He stated his property was under contract with a developer and the developer decided to not purchase due to this ordinance. He spoke in opposition of the proposed amendments.

Alderman Petty: How many offers or inquiries in a year do you get on your property?

Hathum Alley: We have owned it three years and it has been under contract one time. We have inquiries all the time.

Alderman Petty: Do you turn down most of those because they can't meet your asking price?

Hathum Alley: I haven't actually had someone negotiate a price. They have always called and asked how it is zoned. I have never had anyone say that the price is too high.

Alderman Petty: The building has been vacant the whole time you have owned it?

Hathum Alley: Yes.

Alderman Kinion: With this type of amendment, would it have prevented a structure like the E.J. Ball building from being built on the current property?

Jeremy Pate: The entire proposal as a whole?

Alderman Kinion: Yes.

Jeremy Pate: It would have required changes in that building.

Alderman Kinion discussed the possible buildings that would have been impacted in Fayetteville if the proposed amendments had been in place previously. Discussion continued how the amendments could have a negative economic impact in the community. He stated he would support the amendments, but doesn't think it answers the problem.

Alderman Long: When does the moratorium end?

Jeremy Pate: December 10, 2013.

Alderman Long: I think the amendments make the ordinance less restrictive than it was previously and makes it more flexible. An option would be to send this to the Ordinance Review Committee.

Alderman Tennant: You are suggesting a vote on the amendments and then send it to Ordinance Review Committee?

Alderman Long: Yes.

Alderman Marsh stated she wanted to alleviate Alderman Kinion's concerns about the possible buildings that would have been impacted previously if the proposed amendments had been in place. She went online and viewed the courthouse and the old electric building and stated it would have not been affected by the proposed amendments. The E.J. Ball Building would have required some setbacks to meet the proposed amendments.

Alderman Schoppmeyer: I did not receive any documentation prior and would like time to read it. We put Kum & Go, the pawnbroker amendment and Boston Mountain Solid Waste District on hiatus for a month. I think it would be prudent to take some time and get input from our citizens. I do not like the ordinance or the amendments.

Alderman Adams: Alderwoman Marsh you asked Jeremy Pate to talk about the amendments that the two of you met about. Someone said we could have contacted you about amendments, some of us may have been working on some amendments ourselves, and I don't think we could have contacted you and had a conversation with you. That would have been in violation. I did not know you were working on amendments but I had some ideas myself. I would like to hear what number three would now say before I vote. I would like to know what mixed use is. When we build a mixed use building what are the consequences?

Jeremy Pate: Are you referring to the removal of the residential use and what that might say?

Alderman Adams: Yes.

Jeremy Pate: One possible wording would be buildings over 60 feet in height shall contain a mixed use component including residential, retail, commercial office, institutional and recreational or any combination.

Alderman Adams: If I wanted to build a very tall house and it was a single family home, can I use what you just stated and put in a one room coffee shop?

Jeremy Pate: They would have to provide parking. Under today's standards, if someone wants to convert an existing home to a business, they would have to ensure there is adequate parking on the lot to meet the demand.

Alderman Adams asked Tracy Hoskins to return to the podium to restate his prior statement for more clarification.

Alderman Long: If Council would like to send this back to Ordinance Review prior to voting on the amendments that would be fine.

Mayor Jordan: Can we do that Kit?

City Attorney Kit Williams: Yes, you can table anytime.

Alderman Marsh stated that the proposed amendment is in the section of code that it is because it is being utilized as an incentive instead of a general use statement. She stated that the proposal is for a midrise walkable downtown, primarily five to six stories. If additional standards are met, then the incentive of building above 60 feet will be granted.

Alderman Adams: Our Attorney's memo expresses some concern about the constitutionality of incentives for the Unified Development Code.

City Attorney Kit Williams: I am not sure if incentive zonings are allowed in Arkansas. This is something we have not seen before. It is not in the state statutes to give us that power. It doesn't mean that it would be illegal and unconstitutional. I had concerns about the approval that we would be providing to developers wanting to build above 60 feet. It would not be an approval from us, but an approval from an unaffiliated, independent non-profit corporation who would grant whether or not it is a LEED certified gold building. This concerns me because currently we place requirements on people and they have to meet our city requirements, not third party requirements. I am especially concerned if someone tries to build a LEED certified gold building above 60 feet and the Green Council refuses to say they are LEED certified gold. What are we going to do then? I am concerned this could cause litigation.

A discussion continued about the amendments.

Tracy Hoskins, Planning Commissioner voiced his opinion and concerns about the proposed amended ordinance.

Aubrey Shepherd voiced his opinion that the item should be tabled.

Tom Overby, 211 North Block voiced his opinion that the focus should remain on making appropriate height changes.

Bob Estes, Ward 4 Resident and representing Nina Shirkey stated his opinion and ask that the Ordinance Review Committee review the ordinance with the advice of City Attorney Kit Williams. He requested an ordinance to be crafted that will provide the protection for owner occupied homes in the Main Street center and Downtown General Zoning Districts.

Nina Shirkey, 229 North Block voiced her opinion and is in favor of the proposed ordinance. She believes that it will encourage people to build with more creativity and sensitivity.

Kathy Voight, voiced her opinion and is in favor of the proposed ordinance.

Steve Clark, Fayetteville Chamber of Commerce voiced his opinion and is in opposition to the proposed ordinance. He believes more citizen input and time is needed for the development of the ordinance.

Alderman Marsh: You take pride in our sign ordinance. I recall when that ordinance was proposed, the Chamber of Commerce came out against it. Is that correct?

Steve Clark: That is correct. The Chamber came out against it because at that time the standards that were being articulated in the city, the Chamber felt the ordinance was not best drafted as it was presented. It is not the Chamber's role to set policy, it is the Council's role. When Council set the current policy the Chamber said this is the policy we believe in, we will defend it and promote it.

Alderman Marsh: Thank you for clarifying that it is not the Chamber's role to set policy.

Ann Diallo voiced her opinion and believes that residential historical neighborhoods need protection.

Alderman Petty voiced his opinion. He doesn't believe that developers will travel north to build due to the implementation of the proposed ordinance.

Alderman Gray stated she can't support the amendment because it makes the ordinance more complicated. She doesn't believe citizens have been informed well and wants the ordinance simplified.

Alderman Marsh stated that it is common practice around the country to have incentives tied to LEED standards.

Alderman Marsh moved to amend the ordinance to the proposed amendments suggested at the City Council meeting. Alderman Petty seconded the motion. No vote was taken on the amendments.

Alderman Petty moved to table the ordinance to the December 3, 2013 City Council meeting and send it to the Ordinance Review Committee for review. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was Left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent to the Ordinance Review Committee.

RZN 13-4467 (Mount Comfort and Shiloh/Kum & Go): An ordinance rezoning that property described in rezoning petition RZN 13-4467, for approximately 1.65 acres located at the northwest corner of Mount Comfort Road and Shiloh Drive from R-A, Residential Agricultural and RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial. ***This ordinance was left on the First Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 15, 2013 City Council meeting.***

Alderman Long 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 Long, Marsh, Kinion, Tennant, Schoppmeyer, and Mayor Jordan voting yes. Alderman Adams, Gray, and Petty were absent during the vote.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Long: I have had an outpouring of support from people who live in the Mount Comfort area that want a convenience of some type.

Alderman Adams: This was discussed at the Ward 4 meeting and most people in attendance were for the rezoning. A few were against it because they do not want it to look like Wedington Drive with so many businesses.

Alderman Gray stated she is in favor of the rezoning. Many citizens she spoke with would like the convenience of access to gasoline in this section of town.

Alderman Marsh voiced her opinion and stated she is supporting city staff with their recommendation of zoning it Community Services.

Alderman Petty: In Community Services is a screening wall between 24 and 36 inches required between the sidewalk and the gasoline pumps?

Jeremy Pate: It is between 32 and 42 inches.

Alderman Petty: You are familiar with the Kum & Go development at Township and College. Can you characterize the changes that would have to be made to their existing landscaping if it were zoned in Community Services?

Jeremy Pate: The primary change would be screen walls or other pedestrian improvements adjacent between the drive aisles, pump islands and the sidewalk. We have a specific code that was adopted a few months ago by Council to address design standards for convenience stores and gasoline stations. This is to enable them to be constructed in form based zones because we found challenges to that previously. At this particular sight, some of the freestanding walls would meet the requirement for the screening. It doesn't always have to be a continuous wall.

Alderman Petty: It could be screened with landscaping?

Jeremy Pate: That is correct.

Alderman Petty stated he doesn't see a big difference between that requirement and what has been built on other sights. He stated there had been miscommunication with Kum & Go and the requirements they were supposed to do. He stated the city's preferred layout was to put the pumps at the back of the property and the building to the side. He believes this proposed rezoning has been cast as either you are for commercial or you are not.

Rob Waddell, Kum & Go: When I look at site selection there are major attributes I look for. I look at drive by traffic, access and visibility. When I read the code for Community Services it was talking about fueling canopies and when pumps are visible from the street there is a requirement of 32 to 42 inch masonry wall or a hedge row. If I was on Mount Comfort and I had my pumps parallel with Mount Comfort wouldn't I need a hedge wall?

Jeremy Pate: There are three options. It could be screened from the street side with walls adjacent to the pump islands. A wall that is out next to the sidewalk between the drive aisle and sidewalk or a hedge row also between the drive aisle and sidewalk.

Rob Waddell continued to voice his opinion and is in favor of the rezoning, but stated he can't support Community Services.

Alderman Marsh: Jeremy, please confirm the height of the screen wall.

Jeremy Pate: It is 32 to 42 inches in height.

Alderman Marsh: How tall is the fueling canopy?

Rob Waddell: The bottom of the deck is 15 feet.

Alderman Marsh: You are concerned that the 32 inch wall will prevent visibility of the canopy?

Rob Waddell: The pumps. I use the McDonald's analogy. I do not stop at McDonald's if I see there are 15 cars in the drive through. It is the same concept with the pumps. A lot of people won't stop if the pumps are full and people want to know if the pumps are full.

Alderman Marsh: If they don't stop, where is the nearest gas station?

Rob Waddell: It is over a mile away on Wedington.

Tracy Hoskins stated he is a fan of Community Services. He believes the project is a good example of urban design. He stated the project makes sense for this corner and is appropriate.

Leonard Gabbard, Consultant Engineer voiced his opinion and is in favor of the rezoning. He believes Kum & Go should be on this corner and would love to see Kum & Go developed.

Mike Emery stated he lives in walking distance of the proposed site and feels that the area is underserved. He is in favor of the rezoning.

Wyatt Hobbs, Mount Comfort Road resident stated he is in favor of the rezoning. He believes that safety and convenience are high priorities.

Joan Hays, Property Owner stated that she took a long time in deciding to sell her property to Kum & Go. She believes that the area is in need of services. She stated safety is a high priority and visibility is crucial.

Alderman Marsh gave an illustration on heights. She stated that she doesn't believe any significant vision obstruction would occur if a wall was built.

Alderman Adams stated she appreciates the City of Fayetteville staff for all the work on the project. She believes that Kum & Go would be a very beneficial business to nonautomotive customers.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. **Alderman Marsh and Petty** voting no.

Ordinance 5626 as recorded in the office of the City Clerk

Amend Chapter 115 Pawnbrokers: An ordinance amending Chapter 115: Pawnbrokers of the Code of Fayetteville, renaming it to Chapter 115: Pawnbrokers and Secondhand Dealers, requiring licensure of secondhand dealers and requiring electronic reporting of certain items purchased by secondhand dealers. *This ordinance was left on the First Reading at the October 15, 2013 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Greg Tabor, Chief of Police gave a brief description of the ordinance.

City Attorney Kit Williams gave a brief description about a revised Exhibit A. He stated the only thing that changed is under the definition of second hand dealer. It talks about automated kiosk systems that take cell phones and tablets. He stated they have protection devices to eliminate theft of electronics. He would like for the kiosk company to report to the Police Department.

Alderman Adams moved to amend Exhibit A to add “used property for profit through the use of an automated kiosk”. **Alderman Gray** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Long stated that the Ordinance Review Committee was not able to come to an agreement in regards to costume jewelry. He believes that it is being over regulated for a small expense.

Harriett, Owner of Cheap Thrills stated she purchases many pieces of costume jewelry from the public. She would have to hire an extra employee to list every piece of costume jewelry she purchases. She stated she would have to stop buying costume jewelry from the public if it was not excluded from the ordinance.

Jessica Graham, Mae’s Emporium stated she is the only shop in Fayetteville to exclusively sell vintage costume jewelry. She stated it would not be cost effective for her to list all the costume

jewelry due to the large volume she purchases. She continued to voice her opinion and spoke in opposition of adding costume jewelry to the ordinance.

A discussion followed about the definition of costume jewelry.

Alderman Schoppmeyer: Would this ordinance put us more in line with Springdale, Bentonville and Rogers?

Greg Tabor: It is my understanding that Springdale, Little Rock and North Little Rock have an ordinance that is similar to this.

Alderman Long: Do those ordinances include costume jewelry?

Greg Tabor: I do not know the answer to that. I understand they are very similar to our ordinance.

Alderman Long stated we are excluding used textbooks. People can get a lot more money for a used textbook than costume jewelry.

Alderman Adams stated that she believes costume jewelry is different than textbooks. She believes costume jewelry has more sentimental value to people.

Alderman Schoppmeyer: Sentimental value means a lot more than a dollar figure.

Alderman Long: The costume jewelry sold in a resale store might cost \$5.00, but the designer jeans might be worth up to \$100.00 used.

Alderman Gray: What was the reason you said we were not including textbooks?

Greg Tabor: The example would be that your chemistry textbook and my chemistry textbook look the same. There are not any significant identifying numbers. The necklace that Alderman Adams is wearing does not have a serial number. If she went into a resale shop and saw it, she would be able to identify the necklace as hers.

Harriett, Cheap Thrills owner continued to voice her opinion and stated she felt penalized if costume jewelry is not excluded from the ordinance.

A discussion continued about the purchasing of costume jewelry, precious metals, silver and gold.

Alderman Long moved to amend the ordinance to exclude costume jewelry. Alderman Marsh seconded the motion. Upon roll call the motion failed 4-4. Alderman Long, Marsh, Kinion, and Petty voting yes. Alderman Adams, Gray, Tennant, and Schoppmeyer voting no.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Long voting no.

Ordinance 5627 as recorded in the office of the City Clerk

Boston Mountain Solid Waste District: An ordinance waiving the requirements of formal competitive bidding and approving a contract with the Boston Mountain Solid Waste District in the amount of \$25,000.00 for an environmental and recycling education program. ***This ordinance was left on the Second Reading at the October 15, 2013 City Council meeting.***

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 unanimously.

City Attorney Kit Williams read the ordinance.

Brian Pugh, Waste Reduction Coordinator gave a brief description of the ordinance.

Alderman Petty thanked Brian Pugh for the work he did and meeting request that he made.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5628 as recorded in the office of the City Clerk

Public Hearing:

Destiny Limousines, LLC, DBA Transportation Services: A resolution granting a Certificate of Public Convenience and Necessity to Destiny Limousines, LLC DBA Ambassador Transportation Services for the operation of two (2) to six (6) taxicabs and one (1) to two (2) limousines in the City of Fayetteville.

Mayor Jordan Opened the Public Hearing

Greg Tabor, Chief of Police gave a brief description of the resolution.

Jason Campbell, Down Under Taxi voiced his opinion and spoke in opposition of the resolution.

Alderman Tennant: Do you have an office and where is it located?

Jason Campbell: It is in Lowell.

Alderman Tennant: Do cabs park in front of the Walton Arts Center?

Jason Campbell: We park there if there are no motorcycles there.

Alderman Tennant: How many years have you operated?

Jason Campbell: Five years in Fayetteville.

Alderman Marsh: How many of your cabs are being utilized regularly?

Jason Campbell: Every one of my cabs are being used on Dickson Street and we have a 20 minute turnaround time picking up passengers.

Stewart Larrabee, Fayetteville Taxi voiced his opinion and spoke in opposition of the resolution.

Alderman Marsh: What is your cab utilization rate?

Stewart Larrabee: All of them on the weekend.

Alderman Marsh: What is your meter rate?

Stewart Larrabee: \$3.25 for meter start. \$2.50 per mile and \$1.50 for an extra person.

Brice Curry, Dynasty Transportation voiced his opinion and believes the current ordinance needs revised. He stated it says if you do not have a license in Fayetteville you may bring a customer into Fayetteville from another city, but you are not allowed to take them back out of town.

Dane Zimmerman, Ambassador Transportation voiced his opinion. He stated he is requesting the permit so that he may bring customers into Fayetteville and pick them up.

Alderman Long: I have a friend and family member who benefits monetarily from one of these companies and I am recusing myself.

City Attorney Kit Williams: I believe there is some confusion. Our ordinance says that we can prohibit the operation of taxi cabs upon the streets of the city without having first obtained a Certificate of Public Convenience and Necessity from City Council. It's not whether they are bringing someone here or taking somebody out. If they are operating on our streets as a taxi, then according to our ordinance a Certificate of Public Convenience and Necessity should be obtained to not be in violation with our ordinance.

Alderman Tennant stated he normally allows the market to decide for things to happen. In this particular case he is worried about granting more permits and doesn't think more non Fayetteville based businesses should come in. He stated he owes it to citizens to define necessity and does not see the necessity for more cabs in Fayetteville.

Alderman Marsh stated we are seeing a high utilization rate of existing cabs. She agrees that some issues do need to be addressed.

Alderman Petty stated the ordinance needs to be reviewed. He believes a Regional Taxi Authority might be needed. He stated he believed there is a necessity for more taxi service.

Alderman Adams stated the current local taxi companies did not take 20 minutes to pick up University of Arkansas students from an event last weekend. She does not believe there is a necessity for more taxi service.

Alderman Gray requested Jason Campbell to return to the podium.

Jason Campbell stated he believes that a 20 minute wait to be picked up by his company is acceptable.

Mayor Jordan Closed the Public Hearing

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the motion failed 3-4. Alderman Marsh, Kinion, and Petty voting yes. Alderman Adams, Gray, Tennant, and Schoppmeyer voting no. Alderman Long recused.

This resolution failed.

New Business:

Marathon Equipment Company: An ordinance waiving the requirements of formal competitive bidding and authorizing a contract with Marathon Equipment Company in the amount of \$26,996.00 plus applicable freight and taxes for the purchase of a main body cylinder for the Solid Waste and Recycling Division, and approving a budget adjustment.

City Attorney Kit Williams read the ordinance.

Brian Pugh, Waste Reduction Coordinator gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5629 as recorded in the office of the City Clerk

VAC 13-4491 (2315 & 2319 N. Marks Mill Ln./Zweig): An ordinance approving VAC 13-4491 submitted by Alan Reid and Associates for properties located at 2315 & 2319 North Marks Mill Lane to vacate an utility easement, a total of 1,363 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alan Reid, Land Surveyor stated he is in agreement with city staff.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5630 as recorded in the office of the City Clerk

VAC 13-4493 (491 Fairway Ln./Jarrett): An ordinance approving VAC 13-4493 submitted by Gray Rock LLC for property located at 491 East Fairway Lane, to vacate utility easements, a total of 0.13 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Adams moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5631 as recorded in the office of the City Clerk

VAC 13-4501 (3466 E. Jasper Ln./Kinney): An ordinance approving VAC 13-4501 submitted by Eric Heller for property located at 3466 East Jasper Lane, to vacate a portion of a drainage easement, a total of 750 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5632 as recorded in the office of the City Clerk

VAC 13-4503 (516 & 518 S. Eastern Avenue/U of A): An ordinance approving VAC 13-4503 submitted by McGoodwin, Williams, and Yates for properties located at 516 and 518 South Eastern Avenue to vacate a right-of-way and two alleys on the subject property, a total of 0.19 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5633 as recorded in the office of the City Clerk

Amend Chapter 151.01 Definitions – Tandem Lot: An ordinance to amend the definition of “Tandem Lot” in §151.01 Definitions of the Unified Development Code.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5634 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Walton Arts Center Expansion Plans – WAC Staff

Regional Park Presentation – Connie Edmonston, Parks and Recreation

City Council Tour:

December 2, 2103 – 4:00 PM – Mt. Kessler

Announcements:

Alderman Tennant: There will be a Ward 3 meeting on Monday, November 11, 2013 at the Botanical Gardens at 5:30 p.m. We will be discussing the proposed changes to the development code that will enable greater access to urban agriculture.

Alderman Marsh: The Fayetteville Forward Green Economy Group will meet Thursday, November 7, 2013 at 4:00 p.m. at the Chamber of Commerce. On the agenda will be the recently passed PACE legislation.

The Fayetteville Forward Historic and Heritage and Resources group will meet Thursday, November 7, 2013 at 5:00 p.m. at the John Porter Produce Building.

Alderman Gray: The Nominating Committee will be accepting applications through November 22, 2013 for a large number of openings on our Boards and Commissions.

Alderman Long: I will talk with Sondra to schedule a meeting for an Ordinance Review Committee meeting.

Don Marr: Early voting will begin today, November 5, 2013 for the three issues. Election Day is on Tuesday, November 12, 2013.

The final fall ward cleanup will be in Ward 2 on Saturday, November 9, 2013. The location is at the Center Street Church of Christ and Woodland Junior High.

The Budget meeting will be Saturday, November 9, 2013 at City Hall in room 326.

The city offices will closed for Veteran's Day on Monday, November 11, 2013.

A Veteran's Day parade will be Monday, November 11, 2013 at 2:30 p.m.

The Animal Shelter is offering a Free Fall Cat Giveaway on Friday, November 8, 2013.

Between 8:00 p.m. and 6:00 a.m. the west and east bound Fulbright Expressway and south bound College Avenue will have only one driving lane available for the construction work on our Flyover project.

Adjournment: 9:40 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

UNOFFICIAL

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith



Aldermen

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

**City of Fayetteville Arkansas
City Council Meeting
November 19, 2013**

A meeting of the Fayetteville City Council was held on November 19, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: 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 November 05, 2013 City Council meeting minutes.

Approved

Watershed Conservation Resources Center (WCRC) Task Order No. 5: A resolution approving Task Order No. 5 with the Watershed Conservation Resources Center (WCRC) for the City to pay \$195,707.00 to restore White River stream bank near the Noland Wastewater Treatment Facility.

Resolution 225-13 as recorded in the office of the City Clerk

2013 Bulletproof Vest Partnership Program: A resolution authorizing acceptance of a fifty percent (50%) matching grant award from the 2013 Bulletproof Vest Partnership Program in the amount of \$4,644.00 for the replacement of body armor vests for Fayetteville police officers, and approving a budget adjustment.

Resolution 226-13 as recorded in the office of the City Clerk

Federal and State Law Enforcement Forfeitures: A resolution approving a budget adjustment in the total amount of \$176,211.00 recognizing federal and state law enforcement forfeiture revenue received through October 2013 and increasing the related expense budget.

Resolution 227-13 as recorded in the office of the City Clerk

Washington County Jail Services Interlocal Agreement: A resolution approving an amendment to the jail services interlocal agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2014.

Resolution 228-13 as recorded in the office of the City Clerk

Police Department Policies: A resolution approving Fayetteville Police Department policies 1.2.4 Domestic Violence, 33.1 Training, 41.2.8 Vehicular Pursuit, 41.2.11 Use of Department Vehicles, 61.1 Traffic Enforcement and 61.3 Traffic Direction and Control.

Resolution 229-13 as recorded in the office of the City Clerk

Animal Services Donation Revenue: A resolution approving a budget adjustment in the amount of \$1,900.00 recognizing revenue from the Friends of the Fayetteville Animal Shelter for stainless steel countertops and other improvements to the Animal Shelter clinic area, play yard and dog park.

Resolution 230-13 as recorded in the office of the City Clerk

Community Access Television, Inc. (dba Your Media) Contract: A resolution approving the annual extension of the contract with Community Access Television, Inc. dba Your Media in the amount of \$105,000.00 for the provision of public access television services and the operation of the public access television channel through 2014.

Resolution 231-13 as recorded in the office of the City Clerk

Grant Thornton, LLP: A resolution approving a contract with Grant Thornton LLP in the amount of \$85,000.00 to provide independent audit services to the City of Fayetteville.

Resolution 232-13 as recorded in the office of the City Clerk

Aviation Gasoline: A resolution approving a budget adjustment in the total amount of \$39,682.00 to increase the airport budget for aviation gasoline.

Resolution 233-13 as recorded in the office of the City Clerk

2013 Cops Hiring Program: A resolution authorizing acceptance of a 2013 Cops Hiring Program matching grant in the total amount of \$723,494.00 to fund three (3) police officers for a period of four (4) years with the matching requirement split proportionally between the City and the Fayetteville School District, and approving a budget adjustment.

Resolution 234-13 as recorded in the office of the City Clerk

Woolsey Wet Prairie Wetland Bank: A resolution to reaffirm the City Council's support for the expansion of the Woolsey Wet Prairie to create a wetland bank for the city and possibly other agencies if allowed by the Corps of Engineers.

Resolution 235-13 as recorded in the office of the City Clerk

Alderman Tennant moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

Unfinished Business: None

Public Hearing:

Van Asche Drive Construction Project Condemnation and Possession: A resolution authorizing the city attorney to seek condemnation and possession of certain lands owned by Dale & Martha Benedict and David Clark McClinton, needed for the Van Asche Drive Construction Project.

Mayor Jordan Opened the Public Hearing

Chris Brown, City Engineer gave a brief description of the resolution.

City Attorney Kit Williams thanked the City Engineer and the property specialist for their work on this item. He stated the city will continue to try and negotiate with the two land owners.

Mayor Jordan Closed the Public Hearing

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

Resolution 236-13 as recorded in the office of the City Clerk

New Business:

2014 Annual Budget and Work Program: A resolution adopting the 2014 Annual Budget and Work Program.

Paul Becker, City Finance Director gave a brief description of the resolution.

Alderman Petty stated he handed out a document at the budget meeting proposing they study a pay plan for next year. The pay plan would be similar to the pay plan at the University of Arkansas and the Federal General Services Administration, and that is used by many other governments. I wanted everybody to have time to think about that before I proposed an amendment. I do not want to propose an amendment to pay for that study today so I would ask that we table this until the next meeting.

Alderman Petty moved to table the resolution to the December 3, 2013 City Council meeting. Alderman Marsh seconded the motion. Upon roll call the motion failed 2-5. Alderman Marsh and Petty voting yes. Alderman Long, Gray, Tennant, Schoppmeyer and Adams voting no. Alderman Kinion was absent.

Alderman Gray moved to approve the resolution. Alderman Schoppmeyer seconded the motion.

Alderman Petty: I think the budget is near perfect. I think we are kicking the can down the road when it comes to the employee pay plan. Our Budget Director has told us numerous times that we are in the red in 2017 in the best case scenario. The employees that have been with us the longest do not receive cost of living adjustments when we give raises to the rest of our employees. Our new hires come in at a rate that is below market. I think we are making an irresponsible decision by not having that discussion at this time.

Mayor Jordan: Keep in mind if the budget passes, you can still bring it back and have a new pay plan discussion.

Alderman Petty: I will plan to do that.

Upon roll call the resolution passed 6-1. Alderman Long, Gray, Marsh, Tennant, Schoppmeyer and Adams voting yes. Alderman Petty voting no. Alderman Kinion was absent.

Resolution 237-13 as recorded in the office of the City Clerk

VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas): An ordinance approving VAC 13-4516 submitted by Development Consultants, Incorporated for property located west of Razorback Road and north of Center Street to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a thirty foot wide alley off of Hotz Drive.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval as well as the Planning Commission with a vote of 8-0.

Alderman Gray: What do the 207 parking places represent?

Jeremy Pate: The representative from the University will be able to explain their project. The intent is to provide surface parking for students in the area.

Jay Young, Development Consultants: The parking spaces and the layout of the roads are the conceptual plan we have at this time. We are looking at the summer of 2015 when the parking lots are anticipated to be built. The number of parking spaces is estimated to be around 190 to 207.

Alderman Tennant: Will this be one level?

Jay Young: It will be black top parking on ground level.

City Attorney Kit Williams: Are you satisfied with the terms and conditions of this vacation?

Jay Young: Yes sir.

Alderman Tennant 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 Gray, Marsh, Petty, Tennant, Schoppmeyer and Adams voting yes. Alderman Long voting no. Alderman Kinion was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray: What are the total parking spaces?

Jay Young: In total there will be 900 spaces as part of this conceptual plan. That also includes a parking lot that is south of Center Street along Graham Avenue as part of the total.

Alderman Long: I would like to hold this until the next City Council meeting so that it can be discussed at the Ward 4 meeting.

This ordinance was left on the Second Reading.

ADM 13-4512 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 2): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Two,

reducing the number of dwelling units from 100 units to 72 units and removing the requirement for vertical mixed-use buildings.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission recommended approval 8-0. Staff is also recommending approval.

Alderman Marsh: The ground floor parking areas seem to be designed to resemble habitable space. It may include the use of entrance features that may not be operable. Are they putting fake facades on the buildings?

Jeremy Pate: It could be openings articulation in the building where the parking structure is located. Depending upon the elevation where the structure is located and the topography of the ground outside, openings aren't always able to actually access the parking garage. What we are looking at in this particular case is trying to have an entrance every 50 feet or some semblance of an entrance. We have not seen the actual site development plans.

Alderman Marsh: I have some concerns about this. Can we hold this?

Alderman Adams: No one attended the Planning Commission to talk about this?

Jeremy Pate: There was not any public comment on this or the next item.

Alderman Adams stated she would like Alderman Marsh to explain why she would like to hold this item.

Alderman Marsh: I think by talking about it tonight we will get some press on it. People who do have an interest will have the ability to come forward and talk about it. We are varying from some of our traditional requirements.

Alderman Long: You are saying that it varies from what we normally do. It is a Residential Planned Zoning District and PZD's are variances from what we normally do by definition.

Alderman Marsh: I think it would be good if the public had a little more time to weight in. It seems we are sticking some of the features on we want to see without the functionality we like to see in these types of developments.

Alderman Adams moved to suspend the rules and go to the second reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-2. Alderman Long, Gray, Tennant, Schoppmeyer, Adams and Mayor Jordan voting yes. Alderman Marsh and Petty voting no. Alderman Kinion was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Five, reducing the number of dwelling units from 60 units to 31 units and amending the housing type from townhouses to detached single-family houses.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission vote was 8-0 and staff is also recommending approval of this site.

Aubrey Shepherd stated this is the first time density has been reduced in years. He voiced his concern about protecting the soil. Anything you can do to keep the soil in place and let native plants grow and protect the stream banks has many benefits.

Alderman Adams: We are putting green space in and have nice places for citizens to live. We are reducing density which in this area supports our goal of minimizing sprawl.

Alderman Long: I agree.

Alderman Petty: I can't support moving on without the applicant being here to answer questions.

Alderman Adams: That's a good point.

Alderman Marsh: I would also like to hear from the applicant about these changes.

Alderman Adams moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-1. Alderman Long, Gray, Marsh, Tennant, Schoppmeyer and Adams voting yes. Alderman Petty voting no. Alderman Kinion was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: Will you contact the applicant and ask them to be at the next meeting?

Jeremy Pate: I will make sure that happens.

This ordinance was left on the Second Reading.

ADM 13-4450 (Pratt Place Inn): An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. This did not have to go to the Planning Commission.

Julian Archer, 2115 West Markham Road: My wife Jane and I are the owners of Pratt Place Inn. I am astonished that there is no one here from Ward 4 to speak. I understand the desire to allow the residents of Ward 4 to have time to digest this. Rather than taking time tonight to explain, when there is no one from the ward, if you would like to postpone this until the next Council meeting I think that would be better. It has been very pleasant working with Jesse and Jeremy. I would like to thank them for their work.

Aubrey Shepherd stated that Ward 4 residents should have an opportunity to speak. Was notice sent to the people that live near this that there would be hearing on this change?

Mayor Jordan: Did we send out any kind of notice?

Jeremy Pate: For this particular type of item there is no requirement for any type of notice to be presented to anyone except being published in the public agenda.

Alderman Adams: This didn't go through Planning Commission so that is one less place for citizens to hear about this. I met with Mr. Archer and he has explained his position to me. I have not announced to citizens that this was coming forward. I believe that we should hold this and receive some feedback.

Jeremy Pate: I was interviewed yesterday on a local television station. A story came out this morning about this topic on 40/29 television. If anyone is interested in that interview they can go to the website and review that.

Mayor Jordan: I would encourage the Council to look at the old tapes and review all the meeting minutes from that period of time because you will find it interesting. I was a Council member from that ward at that time.

Alderman Gray: Are those decibel levels for residential areas?

Jeremy Pate: It is. The way the noise ordinance works what is measured is the decibel level of the adjoining property. If someone complains a police officer will take a reading and the noise decibel limitation is measured based on what their property is zoned. In most of these cases it will be residential decimal levels which are lower than commercial.

Alderman Gray: I think that piece of information is very significant.

This ordinance was left on the First Reading.

New Fayetteville Planning Area: A resolution to confirm the approval of the Planning Commission and to designate the attached map and described boundary as the new Fayetteville Planning Area.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. Northwest Arkansas Regional Planning deserves a lot of credit for the creation of these maps. We appreciate that assistance. Staff is recommending approval.

Aubrey Shepherd requested the map be displayed on the screen in the City Council meeting so television viewers could see the planning boundaries during the presentation.

City Attorney Kit Williams: There were minor changes made to the map.

Don Marr, Chief of Staff: The map is available to the public in the City Clerk's packet as well as online.

Alderman Long moved to suspend the rules and go to item number 7, Amend Chapter 178. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

City Attorney Kit Williams: The map is on display now.

Aubrey Shepherd: I have not studied the map very much, but it is great that you brought it back. I hope the camera is on it because that is important in case the public has any input. Most of us trust the staff and the Council to make good decisions. It is every citizen's duty to try and know what is going on.

Alderman Petty moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 6-0. Alderman Adams was absent during the vote. Alderman Kinion was absent.

Resolution 238-13 as recorded in the office of the City Clerk

Amend Chapter 178: An ordinance to repeal §178.03 Sidewalk Vendors and enact a replacement §178.03 Sidewalk Vendors and Food Trucks and to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the ordinance. The changes were presented to the Planning Commission and supported by the Planning Commission by a vote of 7-2.

Alderman Adams asked about a section of the packet. Why are the highlights there?

Peter Nierengarten: The highlighted yellow denotes changes. Anything in bold is an addition and anything with a strikeout is a deletion.

Jeremy Pate: Alderman Petty brought this to our attention and we have been working on it quite a while. With Peter's leadership we have worked with Planning staff and the Mayor on a lot of this. Some of these changes make it easier for permits to be administered. A lot of mobile vendors are seasonal. We have seen some of these businesses move to brick and mortar.

Alderman Petty: We have been working on this for almost two years. It started with a meeting I was asked to attend at Little Bread Company. There were about 30 people interested in starting a food truck. I think this is a good ordinance to pass. One thing that I think will come up soon is food vending on public property. The ordinance doesn't really address this. The typical food truck model goes beyond private property and includes parallel parking spaces all over the community. This ordinance does not allow for that. I suspect we will hear from citizens who would like to see that. There are multiple ways of addressing that and if we don't address it now, I will be coming back in the next six months and asking that we address it. If this Council wants to go ahead and take that on, I will support that as well and if we do, I suggest we go to Ordinance Review. Either way I will support the ordinance we end up with.

Alderman Tennant: Who manages the food vendors that go to Gulley Park during the concert series?

Alderman Petty: There is an inconsistency in our current ordinances. If you look at our park ordinances, all commercial sales are prohibited, so the Gulley Park vending is an anomaly in that. I don't want to speak for the Parks Department, but they were considering a tandem ordinance with this to allow them to issue event permits for vending with food trucks and regular vending. I think this is something we should do and actually go a little bit farther with.

Don Marr, Chief of Staff: I do want to make one correction. The ordinances actually were written to allow for the Gulley Park concert vendors specifically as an exemption in the current ordinance.

City Attorney Kit Williams: That is correct. There are several exemptions and the Gulley Park vendors are one of the exceptions that the City Council passed and placed in the code. We are following the code and not violating the code.

Alderman Petty: That is why I called it an anomaly, because we don't allow that in general. I think that is something we should allow and talk about now or whenever this comes up again.

Don Marr: Staff is very supportive of having this discussion that relates to public parks. I played in a tennis tournament in another state that allows mobile vending in their parks. It gave more of a food option for those of us who were participating rather than the traditional concession food. I came back and shared the information and our Parks Department was very open to it. I think the issue on why you don't see them in tandem tonight is because that discussion came up at the end of where this was and we didn't want to delay this one any further.

As we continue to improve capital for concession projects, it gives us the ability to scale those back some to be more cost efficient in our investment in concessions constructed, by allowing mobile vending as alternative options. Not only in diversity of options offered, but in us not having to bear the entire cost of providing facilities to make those offerings. Those are the reasons staff is supportive of this discussion coming forward.

Alderman Marsh: Thanked Alderman Petty for this ordinance update. Mobile vending is an important tool for economic development, business incubation, and neighborhood revitalization. Mobile vendors can play an important role in diversifying our culinary landscape, bring healthy foods in and enlarge the market for local foods.

Alderman Marsh stated she attended a conference in Seattle and learned a lot about mobile vending success stories and challenges in other communities. She stated they had some good lessons learned and recommendations to share. She would like to see this go to Ordinance Review to discuss incorporating some of those ideas in this ordinance. She stated there is a report by the National League of Cities called Food on Wheels, Mobile Vending goes Mainstream. They recommended separate permits for vendors in locations.

Aubrey Shepherd: We love those vendors.

Cody Nethers, The Hopper Food Truck stated he appreciated everything that has come forth. He has studied food trucks for the last year. He works strictly with the Farmers Market and all of his proteins come from them. He stated with less overhead it gives him the budget to buy proteins from the Farmers Market. Asking a \$100 to park in each place, if that goes five times that is \$500 every six months.

Travis Feltner, Feltner Brothers stated he owns restaurants in town and is considering doing a food truck. Thank you for moving to this point with this. This is what Fayetteville needs it is the perfect city and the perfect area of Arkansas for this. I think public parking will eventually come up as an issue. I think that is why most people decide to go with a truck as opposed to a trailer for the freedom of travel. The main reason we decided to do a food truck is that we get numerous calls to cater an event for 250 people or more. We would have to close down one of the two stores to be able to accommodate that many people. If someone pays us in advance and we are not taking any form of payment on site is that considered mobile vending and a permit needed.

City Attorney Kit Williams: I believe what is being described is catering since they are not doing individual sales. They are actually servicing a business all on private property. I would think this should not be required under here for you to get a permit. This is part of the Unified Development Code and the official interpreter is Mr. Pate. His interpretation controls, but if his interpretation is different, then we probably need to revise the ordinance.

A discussion followed about what constituted as catering and mobile food vending and what permits are needed.

Cody Nethers: I have a commissary with Brick House Kitchen. I know it makes people nervous as to where our food comes from. I am trying to open it up to where we all have a joint commissary. What I would propose is that the food trucks will regulate ourselves. I am glad there is an awareness to the difference between a trailer and a truck.

Jeanette Beltram, Best Frickin Chicken in Town: I am from California and I have seen how the mobile trucks started out there. They were the best places to eat and when they rolled up you knew you were getting good food. We are approved by the Health Department and follow it by the book. I have a thing about every time we move to a new location there would be a fee for us. I am having a hard time understanding the difference between a mobile truck and a trailer that a truck pulls. We have the kind that a truck has to pull. It is still mobile, but bigger. I have great concerns that it will be costly if we have to pay every single time we move.

Alderman Petty: The concerns we have heard tonight are things we have discussed internally in developing this. If Council wants to address that, we are already half way there. We have alternative frameworks and we can discuss those as a Council. I don't think any of us anticipated we were going to get the strong majority of support that we received at the Planning Commission for this. Based on the comments and other times this was brought up and in the newspaper, we were expecting much more opposition and questions about the expansion of this new industry. We didn't see that at the Planning Commission. The seven who voted for this were enthusiastic about it and wanted it to go farther. If we want to pass this as it is or if we want to take another two weeks we can do that. We have heard some legitimate concerns. We have the frameworks ready to go, so the discussion will be efficient.

Mayor Jordan: Alderman Marsh mentioned this going to Ordinance Review.

Alderman Long: I am fine with it going to Ordinance Review.

Mayor Jordan: If you left it on the First Reading you would have two weeks to go to Ordinance Review.

City Attorney Kit Williams: There is an Ordinance Review Committee meeting scheduled tomorrow. It is on a single subject and it will probably take up the whole time.

Alderman Petty: I believe we need a meeting at Ordinance Review dedicated to this.

A discussion followed about the scheduling of an Ordinance Review Committee meeting to discuss this topic.

Alderman Petty moved to table the ordinance to the December 17, 2013 City Council meeting and send it to the Ordinance Review Committee. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

This ordinance was left on the First Reading, Tabled to the December 17, 2013 City Council meeting and sent to Ordinance Review.

The Council returned to item #6 to view the planning map as requested.

Huntsville Road City Property: A resolution to amend the 2030 Future Land Use Map to change the city owned parcel of the former Tyson plant on Huntsville Road from Civic Institutional to City Neighborhood and to express the City Council's support to request proposals for the sale and development of the remaining acreage.

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the resolution. This resolution would change the future land use designation for the property from Civic Institutional to City Neighborhood and direct staff to begin a development for Request for Proposals for the property.

City Attorney Kit Williams: I do have one correction. This resolution does not direct staff to do anything. The Mayor directs staff. This one is expressing support to request proposals for the sale and development of remaining acreage. Obviously, I think the Mayor will use his staff to look at the sale of this property as you have requested through your intent. This comes up occasionally where we have staff sometimes saying that they are being directed by you, but that is not correct, they work for the Mayor and he is the Chief Executive Officer, you do not get your directions from the City Council.

Peter Nierengarten: Thank you Kit, my mistake.

City Attorney Kit Williams: I drafted the resolution and it is correct.

Alderman Marsh: I would like to thank staff for their work on this proposal, for engaging citizens and getting their feedback. The three top priorities based on design elements and ideas two of the highest ranked ones by citizens were neighborhood gardens and public space green space park. What are we doing to ensure that those will be included in any development proposals?

Peter Nierengarten: I think that could be written into part of the criteria as part of that proposal process.

Alderman Marsh: Does staff have a recommendation on the percentage of the site that would be allocated for those uses?

Peter Nierengarten: I don't think we have looked at it in that level of detail. At this point, I don't think we have a percentage. The concepts we presented showed using those public spaces as neighborhood or communal garden spaces. We would look at some allotment that would be appropriate for the number of residents that would be using that space for that type of use.

Alderman Marsh: I would like to see some type of guidelines attached to our Request for Proposal to develop this property to ensure that we are meeting that citizen request.

Mayor Jordan: Is that a motion?

Alderman Marsh: Yes.

City Attorney Kit Williams: Could you please repeat the motion.

Alderman Marsh: To request that staff provide some guidance as part of the Request for Proposals in terms of a percentage of community garden or park space that would be allocated based on the use of the property

Alderman Petty: You mean to include a specific number? I will second that.

Alderman Marsh: Yes or proportionality. I want staff to set a minimum amount of either community garden or green space park space.

City Attorney Kit Williams: Do you have the minimum amount you want to request?

Alderman Marsh: No, I would like staff to recommend that based on their expertise.

City Attorney Kit Williams: Who are they recommending that to?

Alderman Marsh: To include that as part of the Request for Proposals we send out for development.

Mayor Jordan: You are asking for a minimum amount of green space to be determined by the staff?

Alderman Marsh: Yes.

Alderman Gray: Based on the input from the citizens.

Alderman Marsh: I just don't want it to be left over space allocated as green space. We want to actually meet the neighbor request for garden and park space.

Mayor Jordan: We had public input sessions and what did you garner from that Peter?

Peter Nierengarten: All three options that we drew up showed garden and green space in them. I can't tell you the exact amount of acreage for each of those. Alderman Marsh is correct that the public reaction to those illustrations was very positive and supportive of inclusion of garden or green space.

Mayor Jordan: I remember we had garden and green space in the three proposals.

City Attorney Kit Williams: We are required by our contract with Kum & Go to have that half acre space by the intersection that will be green space.

Alderman Marsh: If you look at these top priorities outlined by our citizens, the number one request is neighborhood gardens. That is not left over space at a busy intersection.

City Attorney Kit Williams: You want to have neighborhood gardens rather than green space?

Alderman Marsh: Neighborhood gardens, public space green space and park areas. I don't know if there are some guidelines for percentage of community gardens space per resident that we could look at. I'm sure someone has established some standards that we could use. I am asking the staff to determine what the recommended ratio is and to include that as a requirement in the Request for Proposals.

Mayor Jordan: Do you have green space or gardens in the proposal?

Peter Nierengarten: We have not even drafted the Request for Proposal yet. Upon direction from you and with guidance from the Council we will start that process soon. Our plan was to include the allotment that Alderman Marsh is alluding to.

Don Marr, Chief of Staff: I want to make sure we are clear. It needs to be specific to the properties in which someone is making a proposal for. We are making an assumption that the proposal offer is going to be for all the property and there may be someone who only makes a proposal for part of the property. You want the flexibility in that design to be able to possibly piece together two separate proposals because you think it ends up being the best development proposal as opposed to single property development option or it could be the exact reverse. If I understand what we are being directed by this Council amendment is that staff would make a determination of what green space option subsets to be used for either portions of the property or all the property developed into those categories outlined in community gardens and public green spaces.

Mayor Jordan: I believe what you are saying is there is a certain proportion of green space you wan to see left in these seven acres. Is that correct?

Alderman Marsh: Not just green space. I'm not looking at turf grass.

Mayor Jordan: I understand some sort of usable green space.

Alderman Marsh: Some ecological services provided by this sight. In the Request for Proposals, they can either include it in the proposal if they want to design something for the whole sight or we can request that they pay into a fund that could then offset the development cost of another portion of the sight. We want to make sure we are including the citizen's desire for these spaces in this development.

Mayor Jordan: This will be an amendment to this resolution.

City Attorney Kit Williams: This will be a new section three.

A discussion continued about the phrasing of the amendment for the resolution.

City Attorney Kit Williams: It would say that the City Council expresses its support to set a minimum amount of green space for neighborhood gardens and park space to be included in the development of the sight.

Alderman Marsh: Perfect. Thank you.

Aubrey Shepherd: The exact dimensions and portions of the sight makes a lot of difference, if we require green space out by the street in front of Kum & Go, it is going to be basically fake green space. This will serve the purpose of some native plants, but will not allow perennials to root deeply. I am for the amendment.

Mayor Jordan: The motion is for useable green space, not just a bunch of sub soil thrown down on the ground with grass on top of it. This is useable green space.

Alderman Marsh: Not left over space. It would provide ecological services.

Aubrey Shepherd: I am correct that it would be the southeast corner?

Mayor Jordan: Yes, pretty much.

Alderman Petty: It is always a good idea when you are sending out a Request for Proposals to include parameters to guide the respondents. With this being at the top of the citizens list, it makes sense to include it.

Alderman Marsh moved to amend the resolution to express the City Council's support to set a minimum amount of green space for neighborhood gardens and park space to be included in the development of the sight. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

Alderman Marsh: I would like to propose an amendment that in our Request for Proposals that we include that they follow our low impact design guidelines. There is a lot of drainage in this area that needs to be dealt with appropriately.

Alderman Petty: We passed an ordinance to create a new set of drainage guidelines and establish a Best Practices Manual for low impact development. To former Alderman Sarah Lewis credit, she came from the industry where she advised developers on low impact development. We already had a good basis of understanding on what low impact development meant. It is not controversial at all when you talk to developers now. It seems like it is only controversial with some elected officials across the country. If you look at the data, developers and cities love it for two reasons, on average it saves 40% on construction cost and saves on maintenance cost year after year.

Alderman Marsh: Having just been on mobile tours in Seattle at the National League of Cities Conference you can see low impact development green streets. They are beautiful and they have done a lot to attract new businesses and green industries. I think that in order to attract the best development and hopefully some green jobs, this could help us do that.

Mayor Jordan: This amendment is to develop that area according to low impact development standards.

City Attorney Kit Williams: It is actually to require a developer to follow our low impact design standards.

Alderman Adams: We can require a developer to use low impact development design standards?

City Attorney Kit Williams: Low impact design standards were done as an option. We were trying to encourage developers to do it voluntarily. There were certain advantages for them if they decided to do that. We can not require that at this point in time, however this is our property. It might lower the money that we are going to get for the property. Every time you put another restriction on the property you are trying to sell, you are reducing its value to a developer who would rather buy a property with no restrictions. It doesn't mean you shouldn't put any restrictions on it, but you need to keep in mind, that the more restrictions you place upon this the fewer people are going to be interested in developing a commercial sight and the less they are probably going to be willing to pay for it.

Alderman Tennant: I am not against this, but I am worried about immediately putting so many restrictions on this property. I am worried about potential developers and investors even looking at this and moving forward with this because of the restrictions. We might have somebody out there who would come and look at it if we don't have a tremendous amount of restrictions on it. We could work with them and decide if they are right for the property at that point, rather than say you can't even come into town and look at this piece of property until you meet all these requirements. We need to sell this land for the most money. The taxpayers deserve that, but at the same time we have proven that we make decisions not just based on money.

Alderman Petty: I understand that concern. I don't think there is cause for that concern in this case because every developer understands low impact design. They understand the cost savings associated with it. In most cities it is still illegal and that is what keeps them from going there. It won't prevent anybody from applying, especially if we develop an RFP that will be advertised nationally.

Alderman Long: Are we putting an extra restriction on ourselves? Usually I am for low impact development. We are going to have to talk about who we sell the land to when it comes to us. I question whether that is smart to do on the front side.

City Attorney Kit Williams: I would like to ask Jeremy Pate if he is aware of the number or percentage of low impact developments that have occurred in Fayetteville since we enacted the ordinance.

Jeremy Pate: Honestly, I do not know.

City Attorney Kit Williams: Is it a large percentage. Have we seen a lot of low impact development?

Jeremy Pate: We have seen a lot of developments utilize portions of it. Where an entire project has come through is probably a much lower percentage. The drainage criteria manual we are working on incorporates low impact development as a part of the manual. It is much more built into the overall system and that will be coming forward at the beginning of next year.

Mayor Jordan: Do you have any thoughts on this Adella?

Alderman Gray: I think we have heard some good arguments, if we can do the negotiation on the other end that would be great. Is that okay with our attorney?

City Attorney Kit Williams: That is what we did with Kum & Go. We entered into an extensive negotiation once they showed some interest. The negotiations can continue right up until you make a final decision to sell them the property.

Alderman Gray: I feel like that is probably the better decision for us at this point in time.

Alderman Marsh: This is right next to the White River and that has a huge issue with sedimentation. Having these ecological services that low impact development provides, is a benefit to our community. Sensing the hesitation on the Council, I would like to amend the resolution to request low impact design proposals rather than require it.

Alderman Marsh moved to amend the resolution to request a developer to follow our low impact design standards. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

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

Resolution 239-13 as recorded in the office of the City Clerk

Instrument & Supply, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with Instrument & Supply, Inc. for the purchase of a JWC Channel Monster in the total amount of \$192,342.36, and approving a budget adjustment.

City Attorney Kit Williams read the ordinance.

David Jurgens, Utilities Director gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5635 as recorded in the office of the City Clerk

CH2M Hill Engineers, Inc. Amendment No. 4: A resolution approving contract Amendment No. 4 with CH2M Hill Engineers, Inc. in the amount of \$7,441,428.00 for operation, maintenance, management and engineering services for city wastewater treatment facilities and systems in 2014 subject to approval of the 2014 annual city budget and work program, and approving a \$70,000.00 contract contingency.

David Jurgens, Utilities Director gave a brief description of the resolution.

Mayor Jordan: CH2M Hill does an excellent job and I am very pleased with their work from an administration perspective.

Alderman Marsh: This went through the Water & Sewer Committee and was endorsed unanimously.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Kinion was absent.

Resolution 240-13 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Economic Development Report: Chung Tan, Chamber of Commerce

City Council Tour: December 2, 2013 – 4:00 PM – Mt. Kessler
Announcements:

Alderman Gray: There will be a Ward 1 meeting on November 21, 2013 at the Fayetteville Senior Center at 6:00 p.m.

Alderman Marsh: On November 23, 2013 at 10:00 a.m. the Fayetteville Forward Creative Economy Action Group will be getting together at the St. Paul's parking lot to build a float for the Lights of the Ozarks Parade. Our theme is Super Heroes.

Don Marr: I would like to remind the Council on November 20, 2013 at 5:15 p.m. in Room 326 is the Ordinance Review Committee meeting to discuss the building height proposal that is before the Council.

November 21, 2013 the Northwest Arkansas Regional Planning Commission is having a Transit Alternatives Analysis meeting for public input to discuss the options on regional public transit. It will be in Room 326 from 4:00 to 7:00 p.m.

November 23, 2013 will be the Lights of the Ozarks lighting and parade on the Square at 6:00 p.m.

City offices will be closed November 28, 2013 and November 29, 2013 for the Thanksgiving Holiday. Solid Waste services do not operate on Thanksgiving Day. Citizens, who have their services normally on Thursday, will be on Friday.

The office and transfer station will not be open to the public at the Solid Waste Division on November 28, 2013 or November 29, 2013.

Alderman Marsh: On November 25, 2013 we will celebrate the completion of the Cato Springs Road project at 2:30 p.m. on Cato Springs Road.

Alderman Adams: We will have a Ward 4 meeting on November 25, 2013 at 6:00 p.m. in Room 111 at City Hall.

City Clerk Sondra Smith: We have 34 openings on the Boards and Committees. The application deadline is November 22, 2013 at 5:00 p.m. Please encourage citizens to apply for these openings. The openings can be found online at accessfayetteville.org.

Don Marr: We would ask for your active recruitment of citizens for Boards and Committees. While we have more openings this period, we are seeing fewer applications.

Mayor Jordan: I would like to wish the City Council, City Attorney, City Clerk and the great citizens of this city a very happy and safe Thanksgiving.

Adjournment: 8:35 pm

Lionel Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

UNOFFICIAL



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney



DATE: December 3, 2013

RE: Home Protection Ordinance

I have slightly modified what I have proposed to be the Home Protection Ordinance which was presented to the City Council a couple of weeks ago. I have expanded the type of new construction that would be subject to the setback and stepback protection for single family residences from "multifamily, commercial or mixed use construction" to "multifamily, commercial, **office, parking deck** or mixed use construction."

Although we haven't seen tall office buildings being constructed in the Downtown area for a while, there may be a need for such construction in the future. This type of construction should be controlled as much as new commercial or multifamily buildings to protect single family residences in Downtown General and Main Street Center districts.

I believe parking decks would likely be considered a part of multifamily, commercial or office building construction. However, I wanted to be sure that no builder could claim that a parking deck would not be covered by the setback and stepback protection provisions so I specifically included parking deck construction (when adjoining a single family residence's lot).

I want to remind everyone that this proposal would **only be applicable in the Main Street Center and Downtown General** zoning districts which are located primarily in the Downtown and Walker Park neighborhoods. This **setback protection is only provided to a single family home** being used primarily as a single family residence. Houses converted primarily to office or commercial use would not be protected by this setback provision. The 15 foot setback provision would only be applicable from the single family home's adjoining property line for a to-be-constructed, tall parking deck or an apartment, commercial or office building. Single family homes and any construction not exceeding twenty four feet tall would not be effected by this ordinance.

The protection remains as a fifteen (15) foot setback from the residential lot line before a thirty six (36) foot wall can be built. If a developer wants to build to the maximum allowed height in Downtown General (56 feet) or Main Street Center (84 feet), a further fifteen (15) stepback from the single family resident's property line would be required.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 164.11 **HEIGHT AND SETBACK REGULATIONS; EXCEPTIONS** TO PROVIDE HOMEOWNERS PROTECTION OF THEIR RIGHT TO SUNLIGHT AND AIR

WHEREAS, Fayetteville homeowners' rights to adequate sunlight and room for air and wind should be protected; and

WHEREAS, preservation of the many homeowners' single family residences used as homes in the Downtown Master Plan District have inadequate setback protection from large and tall buildings require that minimum side and rear setbacks and upper story stepbacks be enacted to ensure adequate sunlight, wind and air for these homes to remain attractive and healthful places to live; and

WHEREAS, residential homeowners who wish to install solar panels or passive solar heat collectors, etc. must have enough protected access to sunlight for these ecological and green technology products to work effectively; and

WHEREAS, trees and other plants within the yards of homes also need adequate sunlight that reasonable setback and stepback regulations can ensure.

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 § 164.11 **Height of Setback Regulations; Exceptions** by amending its title to be: "**Height of Setback Regulations; Exceptions and Home Protection Requirements**" and by enacting a new (C) *Home Protection Requirements* as shown below:

“(C) Home Protection Requirements.

Regardless of any other setback or build-to zone regulations, new multifamily, commercial, office, parking deck, or mixed use construction exceeding twenty-four (24) feet in height which adjoins or abuts a single family home being used primarily as a single family residence within the Downtown General or Main Street Center Zoning Districts must at a minimum be set back from the side or rear adjoining property line at least fifteen (15) feet. The maximum height of the new building from the fifteen foot setback shall be thirty-six (36) feet for an additional fifteen (15) foot stepback from the residence's property line. These setback and stepback requirements are minimums so that, if larger setbacks or stepbacks are required by other zoning laws, the larger setback/stepbacks are controlling.”

PASSED and **APPROVED** this 3rd day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

12-3-13

Handed out at the City Council Meeting

Tired of asking the same questions over and over? Here are the answers to our most common questions.

How long is an event?

2.5 to 3.5 hours.

Can I purchase more time?

Yes.

Is there a curfew?

No.

When can I set up?

9 am in the Great Hall; 3 pm in Eleven.

How long do I have to clean up?

90 minutes.

Local Vendors

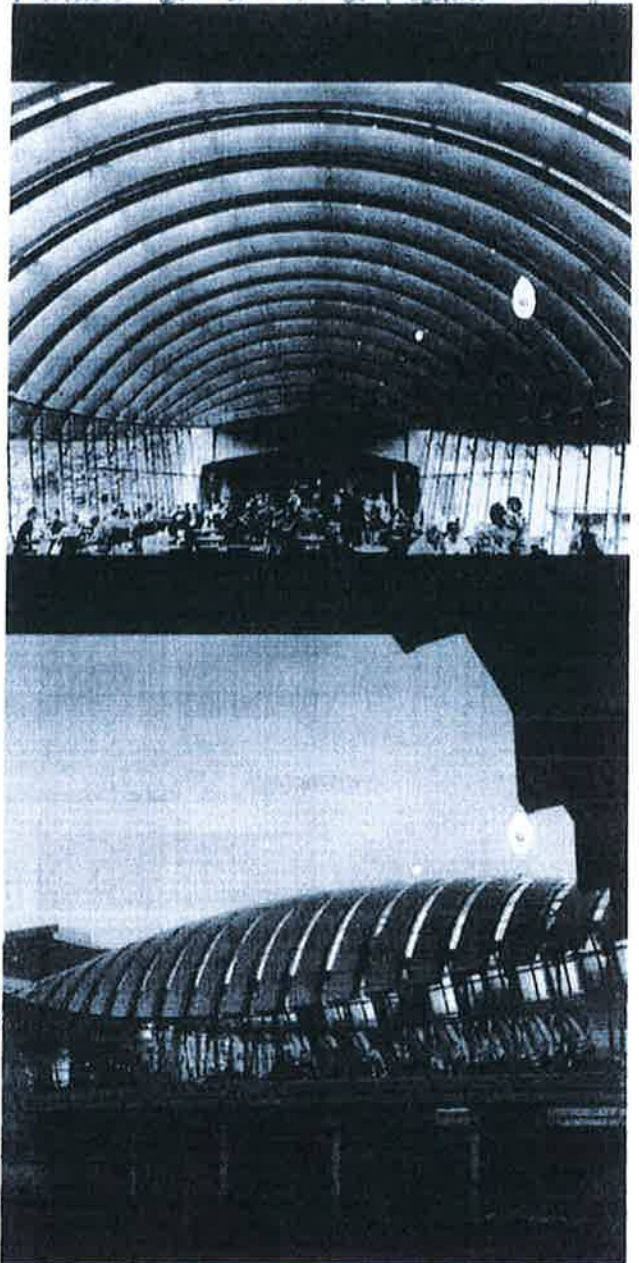
Here's a list of our trusted vendors.

-  **Eventures Party Rentals**
(<http://www.eventurespartyrentals.com/>)
-  **Flora Flowers** (<http://floranwa.com/>)
-  **Bloom Floral and Gifts**
(<http://www.bloomnwa.com/>)
-  **Shirley's Flowers**
(<http://www.shirleysflowersinc.com/>)
-  **Rick's Bakery**
(<http://www.ricksbakery.com/>)
-  **Shelby Lynn's Cake Shop**

Wedding

Here's a

-  **Pinter**
(<http://www.pinter.com/>)
- at-crystal**



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
December 03, 2013**

A meeting of the Fayetteville City Council will be held on December 03, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Quarterly Financial Report – 3rd Quarter of 2013**, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

1. Approval of the November 19, 2013 City Council meeting minutes.
2. **General Construction Solutions, Inc.:** A resolution approving Change Order No. 1 to the contract with General Construction Solutions, Inc. in the amount of \$34,037.14 for the completion of construction on FEMA Project, Location 22 Sanitary Sewer near the entrance to the Cliffs Apartments related to Spring 2011 flooding, and approving a budget adjustment.

3. **Grubbs, Hoskyn, Barton & Wyatt, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for the additional amount of \$8,000.00 for additional geotechnical evaluations of Tract 14 of the Fayetteville Industrial Park, approving a project contingency of \$2,000.00 and approving a budget adjustment.
4. **Continental Flooring Company:** A resolution authorizing the purchase and installation of vinyl plank flooring from Continental Flooring Company for the Transportation Division office in the amount of \$38,843.00 plus any applicable bonding fees and tax pursuant to an NJPA cooperative purchasing agreement.
5. **Landers Toyota of Little Rock:** A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of \$55,910.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer Division, and approving a budget adjustment in the amount of \$28,500.00.
6. **Bid #13-20 Shipley Motor Company of Lowell:** A resolution authorizing the purchase of one (1) Mack LE613 truck with Wayne Titan body in the amount of \$245,060.00, pursuant to Bid #13-20, from Shipley Motor Company of Lowell for use by the Solid Waste Division.
7. **Assistance to Firefighters Grant:** A resolution authorizing application for an 80/20 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$380,000.00 for the purchase of a front line fire pumper apparatus for the Fire Department.

B. Unfinished Business:

1. **Amend UDC Height and Setback Regulations:** An ordinance to Amend §§161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 to change setbacks and setbacks for adjoining property and height limitations for several districts and to amend §164.11 Height and Setback Regulations; Exceptions to reduce or eliminate setbacks in certain circumstances, to require wider sidewalks for buildings higher than 36 feet and to provide a building height variance for buildings receiving LEED Gold Certification and meeting other requirements, and to amend §156.02 (F) to authorize a requirement for a height variance applicant to provide a Viewshed Analysis or Sun/Shadow Study. ***This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent the Ordinance Review Committee for review.***

Left on the Third Reading

2. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance approving VAC 13-4516 submitted by Development Consultants, Incorporated for property located west of Razorback Road and north of Center Street to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a thirty foot wide alley off of Hotz Drive. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.***

Left on the Second Reading

3. **ADM 13-4512 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Two, reducing the number of dwelling units from 100 units to 72 units and removing the requirement for vertical mixed-use buildings. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.***

Left on the Second Reading

4. **ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Five, reducing the number of dwelling units from 60 units to 31 units and amending the housing type from townhouses to detached single-family houses. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.***

Left on the Second Reading

5. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting.***

Left on the First Reading

C. New Business:

1. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.
2. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314.00 to provide public recreation services for the senior citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.

3. **RZN 13-4520 (S. of Martin Luther King Blvd. and East of S. Beechwood/Eaton):** An ordinance rezoning that property described in rezoning petition RZN 13-4520, for approximately 16.57 acres located south of Martin Luther King Boulevard and east of South Beechwood from I-1, Heavy Commercial and Light Industrial to CS, Community Services.
4. **Amend §166.08 Street Design and Access Management Standards:** An ordinance to amend §166.08 Street Design and Access Management Standards of the Unified Development Code to clarify or alter several design regulations.
5. **2013 Sales and Use Tax Bond Issue Proceeds:** A resolution approving a budget adjustment in the total amount of \$22,750,000.00 to appropriate proceeds from the 2013 Sales and Use Tax Bonds for street projects.

D. City Council Agenda Session Presentations:

E. City Council Tour:

1. **December 2, 2103 – 4:00 PM – Mt. Kessler**

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

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

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

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

City of Fayetteville Item Review Form

2013-0139

Legistar File Number

12/3/13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Jurgens

Submitted By

Utilities

Department

Action Required:

Approval of Change Order 1 with with General Construction Solutions, Inc. for \$34,037.14 for the completion of Construction of FEMA Project, Location 22 Sanitary Sewer, construction in the vicinity of the entrance to the Cliffs apartments to repair sewer line damage cause by flooding in the spring of 2011, Bid 13-38, and approval of a budget adjustment.

Does this item have a cost? ☒ Yes

\$34,037.00

Cost of this request

\$34,037.00

Category or Project Budget

FEMA 2011 Contracts

Program or Project Name

5400.5700.5315.00

Account Number

\$0.00

Funds Used to Date

2011 FEMA

Program or Project Category

11020.5400

Project Number

\$0.00

Remaining Balance

Disaster/Replacement

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution # 167-13

Original Contract Number: 2295

Comments:

Paul A. Behn 11-15-13
Paul A. Behn 11-18-2013
Jim Allen 11-18-13
Tronell Jordan 11/19/13

3:53 pm 11/15/13
Jim



www.accessfayetteville.org

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
 Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
 Fayetteville Water and Sewer Committee 

Date: November 5, 2013

Subject: Change Order 1 with General Construction Solutions, Inc. for FEMA Related Sewer Repairs at The Cliffs

RECOMMENDATION

City Administration recommends approval of Change Order 1 with General Construction Solutions, Inc. for \$34,037.14 for the completion of Construction of FEMA Project, Location 22 Sanitary Sewer, construction in the vicinity of the entrance to the Cliffs apartments to repair sewer line damage cause by flooding in the spring of 2011, Bid 13-38, and approval of a budget adjustment.

BACKGROUND

In spring 2011, the City experienced a period of extensive rainfall and suffered severe flooding. The incident was declared a national disaster by the President. The City's water and sewer systems experienced a variety of damage, including some locations where the water or sewer lines completely washed out. The City has worked with FEMA to obtain partial reimbursement of the costs incurred. For this particular site, where we are replacing the original line with a larger line on a new routing, installing a line that will meet 100 year capacity requirements, so most of the cost is the City's responsibility for upgrades. FEMA's reimbursement is based on a \$5,027.75 repair, so FEMA is reimbursing \$3,770.81, the State of Arkansas portion is \$628.47, and the City's portion is \$138,619.86.

DISCUSSION

This job installed 253' of 12" and 18" sewer pipe and three manholes across the Cliffs driveway. The existing pipe was an old 10" clay line with a very poor alignment. There were significant unforeseeable utility and storm drainage conflicts in this area that could not be identified before work began, the sewer line was encased in concrete (which was not shown on the as-builts), and the excavation was as much as 17' deep. These greatly increased the difficulty. Major increases are listed below. Even with this increase, the total cost of this contract (143,019.14) is well below the second low bid of \$189,473, which would also have increased due to these issues.

- Remove concrete encasement from the existing sewer line in the vicinity of MH 540. The concrete encasement was not identified on the as-builts, and thus was not reflected on the drawings. An increase of \$4,950.00.
- Install concrete anchors on the steel encasement crossing the creek at the direction of the City of Fayetteville. This was not identified on the drawings. An increase of \$1,252.00.
- Reroute line and add manhole to avoid storm drainage and increased pavement repair, \$15,170.14.
- Hand dig to locate a fiber optic telephone line that was not shown on the drawings. The final depth of the fiber optic line was 15 feet. The crew was shut down for two days. An increase of \$7,790.00.
- The Contractor had to cut and plug abandoned 8" and 10" high pressure gas mains at The Cliffs driveway. The gas mains were not shown on the drawings in this area. The Contractor did have to work around abandoned high pressure gas mains on the south side of the creek that were identified on the drawings. An increase of \$4,875.00.
- Concrete Pavement / Sidewalk – The bid quantity was estimated to be 12 square yards. The actual quantity was 215.22 square yards. An increase of \$21,293.39.

Original Contract General Construction Solutions	\$ 108,982.00
Change Order	\$ 34,037.14
Total Contract General Construction Solutions	\$ 143,019.14
Goodwin & Goodwin, Inc. (Second Low Bidder)	\$ 189,473.00

BUDGET IMPACT

These additional costs are covered by project 02017, Sanitary Sewer Rehabilitation.

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT WITH GENERAL CONSTRUCTION SOLUTIONS, INC. IN THE AMOUNT OF \$34,037.14 FOR THE COMPLETION OF CONSTRUCTION ON FEMA PROJECT, LOCATION 22 SANITARY SEWER NEAR THE ENTRANCE TO THE CLIFFS APARTMENTS RELATED TO SPRING 2011 FLOODING, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 1 to the contract with General Construction Solutions, Inc. in the amount of \$34,037.14 for the completion of construction on FEMA project, Location 22 Sanitary Sewer near the entrance to the Cliffs Apartments related to Spring 2011 flooding.

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

PASSED and APPROVED this 3rd day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT CHANGE ORDER		Change Order No. <u>1</u> Page <u>1</u> of <u>2</u>	
		City Contract # <u>2295</u>	Schedule <u> </u>
		City Resolution # <u>167-13</u>	Date <u>10/25/2013</u>

City Project No.: <u>11020</u>	Location: <u>Fayetteville, Arkansas</u>
Project Name: <u>FEMA Project, Location 22 Sanitary Sewer</u>	Contractor: <u>General Construction Solutions, Inc.</u>
Owner: <u>City of Fayetteville</u>	Address: <u>1951 Electric Avenue</u>
Address: <u>113 West Mountain</u>	<u>Springdale, AR 72764</u>
<u>Fayetteville, AR 72701</u>	

THE FOLLOWING CHANGES ARE HEREBY AMENDED INTO THE CONTRACT PLANS AND SPECIFICATIONS:

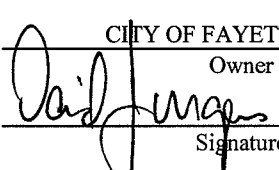
ITEM #	DESCRIPTION	DECREASE	INCREASE
1	Change order for unforeseen conditions and reconcile contract quantities. See attached breakdown.		\$34,037.14
TOTAL DECREASE AMOUNT		\$0.00	
TOTAL INCREASE AMOUNT			\$34,037.14
NET CHANGE ORDER			\$34,037.14

CHANGE TO CONTRACT AMOUNT:	TOTAL AMOUNT	ENGINEERS FINAL ELIGIBLE AMOUNT
Original Contract Amount	\$108,982.00	\$108,982.00
Total Previous Change Order(s)	\$0.00	\$0.00
Net Amount This Change Order	\$34,037.14	\$34,037.14
TOTAL CONTRACT AMOUNT TO DATE	\$143,019.14	\$143,019.14

CHANGE TO CONTRACT COMPLETION DATE:

Original Completion Date	October 26, 2013	
Previous Adjusted Completion Date		
(Increase)(Decrease) This Change Order	21	Calendar Days

NEW CONTRACT COMPLETION DATE: November 16, 2013

RECOMMENDED:	<u>CITY OF FAYETTEVILLE</u> Owner		
BY:	 Signature	<u>Utilities Director</u> Title	<u>13 Nov 13</u> Date
ACCEPTED:	<u>GENERAL CONSTRUCTION SOLUTIONS, INC.</u> Contractor		
BY:	 Signature	<u>President</u> Title	<u>11/4/13</u> Date
APPROVED:	<u>CITY OF FAYETTEVILLE</u> Owner		
BY:	 Signature	 Title	 Date

Cost Breakdown for Change Order

Item	Description	Unit	Unit Cost	Contract Estimated Quantity	Contract Actual Quantity	Adjust +/-	Adjusted Contract Amount
1	Mobilization	LS	\$ 5,200.00	1	1	0.00	\$ -
2	Trench & Safety Systems	LS	\$19,500.00	1	1	0.00	\$ -
3	Erosion Control	LS	\$ 1,475.34	1	1	0.00	\$ -
4	12" SDR-26 PVC Sewer Pipe	LF	\$ 96.98	61	116	55.00	\$ 5,333.90
5	18" DIP Sewer Pipe, Protecto 401 Lined	LF	\$ 207.06	206	136.5	-69.50	\$ (14,390.67)
6	30" Diameter Steel Encasement, Direct Bury	LF	\$ 266.54	42	42	0.00	\$ -
7	48" Diameter Manhole	EA	\$ 2,687.66	2	3	1.00	\$ 2,687.66
8	48" Diameter Manhole, Extra Depth	VF	\$ 153.40	14	16.34	2.34	\$ 358.96
9	Connect to Existing Manhole and Plug Existing Line	EA	\$ 1,534.60	2	2	0.00	\$ -
10	Concrete Pavement / Sidewalk	SY	\$ 104.78	12	215.22	203.22	\$ 21,293.39
11	Fence Repair / Replacement	LF	\$ 136.50	25	25	0.00	\$ -
12	Abandon Existing Manhole	EA	\$ 1,301.63	2	2	0.00	\$ -
13	Plug and Remove Existing Sewer Line Stream Crossing	LS	\$ 1,612.00	1	1	0.00	\$ -
14	Topsoil / Sod / Landscape Replacement	LS	\$ 1,482.00	1	1	0.00	\$ -
15	Acceptance Inspection by CCTV	LF	\$ 7.80	267	252.5	-14.50	\$ (113.10)
	Reconcile bid quantities						\$15,170.14
16	Remove concrete encasement from existing sewer line in vicinity of MH 540. Crew was shut down one day.	LS	\$ 4,950.00	0	1	1.00	\$ 4,950.00
17	Install concrete anchors for encasement crossing creek	LS	\$ 1,252.00	0	1	1.00	\$ 1,252.00
18	Hand dig to locate fiber optic telephone line not shown on construction drawings. Final depth was 15 feet. Crew was shut down for two days.	LS	\$ 7,790.00	0	1	1.00	\$ 7,790.00
19	Cut and plug abandoned 8" and 10" high pressure gas mains not shown on construction drawings. Crew was shut down one day.	LS	\$ 4,875.00	0	1	1.00	\$ 4,875.00
	Total Change Order						\$34,037.14

City of Fayetteville Item Review Form

2013-0139 0175

Registrar File Number

12/3/13

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

David Jurgens

Submitted By

Utilities

Department

Action Required:

A resolution approving Amendment No. 1 to the engineering contract with Grubbs, Hoskyn, Barton & Wyatt, Inc., Consulting Engineers, for an additional \$8,000, making the entire contract not to exceed \$27,600, for additional Geotechnical evaluations of tract 14 in the Industrial Park, approve a budget adjustment, and approve a \$2,000 contingency. Consultant selection was completed from Request for Qualification 13-01.

Does this item have a cost? ☒ Yes

\$10,000.00

Cost of this request

\$29,600.00

Category or Project Budget

Engineering Services

Program or Project Name

1010-6600-5314.02

Account Number

\$19,600.00

Funds Used to Date

General

Program or Project Category

N/A

Project Number

\$0.00

Remaining Balance

General

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Beck 11-15-13

Paul A. Beck 11-18-2013

Ann Man 11-18-13

Tronett Jordan 11/19/13

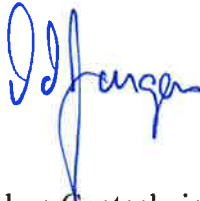
11-15-13 P03:40 RCVD
dm



To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director



Date: November 15, 2013

Subject: Amendment No. 1 to Grubbs Hoskyn Geotechnical Engineering Contract for Industrial Park

RECOMMENDATION

City Administration recommends approving Amendment No. 1 to the engineering contract with Grubbs, Hoskyn, Barton & Wyatt, Inc., Consulting Engineers, for an additional \$8,000, making the entire contract not to exceed \$27,600, for additional Geotechnical evaluations of tract 14 in the Industrial Park, approve a budget adjustment, and approve a \$2,000 contingency. Consultant selection was completed from Request for Qualifications 13-01.

BACKGROUND

The City of Fayetteville owns several lots in the Industrial Park, and is marketing them for economic development opportunities. A recent geotechnical evaluation of lot 10 on Morningside Drive identified challenging soil conditions that would significantly increase the cost of the proposed Pacific Vet Group development on that lot. As a result, we executed a \$19,600 contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. to evaluate the other City owned lots that seem viable for PVG or other similar development. In that contract, they only performed borings at areas that were easy to access; more expensive or invasive borings would not be completed unless the initial evaluation proved a lot to be suitable for development. The contract also allows for Grubbs Hoskyn, if directed in writing by the City, to conduct a phase I environmental site assessment for one of the four lots. The attached aerial shows the specific lots involved, which are owned by either the Water/Sewer or general funds.

The results of the initial phase of geotechnical evaluation indicated that tract 14, east of and adjacent to the Water/ Sewer Operations Center, has potential for the PVG development. Using the results, PVG's engineers developed a potential preliminary master plan for the tract (attached). Their plan shows development through much of the tract, including a more wooded area in the northeast corner of the tract where the first phase of borings did not investigate.

DISCUSSION

Under this amendment, Grubbs, Hoskyn will develop more detailed geotechnical information for tract 14, including an estimated 15 additional borings. These borings will provide general geotechnical information of consequence to foundation, floor slab and pavement design, and to site grading, basic infrastructure, and construction considerations for storage and manufacturing facilities with light to moderate foundation loads. Additionally, they will identify subsurface conditions that warrant further investigation. All of these additional borings are in land owned by the general fund.

BUDGET IMPACT

The additional \$8,000, and the \$2,000 contingency, will come from the general fund. \$9,600 of the original investigation was Water/Sewer responsibility; \$10,000 was general fund responsibility. The environmental assessment, if required, has been split between the two funds for estimating purposes.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE CONTRACT WITH GRUBBS, HOSKYN, BARTON & WYATT, INC. FOR THE ADDITIONAL AMOUNT OF \$8,000.00 FOR ADDITIONAL GEOTECHNICAL EVALUATIONS OF TRACT 14 OF THE FAYETTEVILLE INDUSTRIAL PARK, APPROVING A PROJECT CONTINGENCY OF \$2,000.00 AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 1 to the contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for the additional amount of \$8,000.00 for additional geotechnical evaluations of Tract 14 of the Fayetteville Industrial Park, and further approves a project contingency of \$2,000.00.

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

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

V13.1030 A. 3
Grubbs, Hoskyn, Barton &
Wyatt, Inc. Amendment No. 1
Page 4 of 8

Budget Year 2013	Division: Utilities Director Department: Utilities Director	Request Date 12/3/2013	Adjustment Number
--------------------------------	--	--------------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Approval of a budget adjustment for \$10,000 for Amendment No. 1 to the engineering contract with Grubbs, Hoskyn, Barton & Wyatt, Inc., Consulting Engineers, for an additional \$8,000, making the entire contract not to exceed \$27,600, for additional Geotechnical evaluations of tract 14 in the Industrial Park, approve a budget adjustment, and approve a \$2,000 contingency. Consultant selection was completed from Request for Qualification 13-01.

CITY\kspringer 11/15/2013 11:26 AM Prepared By Division Head  Budget Director	Legistar# / Date: 2013-0175 / 12/3/2013 Legistar Title GRUBBS_GEOTECH_IPARK Budget & Information Management Use Only Type: A B C D E P General Ledger Date _____ Posted to General Ledger Initial Date Checked / Verified Initial Date
---	---

TOTAL BUDGET ADJUSTMENT

TOTAL BUDGET ADJUSTMENT		-	-	
		Increase / (Decrease)		Project.Sub
Account Name	Account Number	Expense	Revenue	Number
Engineering services	1010.6600.5314.02	EX 10,000	-	.
Use of fund balance	1010.0001.4999.99	RE (10,000)		.
				.
				.



AMENDMENT 1 TO AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
GRUBBS, HOSKYN, BARTON & WYATT, INC.

THIS Contract Amendment No. 1, dated _____, 2013, shall amend the original contract between the City of Fayetteville, Arkansas and GRUBBS, HOSKYN, BARTON & WYATT, INC. (hereinafter called GRUBBS, HOSKYN), dated 13 September, 2013.

This Contract Amendment No. 1 adds approximately fifteen (15) borings in the northeast corner of Lot 14 in the Industrial Park. All borings will be drilled to 10-ft depth or auger refusal except two borings which will be drilled to 15-ft depth or auger refusal. Adequate laboratory testing will be performed on the soil samples and a supplemental geotechnical feasibility report will be submitted for this lot.

The original contract is hereby modified as follows:

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 Replace the maximum not-to-exceed amount authorized for this Agreement of **\$19,600.00** with **\$27,600.00**.

APPENDIX A - SCOPE OF SERVICES

3. b. Replace the total number of borings proposed of **37** with a total number of boring proposed of **52**.
4. Payment to Engineer: Replace the not to exceed cost of these services of **\$19,600.00** with **\$27,600.00**.

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

CITY OF FAYETTEVILLE, ARKANSAS

GRUBBS, HOSKYN, BARTON & WYATT, INC.

By: _____
Lioneld Jordan, Mayor

By: Subrahmanya Subramanian
SUBRA T. BHAT

ATTEST:

By: _____
Sondra Smith, City Clerk

Title: Principal/Manager of Springdale office

END OF AMENDMENT 1 TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

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

Budget Year	Division: Utilities Director Department: Utilities Director	Request Date	Adjustment Number
2013		12/3/2013	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Approval of a budget adjustment for \$10,000 for Amendment No. 1 to the engineering contract with Grubbs, Hoskyn, Barton & Wyatt, Inc., Consulting Engineers, for an additional \$8,000, making the entire contract not to exceed \$27,600, for additional Geotechnical evaluations of tract 14 in the Industrial Park, approve a budget adjustment, and approve a \$2,000 contingency. Consultant selection was completed from Request for Qualification 13-01.

CITY\kspringer 11/15/2013 11:26 AM Prepared By _____ Division Head _____ Kevin Springer cn=Kevin Springer, o=City of Fayetteville, Arkansas, ou=Budget Director, email=kspringer@fayetteville-ar.gov, c=US 2013.11.15 11:27:59 -06'00' Budget Director _____	Legistar# / Date: 2013-0175 / 12/3/2013 Legistar Title <u>GRUBBS_GEOTECH_IPARK</u> Budget & Information Management Use Only Type: A B C D E P General Ledger Date _____ Posted to General Ledger <table style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Initial</td> <td style="width: 50%; text-align: center;">Date</td> </tr> </table> Checked / Verified <table style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Initial</td> <td style="width: 50%; text-align: center;">Date</td> </tr> </table>	Initial	Date	Initial	Date
Initial	Date				
Initial	Date				

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number	Increase / (Decrease)		Project.Sub Number
		Expense	Revenue	
Engineering services	1010.6600.5314.02	10,000	-	.
Use of fund balance	1010.0001.4999.99	(10,000)		.
				.
				.



0 337.5 675 1,350 2,025 Feet





1

City of Fayetteville Item Review Form

2013-0171

Legistar File Number

12/3/13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeff Coles

Submitted By

Transportation Services

Department

Action Required:

The purchase and installation of vinyl plank flooring for the Transportation office area.

Does this item have a cost? ☒ Yes

\$38,843.00

Cost of this request

\$101,198.00

Category or Project Budget

Operations & Administration

Program or Project Name

2100.4100.5400.00

Account Number

\$61,514.37

Funds Used to Date

Maintenance

Program or Project Category

\$840.63

Remaining Balance

Street

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

 11-18-13
Paul A. Butler 11-19-2013

 11-19-13

 11/19/13

11-15-13 P03:53 REC'D





CITY COUNCIL AGENDA MEMO

To: The Mayor and City Council

Thru: Terry Gulley, Transportation Services Director

From: Jeff Coles, Assistant Transportation Manager 

Date: November 12, 2013

Subject: Approval of the purchase of new flooring for the Transportation Division's office area.

PROPOSAL:

The purchase and installation of new vinyl plank flooring for the entire Transportation Division office area.

RECOMMENDATION:

The age and condition of the existing tile flooring is extremely poor and highly degraded. We have solicited a quote from Continental Flooring under the National Joint Powers Alliance purchasing contract which eliminates the competitive bidding requirement.

BUDGET IMPACT:

Funds for this project were budgeted in the 2013 Transportation Budget and Work Plan.

RESOLUTION NO. _____

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

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

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

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor #: 8870	Vendor Name: Continental Flooring Co	Requester's Employee #: 2283	Ship to code: 104
Address:	Fob Point:	Requester's Employee #: 2283	Ship to code: 104
City:	State:	Requester's Employee #: 2283	Ship to code: 104

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Vinyl Plank Floor Installation	1	LOT	34,830.00	\$34,830.00	2100.4100.5400.00	3489		
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:
Per Res. XX-13

Subtotal:	\$34,830.00
Tax:	\$3,395.93
Total:	\$38,225.93

Approvals:

Mayor: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Department Director: _____

Budget Manager: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Manager: _____

Other: _____



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

October 25, 2013

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

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

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

Dear Mr. Coles:

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

City of Fayetteville

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

NJPA Resilient Material:

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

1 Job Resilient Freight Charges..... \$ 650.00

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

NJPA Labor:

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

Continued Page 2

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

NJPA Labor (Cont.):

30 LF Provide and Install Vinyl Transitions @ \$ 4.50/LF..... \$ 135.00

NJPA Labor Sub-Total: \$ 15,489.95

Open Market Items:

1 Job Standard Furniture Moving (excludes toilets/partitions) \$ 1,650.00

1 Job Misc. Project Costs (Mobilizations, Storage, etc.)..... \$ 800.00

Open Market Sub-Total: \$ 2,450.00

Project Summary:

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

NJPA Labor Sub-Total: \$ 15,489.95

Open Market Sub-Total: \$ 2,450.00

Project Sub-Total: \$ 35,562.76

Sales/Use Tax (9.75%): \$ 1,545.00

Project Total: \$ 37,107.76

Project Discount: -\$ 2,277.76

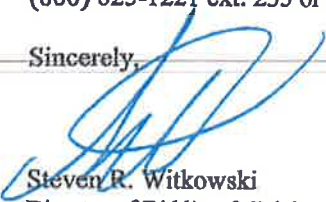
Discounted Total: \$ 34,830.00

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

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

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

Sincerely,

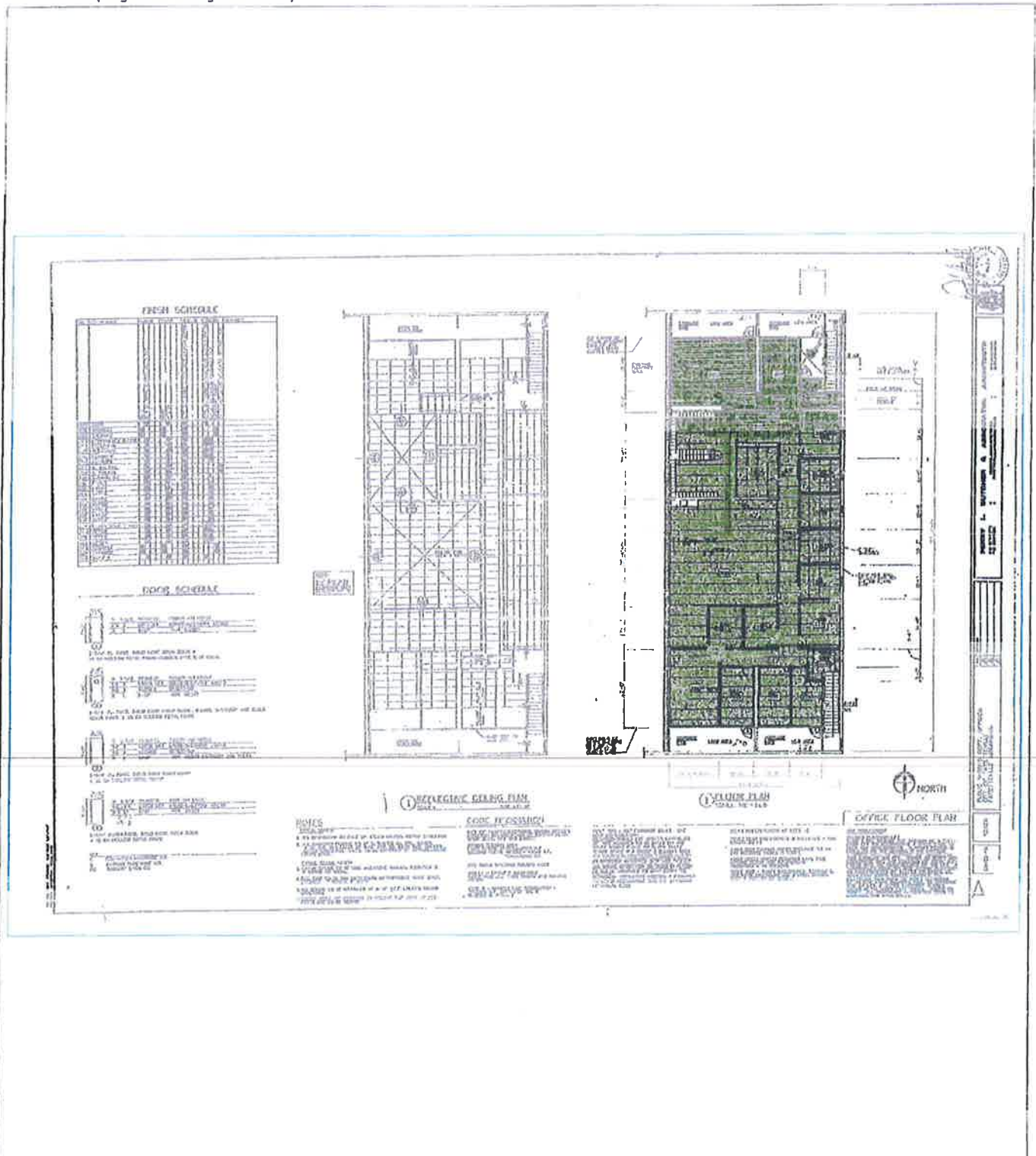

Steven R. Witkowski
Director of Bidding & Pricing Group

City of Fayetteville Public Works Flooring Replacement

18 October 2013 : City of Fayetteville_Public Works Flooding Replacement
Fayetteville, AR

Summary Report

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



City of Fayetteville Item Review Form

2013-0177

Legistar File Number

12/03/2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution approving the purchase of two Toyota Tacoma pickup trucks in the amount of \$27,955 each for a total of \$55,910 off the state vehicle purchase contract from Lander's Toyota of Little Rock, AR for use by the Transportation and Water & Sewer divisions.

Does this item have a cost? ☒ Yes

\$55,910.00

Cost of this request

\$750,500.00

Category or Project Budget

9700.1920.5802.00

Account Number

\$596,771.00

Funds Used to Date

02078 / 2013

Project Number

\$97,819.00

Remaining Balance

Program or Project Name

Vehicles and Equipment

Program or Project Category

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-15-13 P02:25 RCVD

Paul a. Beek 11-15-13
11-18-2013

Jim Mann 11-18-13
Frank Jordan 11/19/13

dmw



CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TJG*

From: Jesse Beeks, Fleet Operations Superintendent

Date: November 13, 2013

Subject: Purchase of two Toyota Tacoma Pickups for Transportation and Water & Sewer

PROPOSAL: That City Council approve the purchase of two Toyota Tacoma pickups for use by Transportation and Water & Sewer in the amount of \$27,955 each for a total of \$55,910 off the State Vehicle purchase contract from Lander's Toyota of Little Rock, and approve a budget adjustment to move funds to the Fleet expense account.

RECOMMENDATION: Unit #1110 is a 2003 Honda Element all wheel drive vehicle used by the Assistant Transportation Manager. He needs to have a suitable vehicle available to respond to locations around the City in any weather during any emergency. Transportation has requested that #1110 be replaced with a 4x4 pickup.

Unit #2084 is a 2005 Chevy Silverado 4x4 Water & Sewer pickup that was due for replacement in 2013, but was pushed back to 2014. Recently it was totaled in an accident, so it needs to be replaced now. It needs to be replaced with a 4x4 pickup.

Toyota Tacoma pickups are available off the State Vehicle purchase contract from Lander's Toyota of Little Rock, AR for \$27,955 each. Fleet recommends the purchase of two Tacoma's from Lander's Toyota for a total of \$55,910.

This purchase was approved by the Equipment Committee at the meeting on Nov 8th, 2013.

BUDGET IMPACT: A Budget Adjustment is needed as Fleet had budgeted to replace #1110 in 2015, so the funds need to be moved to the 2013 project. No Budget adjustment is needed for the Water & Sewer truck as it was budgeted to replace in 2013. Both units are budgeted for on the operating side.

In both instances, sufficient replacement funds have been collected for the replacements.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) TOYOTA TACOMA PICKUP TRUCKS IN THE TOTAL AMOUNT OF \$55,910.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FROM LANDERS TOYOTA OF LITTLE ROCK FOR USE BY THE TRANSPORTATION AND WATER & SEWER DIVISION, AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$28,500.00

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 purchase of two (2) Toyota Tacoma pickup trucks in the total amount of \$55,910.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer Divisions.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$28,500.00.

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

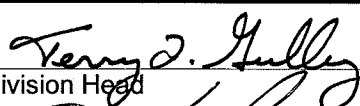
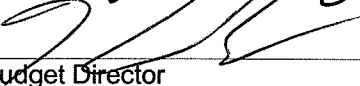
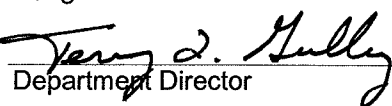
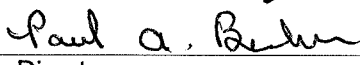
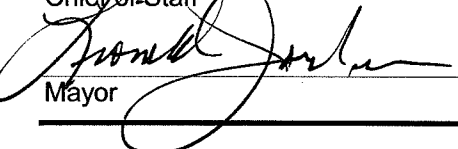
V12.0724 A. 5

Landers Toyota of Little Rock
Page 4 of 6

Budget Year 2013	Division: Fleet Operations Department: Transportation Services	Request Date 12/3/2013	Adjustment Number
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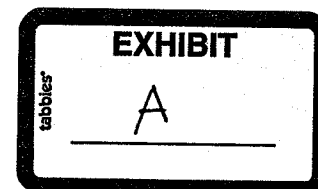
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Funds are needed in 02078.2013 for the purchase of one pickup truck as a replacement for 1110 (TRAN_F001). This was budgeted for replacement in 2015; as it will be replaced now, funds are needed from fund balance. (1110 is being moved to Parking to replace 1218 Smart Car.)

 Division Head	11-13-13 Date	Prepared By: Barbara Olsen <i>bolsen</i>
 Budget Director	11/15/13 Date	Reference:
 Department Director	11-13-13 Date	Budget & Research Use Only
 Finance Director	11-19-2013 Date	Type: A B C D E P
 Chief of Staff	11/19/13 Date	General Ledger Date
 Mayor	11/19/13 Date	Posted to General Ledger
		Initial Date
		Checked / Verified
		Initial Date

TOTAL BUDGET ADJUSTMENT

TOTAL BUDGET ADJUSTMENT		28,500	28,500	
		Increase / (Decrease)		Project.Sub
Account Name	Account Number	Expense	Revenue	Number
Vehicles and equipment	9700.1920.5802.00	EX 28,500	-	02078 . 2013
Use of fund balance	9700.0970.4999.99	RE -	28,500	.
				.
				.



City of Fayetteville - Purchase Order (PO) Request

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date:
P.O. Number:	Expected Delivery Date:

Vendor #:	18148	Vendor Name:	LANDERS TOYOTA	Mail Yes: ☒ No: ☒
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Address:	City:	State:	Fob Point:	Taxable Yes: ☐ No: ☒	Quotes Attached Yes: ☐ No: ☒
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Requester:	BARBARA OLSEN	Zip Code:	Ship to code:	Division Head Approval:	Extension:
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Requester's Employee #:	1940	Project/Subproject #	Inventory #	Fixed Asset #
-------------------------	------	----------------------	-------------	---------------

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	02078.2013	702169	702170
1	2014 TOYOTA TACOMA 4X4 PICKUP TRUCK	2	EA	27,955.00	\$55,910.00	9700.1920.5802.00			
2	PER STATE VEHICLE PURCHASE CONTRACT				\$0.00				702170
3	TO BE UNIT 2169, FIXED ASSET #702169 AND				\$0.00				
4	UNIT #2170, FIXED ASSET 702170				\$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:	\$55,910.00
	Total:	\$55,910.00

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

City of Fayetteville Item Review Form

2013-0178

Legistar File Number

12/03/2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution approving the purchase of one Mack LE613 truck with Wayne Titan front load body in the amount of \$245,060 per Bid #13-20 from Shipley Motor Co of Lowell AR for use by Solid Waste division.

Does this item have a cost? ☒ Yes

\$245,060.00

Cost of this request

\$833,397.00

Category or Project Budget

Solid Waste Vehicles / Equipment

Program or Project Name

9700.1920.5802.00

Account Number

\$490,120.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02082 / 2013

Project Number

\$98,217.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-15-13 P02:21 RCVD

dm

Paul a. Barker 11-15-13

Paul a. Barker 11-18-2013

Don Man 11-18-13

James M. Jordan 11/19/13





www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TG*

From: Jesse Beeks, Fleet Operations Superintendent

Date: November 13, 2013

Subject: Purchase of one Front Load refuse truck for Solid Waste

PROPOSAL: That City Council approve the purchase of one Mack Front Load refuse truck with Wayne body from Shipley Motors in the amount of \$245,060 for use by Solid Waste Division.

RECOMMENDATION: Unit #484 is a 2006 Autocar front load refuse truck that needs to be replaced and is due for replacement in September 2014. It will be moved to the "spare" line in Dec. 2013. Even though the price has already increased by \$2,000 both Mack and the body company have agreed to hold the 2013 price and allow Fleet to piggyback Bid 13-20 **if we order the truck as soon as possible**. Bid 13-20 was opened on March 26, 2013; a bid tab sheet is attached. Fleet purchased two trucks off this bid; the trucks arrived last week.

Re-budgeted funds are available to cover the purchase in 2013, even though the truck was budgeted for replacement in 2014, so no budget adjustment is needed. The new truck should arrive in August or September 2014.

Fleet recommends purchasing one Mack with Wayne Titan body by piggy-backing Bid 13-20 from Shipley Motors of Lowell, AR in the amount of \$245,060.

This purchase was approved by the Equipment Committee at the meeting on Nov 8th, 2013.

BUDGET IMPACT: Solid Waste has budgeted operating charges for a new truck in 2014. Sufficient replacement funds will have been collected by the time the new truck arrives.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) MACK LE613 TRUCK WITH WAYNE TITAN BODY IN THE AMOUNT OF \$245,060.00, PURSUANT TO BID #13-20, FROM SHIPLEY MOTOR COMPANY OF LOWELL FOR USE BY THE SOLID WASTE DIVISION

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 one (1) Mack LE613 truck with Wayne Titan body in the amount of \$245,060.00, pursuant to Bid #13-20, from Shipley Motor Company of Lowell for use by the Solid Waste Division.

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 13-20
 03/26/13
 2:00 PM
 CITY OF FAYETTEVILLE

Bid 13-20, Front Load Solid Waste Collection Trucks

BIDDER	Item #	DESCRIPTION	MANUFACTURER/MODEL	Quantity	Unit Price	TOTAL BID PRICE
1 Downing Sales & Service, Inc. - Option 1	1	Diesel Powered Chassis	Peterbilt 320	2	\$ 138,626.00	\$ 277,252.00
	2	Front Load Solid Waste Truck Body	PakMor Limited FPE840C Front Load	2	\$ 121,515.00	\$ 243,030.00
						\$ 520,282.00
2 Downing Sales & Service, Inc. - Option 2	1	Diesel Powered Chassis	Peterbilt 320	2	\$ 138,626.00	\$ 277,252.00
	2	Front Load Solid Waste Truck Body	Bridgeport Manufacturing Frontier 42 Cubic Yard Front Loader	2	\$ 123,414.00	\$ 246,828.00
						\$ 524,080.00
3 Peterbilt of Fort Smith	1	Diesel Powered Chassis	Peterbilt 320	2	\$ 138,626.00	\$ 277,252.00
	2	Front Load Solid Waste Truck Body	Wayne Titan Eco Force	2	\$ 111,060.00	\$ 222,120.00
						\$ 499,372.00
4 Shipley Motor Equipment Company - Option 1	1	Diesel Powered Chassis	Mack LEU613	2	\$ 134,000.00	\$ 268,000.00
	2	Front Load Solid Waste Truck Body	Labrie Wittke	2	\$ 126,845.00	\$ 253,690.00
						\$ 521,690.00
5 Shipley Motor Equipment Company - Option 2	1	Diesel Powered Chassis	Mack LE613	2	\$ 134,000.00	\$ 268,000.00
	2	Front Load Solid Waste Truck Body	Wayne Titan Eco Force	2	\$ 111,060.00	\$ 222,120.00
						\$ 490,120.00
6 Shipley Motor Equipment Company - Option 3	1	Diesel Powered Chassis	Mack LE613	2	\$ 134,000.00	\$ 268,000.00
	2	Front Load Solid Waste Truck Body	MaNeilus Atlantic	2	\$ 110,382.00	\$ 220,764.00
						\$ 488,764.00

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

CERTIFIED:

P. VICE, Purchasing MGR

WITNESS

DATE

03/26/13

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 11/13/2013	A. 6
P.O Number:	Expected Delivery Date: 11/13/2013	id #13-20 Shipley Motor
		City of Lowell
		Page 5 of 6

Vendor #:	1785	Vendor Name:	SHIPLEY MOTOR CO	Mail Yes: No: X
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Address:	Fob Point:	Taxable Yes: No: X	Quotes Attached Yes: No: x
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City:	State:	Zip Code:	Ship to code: 50	Division Head Approval: <i>BO Ben</i>
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2013 MACK LE613 TRUCK WITH WAYNE	1	EA	245,060.00	\$245,060.00	9700.1920.5802.00	02082.2013		704025
2	TITAL FRONT LOAD BODY PER SPECS				\$0.00				
3	BID #13-20, TO BE UNIT #4025, FIXED				\$0.00				
4	ASSET #704025				\$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: \$245,060.00

Total: \$245,060.00

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

City of Fayetteville Item Review Form

2013-0182

Legistar File Number

12-3-2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer *TD*

Submitted By

Fire

Department

Action Required:

Request approval to apply for the 2013 Assistance to Firefighters Grant in the amount of \$475,000. The actual amount of the grant would be \$380,000 (80%) with a city match of \$95,000 (20%). The matching contribution would be available from Fire Department Act 833 Revenue for the purchase of a Front Line Fire Pumper Apparatus.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

11-15-13 A09:51 RCV

Comments:

Paul A. Berlin
Paul A. Berlin

11-15-13

11-18-2013

dm



Frank Jordan
Frank Jordan

11-18-13

11/19/13



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

From: David Dayringer, Fire Chief. *TCO*

Date: November 14, 2013

Subject: Approval to apply for and use matching funds for federal grant.

PROPOSAL:

The City of Fayetteville Fire Department has identified an opportunity to apply for an Assistance to Firefighters Grant (AFG) through the Federal Emergency Management Agency (FEMA) in order to purchase a Front Line Fire Pumper Apparatus. The cost of a Fire Pumper is approximately \$475,000. The amount of the grant will be \$380,000 (80%) with a City match of \$95,000 (20%).

RECOMMENDATION:

Staff recommends approval of the matching funds for a 2013 Assistance to Firefighters Grant in the amount of \$475,000. The actual amount of the grant would be \$380,000 (80%) with a City match of \$95,000 (20%). Funding would be for the purchase of a Front Line Fire Pumper Apparatus.

BUDGET IMPACT:

Funds for the City's 20% match contribution are available from Fire Department Act 833 Revenue.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION FOR AN 80/20 MATCHING ASSISTANCE TO FIREFIGHTERS GRANT THROUGH FEMA IN THE ESTIMATED AMOUNT OF \$380,000.00 FOR THE PURCHASE OF A FRONT LINE FIRE PUMPER APPARATUS FOR THE FIRE DEPARTMENT

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 application for an 80/20 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$380,000.00 for the purchase of a front line fire pumper apparatus for the Fire Department.

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGENDA REQUEST

FOR: COUNCIL MEETING OF September 17, 2013

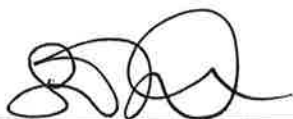
FROM:

CITY COUNCIL MEMBER SARAH MARSH

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An ordinance to amend § 164.11 **Height and Setback Regulations; Exceptions** to enhance livability through appropriate transitions in building scale and to protect access to air and sunlight and to enact an emergency clause

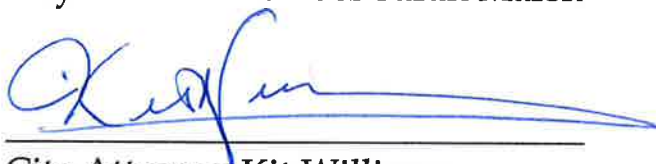
APPROVED FOR AGENDA:



City Council Member Sarah Marsh

9/4/2013

Date



City Attorney Kit Williams
(as to form)

9-3-13

Date

(left on 3rd Reading)
This ordinance was tabled to the December 3, 2013 City Council Meeting
and sent to the ordinance review Committee on the November 5, 2013 City Council Mtg.
(left on 3rd Reading)
This ordinance was tabled to the November 5, 2013 City Council mtg.
on the October 15, 2013 City Council mtg.
This Ordinance was left on the 2nd Reading at the 10/1/13 CC mtg.
This Ordinance was left on the 1st Reading at the 9/17/13 CC mtg.



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director

Date: November 21, 2013

Subject: Building Height Amendments from Ordinance Review Committee

The Ordinance Review Committee on November 20 met to discuss an ordinance currently under consideration by the City Council to amend building height and setback regulations in the Unified Development Code. The following amendments were all recommended from the Ordinance Review Committee for the Council to consider:

- 1) Amend Section 2 of the ordinance to remove (E)(4), the requirement to obtain LEED Gold certification for buildings over 60 feet in height
- 2) Consider as a separate discussion (not as part of the whole recommendation) a requirement that a developer must meet the City's Low Impact Development ordinance instead of LEED. One example of language that might be considered is:

"The developer shall utilize Low Impact Development strategies in the project design, in accordance with the Unified Development Code §179: Low Impact Development."

- 3) Amend Section 2 of the ordinance to reword (E)(2) as follows:
"Any associated parking garage **constructed within a build-to zone** shall be screened from view at the street grade with a liner building."
- 4) Amend Section 2 of the ordinance, under (E)(3), to change the 50% residential requirement to 25%.
- 5) Amend Section 2 of the ordinance to reword (E)(3) as follows:

"A minimum of **25%** of the additional gross floor area of the building above 60 feet in height shall be dedicated to residential use, **where residential uses are permitted**. The residential area, once calculated, may be distributed anywhere throughout the building."

- 6) Amend Section 2 of the ordinance to allow a property owner to reduce side or rear setbacks to 0 feet if the adjacent property owner gives permission through an easement. Reword (C)(3) as follows:

"if the developing property owner owns the adjacent property on the common side and/or rear property line, **or negotiates an easement with the adjacent property owner to allow for said construction.**"

*As Amended by City
Council 11/05/2013*

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §§ 161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, AND 161.25 TO CHANGE SETBACKS AND STEPBACKS FOR ADJOINING PROPERTY AND HEIGHT LIMITATIONS FOR SEVERAL DISTRICTS AND TO AMEND § 164.11 **HEIGHT AND SETBACK REGULATIONS; EXCEPTIONS** TO REDUCE OR ELIMINATE SETBACKS IN CERTAIN CIRCUMSTANCES, TO REQUIRE WIDER SIDEWALKS FOR BUILDINGS HIGHER THAN 36 FEET AND TO PROVIDE A BUILDING HEIGHT INCREASE FOR BUILDINGS RECEIVING LEED GOLD CERTIFICATION AND MEETING OTHER REQUIREMENTS, AND TO AMEND § 156.02 (F) TO AUTHORIZE A REQUIREMENT FOR A HEIGHT VARIANCE APPLICANT TO PROVIDE A VIEWSHED ANALYSIS OR A SUN/SHADOW STUDY

WHEREAS, appropriate transitions in building scale enhance livability and architectural cohesion in mixed-use areas, helping to enrich our built environment by promoting the compatibility of new development with historic structures; and

WHEREAS, Fayetteville property owners' rights to adequate sunlight and room for air and wind should be protected; and

WHEREAS, protection of owners' property rights from large and tall buildings require that minimum side and rear setbacks and upper story stepbacks be enacted to ensure adequate sunlight, wind and air for these properties to remain attractive and healthful places to live or work; and

WHEREAS, property owners who wish to install solar panels or passive solar heat collectors, etc. must have enough protected access to sunlight for these ecological and green technology products to work effectively; and

WHEREAS, trees and other plants within the yards of homes and other greenspace areas also need adequate sunlight that reasonable setback and stepback regulations can ensure; and

WHEREAS, side and rear setbacks should be able to be eliminated under certain circumstances; and

WHEREAS, building height limitations currently allowed by the Unified Development Code should be lowered to 60 feet unless a height increase is allowed under certain circumstances including the attainment of LEED Gold Certification; and

WHEREAS, the Planning Department should be able to require a height variance requestor to provide a viewshed analysis or sun/shadow study of the proposed project.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §§ 161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 and enacts these amendments as shown on Exhibit A attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 164.11 **Height of Setback Regulations; Exceptions** by enacting a new (C) *Side and Rear Setback*, (D) *Buildings over Thirty-Six Feet in Height* and (E) *Building Height Bonus* as shown below:

- “(C) *Side and rear setback.* Zoning districts that require a 5-foot side and/or rear setback with an accompanying building height stepback may be permitted to reduce the side and/or rear setback to 0 feet if one or more of the following circumstances exist:
- (1) if there is no principal structure on the property directly adjacent to the common side and/or rear property line;
 - (2) if a principal structure that is adjacent to the common side and/or rear property line is already within 5 feet of said property line; or
 - (3) if the developing property owner owns the adjacent property on the common side and/or rear property line.
- (D) Any building over 36 feet in height utilizing urban streetscapes shall provide for a minimum 10-foot wide sidewalk adjacent to all streets on which a sidewalk is required to be replaced or constructed due to the development proposed.
- (E) *Building Height Bonus.* A building height bonus may be granted, subject to the following requirement. These standards apply to all buildings within a development site.
- (1) A minimum 12-foot wide sidewalk for projects utilizing urban streetscapes shall be constructed adjacent to all streets on which a sidewalk is required to be replaced or constructed. More extensive tree planting areas may be required to help mitigate for loss of greenscape and addition of impervious surface.

- (2) Any associated parking garage shall be screened from view at the street grade with a liner building.
- (3) A minimum of 50% of the additional gross floor area of the building above 60 feet in height shall be dedicated to residential use. The residential area, once calculated, may be distributed anywhere throughout the building.
- (4) Prior to obtaining a building permit, the developer shall submit an energy model and LEED checklist (or approved equivalent) for all buildings in the development indicating which credits are intended to be pursued to achieve USGBC LEED Gold (or approved equivalent) building standards. Proof of LEED Gold certification (or approved equivalent) shall be submitted to the city within 180 days of issuance of a Certificate of Occupancy. All projects shall show effort to achieve the Development Density and Community Connectivity credit, or equivalent.
- (5) Any side of a building immediately adjoining a principal structure on an adjacent lot shall utilize materials, colors and other architectural features similar to the front façade.”

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 156.02 (F) *Specific Tests* by enacting a new (2) as shown below:

- “(2) The Planning Division and/or Board of Adjustment may require an applicant to produce a viewshed analysis and/or a Sun/Shadow Study using industry accepted methodologies to show the impact of a height variance proposal on neighboring streets and properties, in an effort to determine if there is an adverse impact caused by the proposal.”

PASSED and **APPROVED** this 5th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit "A"

As amended by City Council

11/05/2013

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any single family 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 the lot.

161.18 District C-1, Neighborhood Commercial

foot for each foot of height in excess of 20 feet.

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	5 feet
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	60ft.*
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*Any building which exceeds the height of 20 feet shall be setback from any boundary line of any residential district a distance of one

161.19 Community Services

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

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

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	5 feet
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

10-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 ft. or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

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

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	5 feet
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Building height regulations.*

Building Height Maximum	60
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*Any building which exceeds the height of 20 feet shall be set back from a 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.

161.21 Urban Thoroughfare

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

(B) *Uses.*

(1) *Permitted uses*

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

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

(2) *Conditional uses*

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

Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

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

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	5 feet
Side or rear, when contiguous to a single-family residential district:	15 feet
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Building height regulations.*

10-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	84 feet ³

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 84 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions.*

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

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	5 feet	5 feet

Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height	30 ft. for portions of a building over 60 ft. in height

(F) *Building height regulations.*

5-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	84 feet ³

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 84 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions.*

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
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Side	5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

0-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	168 feet ³

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 168 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions.*

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the *Main Street/Center* district is a commercial zone.

(B) *Uses.*(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

0-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	84 feet ³

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 84 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions*.

161.25 Downtown General

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings

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

(2) *Conditional uses.*

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

(C) *Density.* *None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* *None.*

(E) *Setback regulations.*

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

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

(G) *Building height regulations.*

0-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.



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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director

Date: October 04, 2013

Subject: Building Height Amendments

BACKGROUND

Council member Sarah Marsh has proposed building height amendments for the City Council to consider. The original ordinance created a 15-foot setback from all single family residences, with a series of building height stepbacks to allow for light and air into adjacent residential properties. After significant discussion with Council members Marsh and Matthew Petty, as well as local architects, downtown property owners, downtown residents and members of the development community over the past few weeks, a significantly different proposal has been drafted by Ms. Marsh and is submitted for Council consideration. A rough draft of this proposal was distributed at the previous Council meeting; this draft has been refined with input from various stakeholders and is attached.

PROPOSAL

There is no longer a single family use associated with the side or rear setback and building height amendment proposal, based on the current reasons stated for instituting these regulations, which are to provide transition in building scale to promote compatibility of new development and existing structures, to protect rights to sunlight and room for air and wind, to mitigate harmful effects such as mold and allow for trees and plants to grow, and to allow for solar access for alternative energy purposes. All of these same concerns, it could be argued, apply to office, commercial and other uses in addition to single family homes.

Amend Ch. 161, Zoning Regulations

Setback

All of the following zoning districts with 0-foot side and rear setbacks are proposed to be amended to add a minimum 5-foot side and rear setback. There are a few exceptions to this rule, chiefly 1) if there is no building developed adjacent to the property being developed; 2) if an adjacent building is already within 5 feet of the common property line; and 3) if the same property owner owns the adjacent property on the common boundary line.

C-1 – Neighborhood Commercial
CS - Community Services
C-2 - Thoroughfare Commercial
UT - Urban Thoroughfare

C-3 – Central Commercial
DC – Downtown Core
MSC – Main Street Center
DG – Downtown General



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DEPARTMENT CORRESPONDENCE

Building Height

At the 5-foot setback from side and rear property lines (or between 0 and 5 feet, if the conditions allow for it), the maximum height is the height of the structure on the adjacent property or 36 feet, whichever is greater. This permits standard 12-foot floor to floor height dimensions utilized in commercial construction. Once the maximum height is achieved, there is a required additional 10-foot setback, for a total setback of 15 feet. This essentially creates an initial maximum height between 5-15 feet from the side/rear property line.

Past the 15-foot setback line, a building may go up to 60 feet in height, again based on typical 12-foot floor to floor heights, which would allow 5 (or 6 smaller) stories. Individual balconies, awnings, overhangs and other similar architectural features that protrude from the building façade are permitted to a depth of 6 feet into setback zones.

The maximum height in all of these above zones is amended to 60 feet. However, a height bonus system has been created; for zones that reference heights above 60 feet, there are supplementary requirements that must be met. In each zone that permits this, there is a reference to §164.11 for the supplementary standards.

Amend Ch. 164.11 Height Regulations; Exceptions

This proposal attempts to regulate building height above the maximum 60 feet, requiring certain additional standards to be met. They include wider sidewalks based on the height of the building, creation of a 30-foot setback above 60 feet from all property lines, the requirement for residential uses, LEED Gold building standards, requirement to cover a parking garage with a liner building at street level, and some architectural embellishment when the side of a building is adjacent to another building.

Amend Ch. 156.02 (F) Variances, Specific tests

A statement has been added that the Planning Division or Board of Adjustment may require the applicant to provide a visual impact analysis and/or a sun/shadow study, as needed, to determine if there is an adverse impact on neighboring properties, if there is a variance requested

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §§ 161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, AND 161.25 TO CHANGE SETBACKS AND STEPBACKS FOR ADJOINING PROPERTY AND HEIGHT LIMITATIONS FOR SEVERAL DISTRICTS AND TO AMEND § 164.11 **HEIGHT AND SETBACK REGULATIONS; EXCEPTIONS** TO REDUCE OR ELIMINATE SETBACKS IN CERTAIN CIRCUMSTANCES, TO REQUIRE WIDER SIDEWALKS FOR BUILDINGS HIGHER THAN 36 FEET AND TO PROVIDE A BUILDING HEIGHT INCREASE FOR BUILDINGS RECEIVING LEED GOLD CERTIFICATION AND MEETING OTHER REQUIREMENTS, AND TO AMEND § 156.02 (F) TO AUTHORIZE A REQUIREMENT FOR A HEIGHT VARIANCE APPLICANT TO PROVIDE A VIEWSHED ANALYSIS OR A SUN/SHADOW STUDY

WHEREAS, appropriate transitions in building scale enhance livability and architectural cohesion in mixed-use areas, helping to enrich our built environment by promoting the compatibility of new development with historic structures; and

WHEREAS, Fayetteville property owners' rights to adequate sunlight and room for air and wind should be protected; and

WHEREAS, protection of owners' property rights from large and tall buildings require that minimum side and rear setbacks and upper story stepbacks be enacted to ensure adequate sunlight, wind and air for these properties to remain attractive and healthful places to live or work; and

WHEREAS, property owners who wish to install solar panels or passive solar heat collectors, etc. must have enough protected access to sunlight for these ecological and green technology products to work effectively; and

WHEREAS, trees and other plants within the yards of homes and other greenspace areas also need adequate sunlight that reasonable setback and stepback regulations can ensure; and

WHEREAS, side and rear setbacks should be able to be eliminated under certain circumstances; and

WHEREAS, building height limitations currently allowed by the Unified Development Code should be lowered to 60 feet unless a height increase is allowed under certain circumstances including the attainment of LEED Gold Certification; and

WHEREAS, the Planning Department should be able to require a height variance requestor to provide a viewshed analysis or sun/shadow study of the proposed project.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §§ 161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 and enacts these amendments as shown on Exhibit A attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 164.11 **Height of Setback Regulations; Exceptions** by enacting a new (C) *Side and Rear Setback*, (D) *Buildings over Thirty-Six Feet in Height* and (E) *Building Height Bonus* as shown below:

- “(C) *Side and rear setback.* Zoning districts that require a 5-foot side and/or rear setback with an accompanying building height stepback may be permitted to reduce the side and/or rear setback to 0 feet if one or more of the following circumstances exist:
- (1) if there is no principal structure on the property directly adjacent to the common side and/or rear property line;
 - (2) if a principal structure that is adjacent to the common side and/or rear property line is already within 5 feet of said property line; or
 - (3) if the developing property owner owns the adjacent property on the common side and/or rear property line.
- (D) Any building over 36 feet in height utilizing urban streetscapes shall provide for a minimum 10-foot wide sidewalk adjacent to all streets on which a sidewalk is required to be replaced or constructed due to the development proposed.
- (E) *Building Height Bonus.* A building height bonus may be granted, subject to the following requirement. These standards apply to all buildings within a development site.
- (1) A minimum 12-foot wide sidewalk for projects utilizing urban streetscapes shall be constructed adjacent to all streets on which a sidewalk is required to be replaced or constructed. More extensive tree planting areas may be required to help mitigate for loss of greenscape and addition of impervious surface.

- (2) Any associated parking garage shall be screened from view at the street grade with a liner building.
- (3) A minimum of 50% of the additional gross floor area of the building above 60 feet in height shall be dedicated to residential use. The residential area, once calculated, may be distributed anywhere throughout the building.
- (4) Prior to obtaining a building permit, the developer shall submit an energy model and LEED checklist (or approved equivalent) for all buildings in the development indicating which credits are intended to be pursued to achieve USGBC LEED Gold (or approved equivalent) building standards. Proof of LEED Gold certification (or approved equivalent) shall be submitted to the city within 180 days of issuance of a Certificate of Occupancy. All projects shall show effort to achieve the Development Density and Community Connectivity credit, or equivalent.
- (5) Any side of a building immediately adjoining a principal structure on an adjacent lot shall utilize materials, colors and other architectural features similar to the front façade."

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 156.02 (F) *Specific Tests* by enacting a new (2) as shown below:

- "(2) The Planning Division and/or Board of Adjustment may require an applicant to produce a viewshed analysis and/or a Sun/Shadow Study using industry accepted methodologies to show the impact of a height variance proposal on neighboring streets and properties, in an effort to determine if there is an adverse impact caused by the proposal."

PASSED and APPROVED this 5th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any single family 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 the lot.

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None 5 feet
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 60 ft.*
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*Any building which exceeds the height of 20 feet shall be setback 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 40% of the total area of such lot.

161.19 Community Services

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

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

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None 5 feet
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56-60ft.*
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10-15 feet from front property line	Maximum 36 feet
0-15 feet from side and rear property line	Maximum 36 ft. or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

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

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None-5 feet
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Building height regulations.*

Building Height Maximum	60/75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a 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.

161.21 Urban Thoroughfare

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

(B) *Uses.*

(1) *Permitted uses*

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

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

(2) *Conditional uses*

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

Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

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

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None 5 feet
Side or rear, when contiguous to a single-family residential district:	15 feet
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Building height regulations.*

Building Height Maximum	56-60/84 ft.*
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10-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	84 feet ³

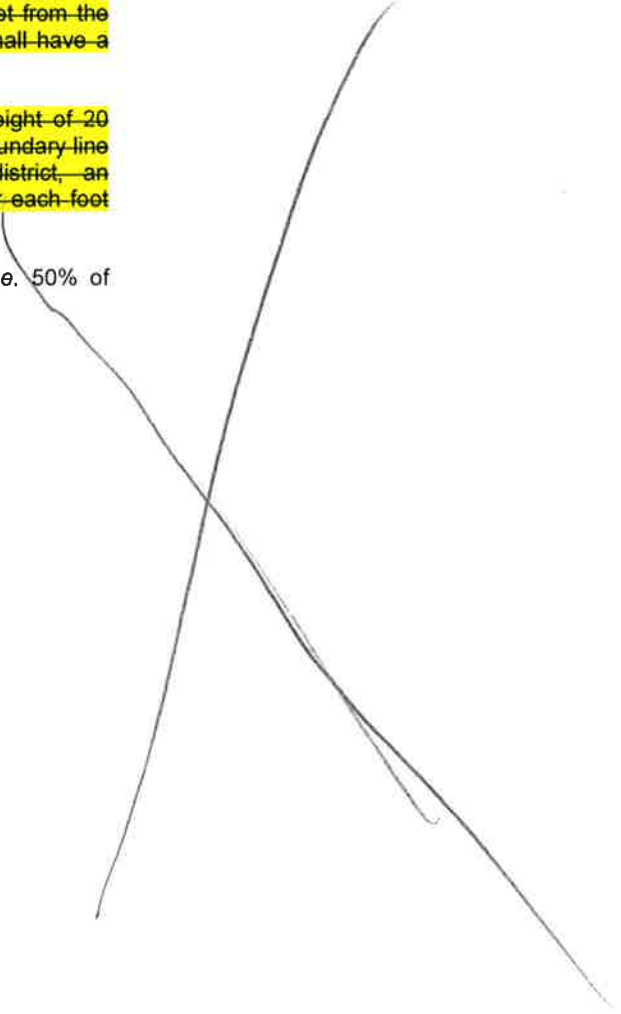
(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 84 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions.*

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

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

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

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None 5 feet	None 5 feet

Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height	30 ft. for portions of a building over 60 ft. in height

(F) *Building height regulations.*

Building Height Maximum	56 / 84 ft.*
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*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

5-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	84 feet ³

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 84 feet, pursuant to §164.11 Height or Setback Regulations and Exceptions.

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
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Side	None 5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 / 168 ft.*
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*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.

0-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	168 feet ³

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 168 feet, pursuant to §164.11 Height or Setback Regulations and Exceptions.

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None 5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.
All property lines	30 ft. for portions of a building over 60 ft. in height

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 /84 ft.*
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*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

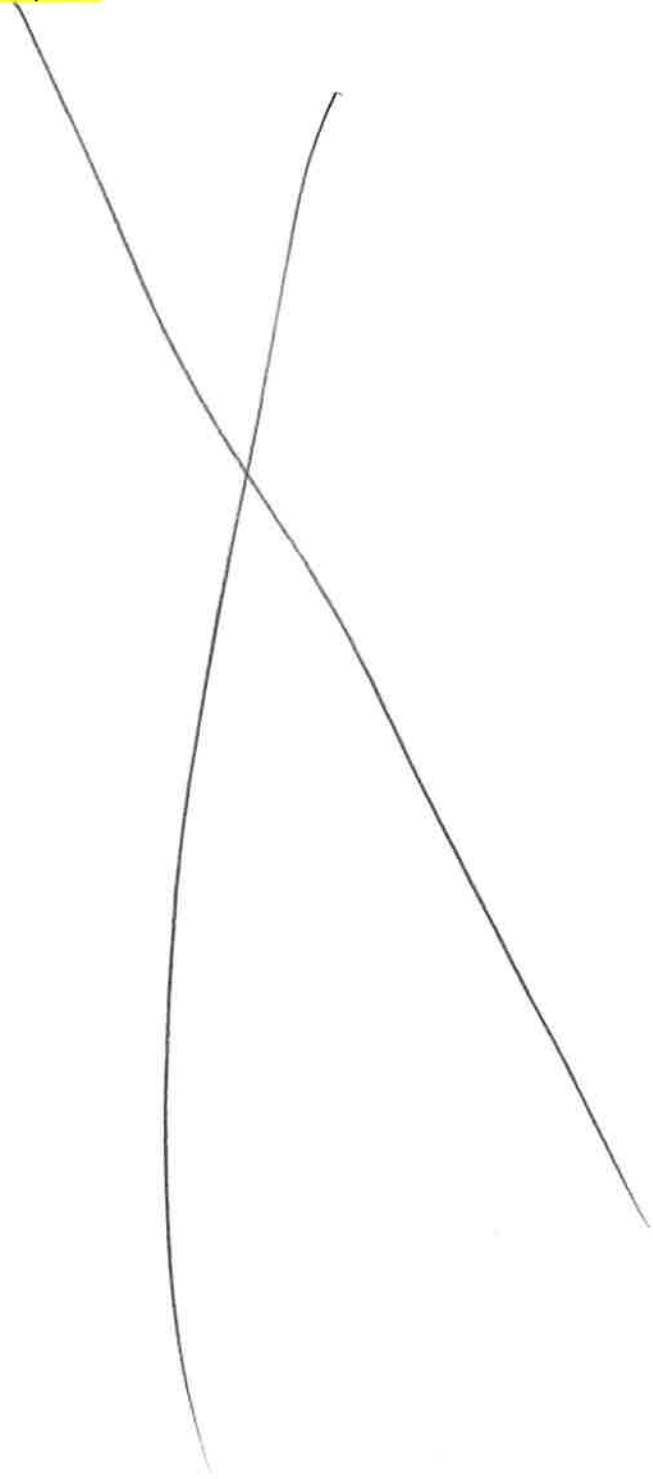
0-15 feet from front property line	Maximum 60 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²
Building Height Bonus	84 feet ³

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections⁶

feet or less in depth are permitted forward of the building façade.

(3) Building height may be permitted up to 84 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions*.



161.25 Downtown General

(A) *Purpose.* **Downtown General** is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. **Downtown General** includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the **Downtown General** district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings

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

(2) *Conditional uses.*

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

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None 5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.

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

(G) *Building height regulations.*

Building Height Maximum	56 ft.*
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0-15 feet from front property line	Maximum 36 feet
0-15 feet from side and rear property line	Maximum 36 feet or the height of the adjacent building, whichever is greater ¹
15 feet + from all property lines	Maximum 60 feet ²

(1) The height of an adjacent building may only be utilized for this calculation if it is located on the common side or rear property line being developed.

(2) Individual balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the building façade.

164.11 Height or Setback Regulations; Exceptions

- (A) The height limitations contained in the Zoning Regulation, Chapter 161, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, stair towers, elevator shafts or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (B) **Interior Side Setbacks.** In zoning districts that permit two, three or other multi-family residential uses, side setbacks may be varied to permit common walls between single family attached / townhouse dwellings, subject to all applicable building and fire codes and the following standards:
- (1) The total number of dwelling units on the lot, prior to being subdivided into single family attached / townhouse lots, shall conform to the minimum bulk and area requirements of the underlying zoning district.
 - (2) The townhouse development shall conform to the zoning district density, exterior setback requirements, height regulations and all other applicable city ordinances.
 - (3) There shall be a minimum lot width of 18 feet for each dwelling unit.
 - (4) There shall be no minimum lot area requirement unless otherwise specified by the underlying zoning district.
- (C) **Side and rear setback.** Zoning districts that require a 5-foot side and/or rear setback with an accompanying building height stepback may be permitted to reduce the side and/or rear setback to 0 feet if one or more of the following circumstances exist:
- (1) if there is no principal structure on the property directly adjacent to the common side and/or rear property line;
 - (2) if a principal structure that is adjacent to the common side and/or rear property line is already within 5 feet of said property line; or
 - (3) if the developing property owner owns the adjacent property on the common side and/or rear property line.
- (D) Any building over 36 feet in height utilizing urban streetscapes shall provide for a minimum 10-foot wide sidewalk adjacent to all streets on which a sidewalk is required to be replaced or constructed due to the development proposed.
- (E) **Building Height Bonus.** A building height bonus may be granted, subject to the following requirements. These standards apply to all buildings within a development site.
- (1) A minimum 12-foot wide sidewalk for projects utilizing urban streetscapes shall be constructed adjacent to all streets on which a sidewalk is required to be replaced or constructed. More extensive tree planting areas may be required to help mitigate for loss of greenspace and addition of impervious surface.
 - (2) Any associated parking garage shall be screened from view at the street grade with a liner building.
 - (3) A minimum of 50% of the additional gross floor area of a building above 60 feet in height shall be dedicated to residential use. The residential area, once calculated, may be distributed anywhere throughout the building.
 - (4) Prior to obtaining a building permit, the developer shall submit an energy model and LEED checklist (or approved equivalent) for all buildings in the development indicating which credits are intended to be pursued to achieve USGBC LEED Gold (or approved equivalent) building standards. Proof of LEED Gold certification (or approved equivalent) shall be submitted to the city within 180 days of issuance of a Certificate of Occupancy. All projects shall show effort to achieve the Development Density and Community Connectivity credit, or equivalent.
 - (5) Any side of a building immediately adjoining a principal structure on an adjacent lot shall utilize materials, colors and other architectural features similar to the front façade.

156.02 (F) Specific tests

(F) *Specific Tests*. The Board of Adjustment shall apply specific tests for the following variance requests:

- (1) *Height variances in all districts*. In addition to meeting all other normal requirements for a variance, an applicant seeking a height variance must establish the increased height of the proposed structure will not adversely affect adjoining or neighboring property owners, nor impair the beauty of Old Main, the historical churches on Dickson Street near East Avenue, nor otherwise impair the historic beauty and character of Fayetteville.
- (2) The Planning Division and/or Board of Adjustment may require an applicant to produce a viewshed analysis and/or a Sun/Shadow Study using industry-accepted methodologies to show the impact of a height variance proposal on neighboring streets and properties, in an effort to determine if there is an adverse impact caused by the proposal.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §§ 161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, AND 161.25 TO CHANGE SETBACKS AND STEPBACKS FOR ADJOINING PROPERTY AND HEIGHT LIMITATIONS FOR SEVERAL DISTRICTS AND TO AMEND § 164.11 **HEIGHT AND SETBACK REGULATIONS; EXCEPTIONS** TO REDUCE OR ELIMINATE SETBACKS IN CERTAIN CIRCUMSTANCES, TO REQUIRE WIDER SIDEWALKS FOR BUILDINGS HIGHER THAN 36 FEET AND TO PROVIDE A BUILDING HEIGHT VARIANCE FOR BUILDINGS RECEIVING LEED GOLD CERTIFICATION AND MEETING OTHER REQUIREMENTS, AND TO AMEND § 156.02 (F) TO AUTHORIZE A REQUIREMENT FOR A HEIGHT VARIANCE APPLICANT TO PROVIDE A VIEWSHED ANALYSIS OR A SUN/SHADOW STUDY

WHEREAS, appropriate transitions in building scale enhance livability and architectural cohesion in mixed-use areas, helping to enrich our built environment by promoting the compatibility of new development with historic structures; and

WHEREAS, Fayetteville homeowners' rights to adequate sunlight and room for air and wind should be protected; and

WHEREAS, preservation of the many homeowners' single family residences used as homes in the Downtown Master Plan District and other areas with inadequate setback protection from large and tall buildings require that minimum side and rear setbacks and upper story stepbacks be enacted to ensure adequate sunlight, wind and air for these homes to remain attractive and healthful places to live; and

WHEREAS, residential homeowners who wish to install solar panels or passive solar heat collectors, etc. must have enough protected access to sunlight for these ecological and green technology products to work effectively; and

WHEREAS, trees and other plants within the yards of homes also need adequate sunlight that reasonable setback and stepback regulations can ensure; and

WHEREAS, side and rear setbacks should be able to be eliminated under certain circumstances; and

WHEREAS, building height limitations currently allowed by the Unified Development Code should be lowered to 60 feet unless a height variance is allowed under certain circumstances including the attainment of LEED Gold Certification; and

WHEREAS, the Planning Department should be able to require a height variance requestor to provide a viewshed analysis or sun/shadow study of the proposed project.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends §§ 161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 and enacts these amendments as shown on Exhibit A attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 164.11 **Height of Setback Regulations; Exceptions** by enacting a new (C) *Side and Rear Setback*, (D) *Buildings over Thirty-Six Feet in Height* and (E) *Building Height Bonus* as shown below:

- “(C) *Side and rear setback.* Zoning districts that require a 5-foot side and/or rear setback with an accompanying building height stepback may be permitted to reduce the side and/or rear setback to 0 feet if one or more of the following circumstances exist:
- (1) if there is no principal structure on the property directly adjacent to the common side and/or rear property line;
 - (2) if a principal structure that is adjacent to the common side and/or rear property line is already within 5 feet of said property line; or
 - (3) if the developing property owner owns the adjacent property on the common side and/or rear property line.
- (D) Any building over 36 feet in height utilizing urban streetscapes shall provide for a minimum 10-foot wide sidewalk adjacent to all streets on which a sidewalk is required to be replaced or constructed due to the development proposed.
- (E) *Building Height Bonus.* A building height bonus may be granted, subject to the following requirement. These standards apply to all buildings within a development site.
- (1) A minimum 12-foot wide sidewalk for projects utilizing urban streetscapes shall be constructed adjacent to all streets on which a sidewalk is required to be replaced or constructed. More extensive tree planting areas may be required to help mitigate for loss of greenscape and addition of impervious surface.

- (2) Any associated parking garage shall be screened from view at the street grade with a liner building.
- (3) A minimum of 50% of the additional gross floor area of the building about 60 feet in height shall be dedicated to residential use. The residential area, once calculated, may be distributed anywhere throughout the building.
- (4) Prior to obtaining a building permit, the developer shall submit an energy model and LEED checklist (or approved equivalent) for all buildings in the development indicating which credits are intended to be pursued to achieve USGBC LEED Gold (or approved equivalent) building standards. Proof of LEED Gold certification (or approved equivalent) shall be submitted to the city within 180 days of issuance of a Certificate of Occupancy. All projects shall show effort to achieve the Development Density and Community Connectivity credit, or equivalent.
- (5) Any side of a building immediately adjoining a principal structure on an adjacent lot shall utilize materials, colors and other architectural features similar to the front façade."

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 156.02 (F) *Specific Tests* by enacting a new (2) as shown below:

- "(2) The Planning Division and/or Board of Adjustment may require an applicant to produce a viewshed analysis and/or a Sun/Shadow Study using industry accepted methodologies to show the impact of a height variance proposal on neighboring streets and properties, in an effort to determine if there is an adverse impact caused by the proposal."

PASSED and APPROVED this 15th day of October, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner-Current Planning

FROM: **Kit Williams**, City Attorney



DATE: **August 28, 2013**

RE: **Preservation of homeowners' rights to sunlight and air**

City Council Member Sarah Marsh has asked me to draft an amendment to § 164.11 **Height or Setback Regulations; Exceptions** within the **Supplementary Zoning Regulations** Chapter of the Unified Development Code to help preserve and protect historic homes and the historic nature of the Downtown and Entertainment areas of Fayetteville.

As many remember, the Downtown Master Plan recognized and sought to protect the livability of the single family homes within the Downtown Master Plan. The Mayor and City Council have sought to ensure the mixed use and walkable nature of the Downtown and Entertainment District by fostering the preservation of the many historic single family homes still used as residences. Unfortunately, the zero side setback and immediate 84 foot height of the building's wall which is permitted in Main Street Center threatens the livability of adjoining single family homes in our downtown area.

In order that homeowners be ensured sufficient sunlight and air for their homes to be livable and for homeowners to utilize solar energy, a minimum side and rear setback from new large and tall multifamily, commercial and mixed use buildings should be required. Preserving some sunlight is also necessary to protect existing trees and other plants to preserve the historic residential landscape within a more urban architectural setting.

I suggest a minimum side and rear setback of 15 feet which is not dissimilar to setbacks in traditional residential zoning districts and currently required in the Community Services Zoning District (copy attached). I further suggest an initial building height limitation of 30 feet at this setback location which is what is currently required in Residential Multifamily Districts (RMF-6, RMF-12, RMF-18 and RMF-24) for an additional 15 foot stepback (copy attached). At thirty (30) feet from the single family residence's property line, the new multifamily and commercial construction in Main Street Center and Urban Thoroughfare could jump to 84 feet and in Downtown General and Community Services could go up to its maximum of 56 feet.

Without such modest setback and stepback requirements, a developer could build an 84 foot wall for his building on the single family home's property line. A Downtown and Entertainment District homeowner who wanted to live in their home could find herself or himself surrounded by 84 foot high walls on both side property lines and on the rear property line. The home would then be stuck within a 84 foot deep cave without adequate sunlight for solar energy, trees and plants. Indeed, this walled in and almost constantly shaded house would be thrust into an unhealthy environment of mold and mildew.

These modest setbacks and stepbacks would at least provide some sunlight and air protection for existing homeowners without substantial loss of density for the developers. When these homes were built and zoned residential, they had substantial sunlight protection not only from setbacks, but because an adjoining house could only occupy less than half of the lot's area. There are no such protections in Main Street/Center, Downtown Core, or Downtown General. This ordinance would reinstate some sunlight protection and give the homeowner some protection from the 84 foot deep cave.

Current Law

Fayetteville Code of Ordinances

following the sale. Any such signs not so removed the following day, or located in public rights-of-way may be removed by city staff and for any such sign removed a collection fee shall be imposed.

(Code 1991, §160.103; Ord. No. 3970, § 3, 5-7-96; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross-reference(s)--Signs, Ch. 174.

164.11 Height or Setback Regulations; Exceptions

(A) The height limitations contained in the Zoning Regulation, Chapter 161, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(B) *Side Setbacks.* In zoning districts that permit two, three or other multi-family residential uses, side setbacks may be varied to permit common walls between single family attached / townhouse dwellings, subject to all applicable building and fire codes and the following standards:

(1) The total number of dwelling units on the lot, prior to being subdivided into single family attached / townhouse lots, shall conform to the minimum bulk and area requirements of the underlying zoning district.

(2) The townhouse development shall conform to the zoning district density, exterior setback requirements, height regulations and all other applicable city ordinances.

(3) There shall be a minimum lot width of 18 feet for each dwelling unit.

(4) There shall be no minimum lot area requirement unless otherwise specified by the underlying zoning district.

(Code 1965, App. A., Art. 8(6); Ord. No 1747, §-29-70; Ord. No. 2555, 8-21-79; Code 1991, §160.113; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5225, 3-3-09; Ord. 5327, 6-1-10)

164.12 Nonconforming Structures, Uses And Lots

It is the intent of this section to regulate nonconforming structures, uses or lots that are created when zoning designations or regulations are created or changed such than an existing lawfully established structure, use, or lot no longer conforms

to the regulations of the Unified Development Code. It is also the intent of this section to permit nonconformities to continue as they exist presently and to guide future uses and development to be consistent with the City's planning policy and regulations.

(A) Nonconforming structures.

(1) Nonconforming structures are permitted to exist for continued and creative reuse to contribute to the surrounding character, diversity, and services in the neighborhood until such structures are removed.

(2) Repairs to nonconforming structures or portions thereof are permitted, so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.

(3) Reconstruction of nonconforming structures or portions thereof amounting to less than 50% of the existing square feet are permitted so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.

(4) Voluntary removal, damage or destruction of a nonconforming structure or portion thereof amounting to 50% or more of the existing square feet shall require either complete removal of the structure or its reconstruction in conformance with existing regulations.

(5) Involuntary damage to or destruction of a nonconforming structure (from fire, winds or other calamity) shall permit the owner to rebuild, reconstruct or restore the structure on the same footprint of the original structure plus any addition or expansion that is allowed by the underlying zoning district. Such reconstruction is permitted as long as it begins within 18 months of the loss and complies with all other applicable zoning, development and building codes.

(6) For nonconforming structures located in a zoning district utilizing conventional building setbacks, building additions/expansions are permitted so long as the addition is in compliance with all current setbacks, building area and building height requirements of the underlying zoning district, along with all other applicable zoning and development ordinances.

(7) For nonconforming structures located in zoning districts utilizing build-to zones and requirements for a minimum buildable street frontage, all new construction that increases the existing building(s) footprint or volume of habitable space by 50% or more shall

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

(3) Land area per dwelling unit.

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

(E) Setback requirements.

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

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

(F) Building height regulations.

Building Height Maximum	30/45 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

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

(G) Building area. None.

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

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) Purpose. The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) Conditional uses.

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

(C) Density.

Units per acre	24 or less
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(D) Bulk and area regulations.

(1) Lot width minimum.

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

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.

any use on an adjacent single family lot in additional distance of one foot for each eight in excess of 20 feet.

any lot, the area occupied by buildings shall not exceed 60% of the total lot area.

Ord. No. 2414, 2-7-78; Ord. No. 2621, 4-1-80; Ord. No. 2880, 8-31-89; Ord. No. 3160, 04-1; Ord. No. 4100, \$2 (Ex. 19-07; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. No. 5079, 11-20-07; Ord. 5195, 11-6-3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-

District C-1, Neighborhood

The Neighborhood Commercial District is primarily to provide convenience and personal services for persons living in surrounding residential areas.

Additional uses.

City-wide uses by right
Government Facilities
Eating places
Neighborhood shopping
Gasoline service stations and drive-in/drive through restaurants
Offices, studios, and related services

Additional uses.

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Shopping goods
Liquor stores
Outdoor music establishments*
Wireless communications facilities*
Sidewalk Cafes
Clean technologies

area regulations: None.

between the right-of-way and the building	
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) Building height regulations.

Building Height Maximum	56 ft.*
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*Any building which exceeds the height of 20 feet shall be setback 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 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

161.19 Community Services

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

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations

Setback
when adjoining
residence →

Unit 20 Multi-family dwellings

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

(2) Conditional uses.

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

(C) Density. None

(D) Bulk and area regulations.

(1) Lot width minimum.

Dwelling	18 ft.
All others	None

(2) Lot area minimum. None

(E) Setback regulations.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) Building Height Regulations.

Building Height Maximum	56 ft.
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(G) Minimum buildable street frontage. 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

161.20 District C-2, Thoroughfare Commercial

(A) Purpose is functional travel

(1)

Unit 1	
Unit 4	
Unit 5	
Unit 13	
Unit 14	
Unit 16	
Unit 17	
Unit 18	
Unit 19	
Unit 20	
Unit 25	
Unit 33	
Unit 34	

(2)

Unit 2	
Unit 3	
Unit 21	
Unit 28	
Unit 29	
Unit 32	
Unit 35	
Unit 36	
Unit 38	
Unit 40	
Unit 42	
Unit 43	

(C) Dens

(D) Bulk.

(E) Setba

Front	Front, if p between t the buildin
Side	Side, whe a residenti
Rear	

(F) Buildi

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

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

FROM: Kit Williams, City Attorney



DATE: October 11, 2013

RE: Incentive Zoning vs. Light and Air Protection

When our office was presented with the proposed major change to the U.D.C. Zoning criteria sponsored by City Council Member Sarah Marsh that would vary setback requirements for LEED certified gold buildings, I asked Assistant City Attorney Jason Kelley to research the law about the City's power or lack of power to use this type of "incentive" zoning in Arkansas. Attached is his two page memo to me (without his attachments).

As you see, this appears to be a legally untested zoning scheme for Arkansas. The short initial proposed U.D.C. amendment I had drafted for City Council Member Sarah Marsh was narrowly focused to provide some preservation of adequate light and air for single family structures being used as residences. There is strong statutory authority for such regulation to ensure adequate light and air for homes.

"Purpose of plans.

- (a) The plans of the municipality shall be prepared in order to promote...(the) general welfare of the citizens.
- (b) The plans may provide...for:

....

(5) Adequate light and air in the use and occupancy of buildings...."

A.C.A. § 14-56-403 of Chapter 14, **Building and Zoning Regulations - Planning** of the Arkansas Code (emphasis added).

The **Building and Zoning Regulations - Planning** chapter makes no mention of "incentive" zoning. It specifically provides for a setback ordinance (A.C.A. § 14-56-418 **Setback ordinance**). For many decades the Board of Adjustment which is required to be established by A.C.A. § 14-56-416 **Zoning ordinance**, has been empowered and decided all zoning setback variance requests. This appears to be required by that state statute, and the only appeal from the Board of Adjustment's decision is to Circuit Court.

The City Council may not overrule the Board of Adjustment's decision. The City Council may not even be statutorily allowed to erode the Board of Adjustment's statutory power to grant setback or height variances by incorporating a "may be permitted" setback or height variance for certain situations described in the proposed § 164.11 (c). The ordinance is unclear who "may" permit such variances. I assume it must be the Board of Adjustments.

Probably the only entity authorized to grant such setback and height variances is the Board of Adjustments which already has the statutory right to grant variances to prevent "undue hardship" and "protect adjacent

property.” A.C.A. § 14-56-416 (2). However, since having a LEED Certified Gold building is unrelated to air and light protection of adjoining structures, I doubt it could condition any height variance by trying to require LEED Certification.

Another problem with this proposal is that the state enabling statute requires that “(t)he regulations imposed within each district or zone shall be uniform throughout the district or zone.” A.C.A. § 14-56-416 (a)(3)(E)(ii). This incentive zoning proposal would vary the imposed regulations within the zoning district if the building was rated high enough by an outside corporation. I doubt whether our zoning regulations can be varied by U.S. Green Building Council, Inc. without violating this state required uniformity rule.

An opponent of this ordinance could also argue allowing an outside corporation (the U.S. Green Building Council) to determine whether or not to issue the required LEED Gold Certificate (which is required “within 180 days of issuance a Certificate of Occupancy”) is an **unconstitutional delegation of legislative and/or administrative power to an outside corporation**. I also wonder what would the City do if this Green Building Council refuses to issue a LEED Gold Certificate? Must the builder remove the top floors of the building? If the City tried to force such action, I would guarantee a court challenge to this ordinance.

There are certainly ways to improve and clarify the initial setback/stepback protection for single family homes that I initially and quickly drafted for City Council Member Sarah Marsh. Community Services Director Jeremy Pate has great experience and expertise in this area and his recommendations should carry a lot of weight. However, before the City Council considers the significant changes to **over ten pages** of the Unified Development Code now being proposed, I believe that the proposals should go to the Planning Commission for its consideration and suggestions. This is a much more detailed, complex, comprehensive, and substantial proposal than the **single paragraph** I drafted initially. I believe the currently proposed city-wide zoning changes and complex over sixty foot building height regulations need much more study and Planning Commission input before they would be ready for your consideration.

14-56-416. Zoning ordinance.

(a)(1) Following adoption and filing of the land use plan, the commission may prepare for submission to the legislative body a recommended zoning ordinance for the entire area of the municipality.

(2) The ordinance shall consist of both a map and a text.

(3)(A) The ordinance may regulate the location, height, bulk, number of stories, and size of buildings; open space; lot coverage; density and distribution of population; and the uses of land, buildings, and structures.

(B) The ordinance may require off-street parking and loading.

(C) The ordinance may provide for districts, of compatible uses, for large scale unified development, for elimination of uses not in conformance with provisions of the ordinance, and for such other matters as are necessary to the health, safety, and general welfare of the municipality.

(D) The ordinance shall include provisions for administration and enforcement.

(E)(i) The ordinance shall designate districts or zones of such shape, size, or characteristics as deemed advisable.

(ii) The regulations imposed within each district or zone shall be uniform throughout the district or zone.

(b)(1) The ordinance shall provide for a board of zoning adjustment, which may either be composed of at least three (3) members, or the commission as a whole may sit as the board of zoning adjustment.

(2) The board shall have the following functions:

(A) Hear appeals from the decision of the administrative officers in respect to the enforcement and application of the ordinance, and may affirm or reverse, in whole or in part, the decision of the administrative officer;

(B)(i)(a) Hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the ordinance.

(b) The board shall not permit, as a variance, any use in a zone that is not permitted under the ordinance.

(c) The board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

(ii) Decisions of the board in respect to the above shall be subject to appeal only to a court of record having jurisdiction.

(3)(A) The board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions.

(B) Each session of the board shall be a public meeting with public notice of the meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

To: Kit Williams, City Attorney
From: Jason Kelley, Asst. City Attorney 
Re: Incentive Zoning/Incorporating LEED standards into UDC
Date: October 9, 2013

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

The amendments to be offered to the proposed setback, stepback ordinance consist, in part, of the incorporation of certain LEED certifications as prerequisites to increased building height allowances. This is a form of incentive zoning that, to my knowledge, has not been attempted in the State of Arkansas.

As background, incentive zoning is a method whereby a property developer is allowed to develop in a way that is not permitted in exchange for certain public benefits that are otherwise not required. According to a summary from the American Planning Association, incentive zoning:

allows a city to leverage variations in existing zoning standards and obtain public goods. For example, a developer may provide schools, parks, open space, plazas, low-income housing, or money, in exchange for greater flexibility in required building setbacks, floor heights, lot area, parking requirements, number of dwellings, and other minimum standards. The incentives vary by location, but governments usually calculate the incentives to balance the public advantage with developer's costs and gains.

American Planning Association, Property Topics and Concepts, <http://www.planning.org/divisions/planningandlaw/propertytopics.htm> (last visited Oct. 9, 2013). It is certainly possible that the provision of energy efficient/environmentally sustainable development could be one of the "public goods" envisioned in an incentive zoning program.

The use of incentive zoning is not without controversy. In addition to policy-related objections, legal writers have raised potential issues, particularly relating to applying LEED standards as an incentive in an incentive zoning program. One objection is that LEED standards are privately developed and controlled by the U.S. Green Building Council (USGBC), a private non-profit corporation. LEED standards change. These changes are not subject to any voting or public approval process. Delegating this authority to a private entity could be a violation of the constitution. One potential remedy for this concern would be to "set" the LEED standard as of the date of adoption of the local ordinance. This would not permit future changes (as determined by USGBC) to be included in City requirements without further adoption/amendment by the City Council.

Concerns also arise related to the *Nollan* “substantial nexus” analysis. It has been stated:

There is some logical and legal support for applying *Nollan*’s nexus test to incentive zoning provisions. The *Nollan* Court stated that the evident constitutional propriety of an exaction disappears “if the condition substituted for the prohibition utterly fails to further the end advanced as justification for the prohibition. When that nexus is eliminated, the situation becomes the same as if California law forbade shouting fire in a crowded theater, but granted dispensations to those willing to contribute \$100 to the State Treasury.” Courts have long applied such a nexus test to the grant of variances and special exceptions. It may well be that the public amenities or exactions that may be constitutionally secured through incentive zoning bonuses are no greater than those that could be involuntarily secured through mandated development conditions.

3 Arden H. Rathkopf & Daren A. Rathkopf, *Rathkopf’s The Law of Zoning and Planning* § 52:7.

Here, the proposal is to limit the height and “nearness” of a building to adjoining residential property. However, if a developer builds to a specified LEED standard, the building would be allowed to intrude upon the residential neighbor’s space, air and light. It is difficult to argue a nexus between these two competing interests (the interest in environmental/energy efficient construction and the interest in preserving space, air and light for residential property owners). Stated another way, the energy efficiency or environmental sustainability of a building does not ameliorate the harmful effects the placement of that building near a residence may cause. Likewise, a larger building built to a LEED standard may use more energy than a smaller building on the same site, whether or not the smaller building was built to a LEED standard. More size means more materials are used in construction and more utilities are used during occupancy. These issues may cause a court to find an insufficient “nexus” to support the constitutionality of the regulation.

I have attached an assortment of articles and research touching on these issues. This is a brand new area, and there is simply not that much law on the topic.

DRAFT v.4

Building Height Amendment - General Description

There is no longer a single family use associated with the side or rear setback and building height amendment proposal, based on the current reasons stated for instituting these regulations, which are to provide transition in building scale to promote compatibility of new development and existing structures, to protect rights to sunlight and room for air and wind, to mitigate harmful effects such as mold and allow for trees and plants to grow, and to allow for solar access for alternative energy purposes. All of these same concerns, it could be argued, apply to office, commercial and other uses in addition to single family homes.

Amend Ch. 161, Zoning Regulations

Setback

All of the following zoning districts with 0-foot side and rear setbacks are proposed to be amended to add a minimum 5-foot side and rear setback. There are a few exceptions to this rule, chiefly 1) if there is no building developed adjacent to the property being developed; 2) if an adjacent building is already within 5 feet of the common property line; and 3) if the same property owner owns the adjacent property on the common boundary line.

C-1 – Neighborhood Commercial
CS - Community Services
C-2 - Thoroughfare Commercial
UT - Urban Thoroughfare
C-3 – Central Commercial
DC – Downtown Core
MSC – Main Street Center
DG – Downtown General

Building Height

At the 5-foot setback from side and rear property lines (or between 0 and 5 feet, if the conditions allow for it), the maximum height is the height of the structure on the adjacent property or 36 feet, whichever is greater. This permits standard 12-foot floor to floor height dimensions utilized in commercial construction. Once the maximum height is achieved, there is a required additional 10-foot setback, for a total setback of 15 feet. This essentially creates an initial maximum height between 5-15 feet from the side/rear property line.

Past the 15-foot setback line, a building may go up to 60 feet in height, again based on 12-foot floor to floor heights that would allow 5 stories. Balconies, awnings, overhangs and other similar architectural features that protrude from the building façade are permitted to a depth of 6 feet into the side and rear setback zones.

The maximum height in all of these above zones is amended to 60 feet, with a caveat. For zones that reference heights above 60 feet, there are supplementary requirements that must be met. In each zone that permits this, there is a reference to §164.11 for the supplementary standards.

Amend Ch. 164.11 Height Regulations; Exceptions

This proposal attempts to regulate building height above the maximum 56 feet, requiring certain additional standards to be met. They include wider sidewalks based on the height of the building, creation of a 30-foot setback above 60 feet from all property lines, the provision of mixed-use,

requirement to build to LEED Gold, requirement to cover a parking garage with a liner building at street level, and some architectural embellishment when the side of a building is adjacent to a residence.

Amend Ch. 156.02 (F) Variances, Specific tests

A statement has been added that the Planning Division or Board of Adjustment may require the applicant to provide a visual impact analysis and/or a sun/shadow study, as needed, to determine if there is an adverse impact on neighboring properties, if there is a variance requested.

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) Uses

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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

(2) Conditional uses

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) Density.

Units per acre	10 or less
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(D) Bulk and Area

(1) Lot width minimum

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) Lot area minimum.

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) Setback regulations

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) Building height regulations.

Building Height Maximum	45 ft.
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any single family 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 the lot.

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None 5 feet
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 60ft.*
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*Any building which exceeds the height of 20 feet shall be setback 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 40% of the total area of such lot.

161.19 Community Services

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

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

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None 5 feet
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 60 ft.
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A new building or portion of a building that is located between 5 and 15 feet from the side and rear property line shall have a maximum height of 36 feet or the height of the adjacent building, whichever is greater. This measurement shall be calculated parallel to each side and rear property line.

A new building or portion of a building that is constructed greater than 15 feet from the side or rear property line shall have a maximum height of 60 feet. Balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the side and rear building façade.

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

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None 5 feet
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.
All property lines	30 ft. for buildings over 60 ft. in height*

(F) *Building height regulations.*

Building Height Maximum	60/75 ft.*
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The maximum building height is 60 feet. Building height may be permitted up to 75 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions.*

*Any building which exceeds the height of 20 feet shall be set back from a 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.

161.21 Urban Thoroughfare

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

(B) *Uses.*

(1) Permitted uses

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

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

(2) Conditional uses

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

Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

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

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None 5 feet
Side or rear, when contiguous to a single-family residential district:	15 feet
All property lines	30 ft. for buildings over 60 ft. in height*

(F) *Building height regulations.*

Building Height Maximum	56 60/84 ft.*
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*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

A new building or portion of a building that is located between 5 and 15 feet from the side and rear property line shall have a maximum height of 36 feet or the height of the adjacent building, whichever is greater. This measurement shall be calculated parallel to each side and rear property line.

A new building or portion of a building that is constructed greater than 15 feet from the side or rear property line shall have a maximum height of 60 feet. Balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the side and rear building façade.

The maximum building height is 60 feet. Building height may be permitted up to 84 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions*.

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

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

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the	50 ft.	50 ft.

building		
Side	None 5 feet	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.
All property lines	30 ft. for buildings over 60 ft. in height*	30 ft. for buildings over 60 ft. in height*

(F) *Building height regulations.*

Building Height Maximum	56 60/84 ft.*
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*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 60 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

A new building or portion of a building that is located between 5 and 15 feet from the side and rear property line shall have a maximum height of 36 feet or the height of the adjacent building, whichever is greater. This measurement shall be calculated parallel to each side and rear property line.

A new building or portion of a building that is constructed greater than 15 feet from the side or rear property line shall have a maximum height of 60 feet. Balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the side and rear building façade.

The maximum building height is 60 feet. Building height may be permitted up to 84 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions.*

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
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Side	None 5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.
All property lines	30 ft. for buildings over 60 ft. in height*

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56-60/ 168 ft.*
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*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56-60 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.

A new building or portion of a building that is located between 5 and 15 feet from the side and rear property line shall have a maximum height of 36 feet or the height of the adjacent building, whichever is greater. This measurement shall be calculated parallel to each side and rear property line.

A new building or portion of a building that is constructed greater than 15 feet from the side or rear property line shall have a maximum height of 60 feet. Balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the side and rear building façade.

The maximum building height is 60 feet. Building height may be permitted up to 168 feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions.*

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None 5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.
All property lines	30 ft. for buildings over 60 ft. in height*

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 60/84 ft.*
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*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 60 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

A new building or portion of a building that is located between 5 and 15 feet from the side and rear property line shall have a maximum height of 36 feet or the height of the adjacent building, whichever is greater. This measurement shall be calculated parallel to each side and rear property line.

A new building or portion of a building that is constructed greater than 15 feet from the side or rear property line shall have a maximum height of 60 feet. Balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the side and rear building façade.

The maximum building height is 60 feet. Building height may be permitted up to 84

feet, pursuant to §164.11 *Height or Setback Regulations and Exceptions*.

161.25 Downtown General

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings

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

(2) *Conditional uses.*

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

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None 5 feet
Rear	5 ft.
Rear, from center line of an alley	12 ft.

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

(G) *Building height regulations.*

Building Height Maximum	56 60 ft.*
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A new building or portion of a building that is located between 5 and 15 feet from the side and rear property line shall have a maximum height of 36 feet or the height of the adjacent building, whichever is greater. This measurement shall be calculated parallel to each side and rear property line.

A new building or portion of a building that is constructed greater than 15 feet from the side or rear property line shall have a maximum height of 60 feet. Balconies, awnings, overhangs and other similar architectural projections 6 feet or less in depth are permitted forward of the side and rear building façade.

164.11 Height or Setback Regulations; Exceptions

- (A) The height limitations contained in the Zoning Regulation, Chapter 161, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, stair towers, elevator shafts or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (B) *Side Setbacks.* In zoning districts that permit two, three or other multi-family residential uses, side setbacks may be varied to permit common walls between single family attached / townhouse dwellings, subject to all applicable building and fire codes and the following standards:
- (1) The total number of dwelling units on the lot, prior to being subdivided into single family attached / townhouse lots, shall conform to the minimum bulk and area requirements of the underlying zoning district.
 - (2) The townhouse development shall conform to the zoning district density, exterior setback requirements, height regulations and all other applicable city ordinances.
 - (3) There shall be a minimum lot width of 18 feet for each dwelling unit.
 - (4) There shall be no minimum lot area requirement unless otherwise specified by the underlying zoning district.
- (C) *Side and rear setback.* All developments within zoning districts that require a 5-foot side and rear setback and an accompanying building height stepback may be permitted to reduce the side and/or rear setback to 0 feet in the following instances:
- (1) if there is no principal structure on the property directly adjacent to the common side and/or rear property line;
 - (2) if a principal structure that is adjacent to the common side and/or rear property line is already within 5 feet of said property line; or
 - (3) if the developing property owner owns the adjacent property on the common side and/or rear property line.
- (D) Any building over 36 feet in height utilizing urban streetscapes shall provide for a minimum 10-foot wide sidewalk adjacent to all streets on which a sidewalk is required to be replaced or constructed due to the development proposed.
- (E) The maximum building height for new construction in all zones in the city is 60 feet. For zones that refer to a higher building height potential than 60 feet, the following supplemental standards must be met for any building between 60 feet and the maximum height of the underlying zoning district to be considered for approval:
- (1) A minimum 12-foot wide sidewalk for projects utilizing urban streetscapes shall be constructed adjacent to all streets on which a sidewalk is required to be replaced or constructed.
 - (2) Any associated parking garage shall be screened from view at the street grade with a liner building.
 - (3) A mixture of commercial and residential uses shall be incorporated into any building that is permitted to be over 56 feet in height.
 - (4) Developers of buildings over 56 feet in height shall submit performance models and other applicable information, prior to obtaining a building permit, to indicate compliance with achieving USGBC LEED Gold or equivalent building standards. All projects shall show effort to achieve the Development Density and Community Connectivity credit, or equivalent.
 - (5) Any side of a building immediately adjoining a principal structure on an adjacent lot shall utilize materials, colors and other architectural features to provide relief, scale, and transition to the wall, similar to the front façade.

156.02 (F) Specific tests

(F) *Specific Tests.* The Board of Adjustment shall apply specific tests for the following variance requests:

- (1) *Height variances in all districts.* In addition to meeting all other normal requirements for a variance, an applicant seeking a height variance must establish the increased height of the proposed structure will not adversely affect adjoining or neighboring property owners, nor impair the beauty of Old Main, the historical churches on Dickson Street near East Avenue, nor otherwise impair the historic beauty and character of Fayetteville.
- (2) The Planning Division and/or Board of Adjustment may require an applicant to produce a viewshed analysis and/or a Sun/Shadow Study using industry-accepted methodologies to show the impact of a height variance proposal on neighboring streets and properties, in an effort to determine if there is an adverse impact caused by the proposal.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 164.11 **HEIGHT AND SETBACK REGULATIONS; EXCEPTIONS** TO ENHANCE LIVABILITY THROUGH APPROPRIATE TRANSITIONS IN BUILDING SCALE AND TO PROTECT ACCESS TO AIR AND SUNLIGHT AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, appropriate transitions in building scale enhance livability and architectural cohesion in mixed-use areas, helping to enrich our built environment by promoting the compatibility of new development with historic structures; and

WHEREAS, Fayetteville homeowners' rights to adequate sunlight and room for air and wind should be protected; and

WHEREAS, preservation of the many homeowners' single family residences used as homes in the Downtown Master Plan District and other areas with inadequate setback protection from large and tall buildings require that minimum side and rear setbacks and upper story setbacks be enacted to ensure adequate sunlight, wind and air for these homes to remain attractive and healthful places to live; and

WHEREAS, residential homeowners who wish to install solar panels or passive solar heat collectors, etc. must have enough protected access to sunlight for these ecological and green technology products to work effectively; and

WHEREAS, trees and other plants within the yards of homes also need adequate sunlight that reasonable setback and setback regulations can ensure.

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 § 164.11 **Height of Setback Regulations; Exceptions** by amending its title to be: "**Height of Setback Regulations; Exceptions and Home Protection Requirements**" and by enacting a new (C) *Home Protection Requirements* as shown below:

Page 2
Ordinance No.

“(C) Home Protection Requirements.

Regardless of any other setback or build-to zone regulations, new multifamily, commercial, or mixed use construction which adjoins or abuts a single family home being used as a residence must at a minimum be set back from the side or rear adjoining property line at least fifteen (15) feet. The maximum height of the new building from the fifteen foot setback shall be thirty (30) feet for an additional fifteen (15) foot stepback from the residence’s property line. These setback and stepback requirements are minimums so that, if larger setbacks or stepbacks are required by other zoning laws, the larger setback/stepbacks are controlling.”

Section 2. Emergency Clause. That the City Council of the City of Fayetteville, Arkansas hereby determines that preservation of access and right to sunlight and adequate room for air and wind are vital necessities for houses used for residential purposes and that large multifamily, commercial, or mixed use development projects planned or proposed to be built with zero setbacks next to existing homes threaten the peace, health and safety of Fayetteville citizens such that it is necessary for the public peace, health and safety that this ordinance shall become effective without delay.

PASSED and APPROVED this 17th day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Smith, Sondra

From: Dan Coody <dcoody@swbell.net>
Sent: Monday, October 28, 2013 3:00 PM
To: Smith, Sondra
Subject: Re: Proposed setback changes

Thanks, Sondra. -- Dan

Sent from my iPhone

On Oct 28, 2013, at 2:58 PM, "Smith, Sondra" <:ssmith@fayetteville-ar.gov> wrote:

>

>

> -----Original Message-----

> From: Deborah coody [mailto:dcoody@swbell.net]

> Sent: Monday, October 28, 2013 10:17 AM

> To: Charles Coody; Smith, Sondra

> Subject: Proposed setback changes

>

>

>>>>

>>>> Being a strong proponent of both alternative energy and urban planning, I am asking you to consider a few points concerning the proposed 5' setback requirement. We all know this ordinance was generated to stop the multistory development on Block Ave, but this ordinance really hurts the little guy. Small entrepreneurs strengthen the fabric of our community and this impacts them all. It also damages the future town form.

>>>>

>>>> 1. The Dover/Kohl downtown and city-wide master plan cost us all a ton of money, took the input of over 1,000 citizens, and required a couple of years to implement. This ordinance is in direct conflict with the plan's principals. Public input and investment should not be dismissed easily, and negative consequences should not be accepted without serious consideration.

>>>>

>>>>

>>>> 2. When residential property and commercial property abut, perhaps a solar and air access ordinance should be considered (there are many studies [easy Google search] that examine impacts of solar access ordinances). But when commercial properties with long-established zero lot line regulations abut, this ordinance has far-reaching consequences.

>>

>>>> For example, Fayetteville's plan calls for more urban density in downtown and along College Ave. making walkability, public transportation, bike friendliness, and infrastructure costs improve. It reduces travel time and the burning of fossil fuels, and makes small commercial ventures more viable. Reducing the available commercial land for small residential projects and businesses downtown promotes sprawl.

>>>>

>>>> Do not think that a mere 5' setback is insignificant. On a common downtown commercial 50'x120' lot the new requirement reduces the habitable area by over 23%. Now multiply that times the number of small

commercial properties throughout town and consider the acreage that cannot fulfill the City Master Plan while reducing the viability of small, innovative projects.

>>>>

>>>> 3. This ordinance does very little for solar access. One could build the Taipei Tower and, unless the earth's axis changes, it will never produce one molecule of shade on its southern neighbor. On the northern side it is unlikely that the 5' setback would make a system more feasible than with the existing zero lot line code. At the same time this ordinance does nothing to protect from future development those who DO install solar systems.

>>>>

>>>> 4. The idea that trees would do well and not do damage to walls and foundations in a narrow, shaded strip between buildings is unrealistic. I'm not sure what activities may occur in these 5' spaces, but growing trees will not be one of them.

>>>>

>>>> 5. The ordinance is ambiguous. After asking three City people, "does 'adjacent' mean that two buildings line up with each other? How far apart must they be before they are no longer considered 'adjacent'? Can a person build a small apartment or business close to the lot line if it is 'adjacent' to the back parking lot of other buildings?", no one had clear answers.

>>>>

>>>> 6. If this ordinance were in place at the time, would it be possible to build the iconic streets of Fayetteville such as Dickson, Block, Center, the Square, etc.?

>>> 7. If light and solar power are truly the driving force, it would be much better, and easier, to change our codes to require solar orientation for residential subdivisions and commercial development. If energy efficiency and quality of life are the goals, it would be better to adopt the 2012 Energy Code for all new construction. Until then, let's address specific problems with appropriate, limited solutions and keep the Fayetteville Master Plan intact.

>>>

>>> Thank you for your consideration.

>>>

>>> Dan Coody

>>>

>>>

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>>>>

>>>>

>>>> Sent from my iPad

Smith, Sondra

From: Deborah coody <dcoody@swbell.net>
Sent: Monday, October 28, 2013 11:41 AM
To: Charles Coody; Smith, Sondra
Cc: Williams, Kit; sclark@fayetteville-ar.com
Subject: Proposed solution

Sondra, could you please forward this note to the admin, council and planning commission? -- Thanks.

> -----

> The problem:

> Someone has an existing structure that warrants protection from neighboring new development. The new development, and everyone else in town, has to modify plans and lose ability to use some of their (expensive) property to resolve issues pertaining to that single structure.

>

> At some point, after the neighboring new development gets built, the owner of the original, existing property that was the catalyst for these new rules changes their mind, sells, moves, etc. That land, sooner or later, eventually and inevitably, will change hands. The new owner then razes the original structure to redevelop the land to match the new development next door, making all the previous gyrations, and the damage to the City's master plan, and preservation efforts for that special property for nothing.

>

> Possible solution:

> The owner of the original property that warrants protection does not need to impact all other commercial properties in town. There could be a new zoning class, say a Fayetteville Heritage zoning, that will preserve that property in perpetuity by deed restriction, just as deed restrictions are required for accessory dwelling units.

> The surrounding property owners would know what the rules are before they begin plans for redevelopment next to a Heritage zoning, and the original property that warranted that protection stays protected in perpetuity.

The financial impact is limited to the immediate situation, the Master Plan stays intact, other commercial properties are still able to fulfill their potential, and a historic structure can be preserved.

I hope something like this proposal can be considered. Thank you.

Dan Coody

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>

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> Sent from my iPad

Branson, Lisa

From: Art Hobson <ahobson@uark.edu>
Sent: Saturday, November 02, 2013 3:06 PM
To: Rhonda Adams; Adella Gray; Mark Kinion; City_Clerk; citycouncil@mathewpetty.org;
City_Clerk; City_Clerk; Justin Tennant; Mayor
Cc: Marie Riley
Subject: Sarah Marsh's proposals

Dear Mayor Jordan and City Councilors:

I've supported Sarah Marsh's ideas in the past, but I must oppose her recent suggestions, especially the proposed setback requirements. I participated in the lengthy, well-attended, and open public discussions of Fayetteville planning issues that led to the 2004 Downtown Master Plan and the 2006 City Plan 2025. A similar process in 2011 led to the City Plan 2030. All three of these plans are well thought out, and consistent with each other. A major emphasis of all of them is to reduce sprawl by increasing density. Setback requirements are inconsistent with reducing sprawl, as are building height limitations that are set too low. There's no need for setback requirements of any kind, and in fact downtown buildings should be required to come right up to the sidewalks.

I do agree with an overall height limit. But three stories is too low. Five stories or so would achieve the densities we need to support a healthy city that encourages walking, bicycling, and public transit. I see no reason to "step back" the upper sections of taller (i.e. five story) buildings.

We should stick with the good plans laid in 2004, 2006, and 2011. Any changes should support the principles of those plans, rather than backing away from them.

Sincerely,

Art Hobson

Emeritus Professor of Physics, U Arkansas, Fayetteville.

See my liberal-arts physics textbook and other stuff at <http://physics.uark.edu/hobson/>.

re: Proposed Building Heights & Set Back Regulations

Dear Members of the Fayetteville City Council;

I have been both a proud participant in the growth and development of downtown Fayetteville as well as a consumer of its many offerings for over 30 years. My commitment to maintaining the fabric of Fayetteville has been demonstrated by virtue of my being an investor and developer in almost two dozen downtown historical renovations (which include the Fayetteville Train Depot, The Three Sisters, The Bakery Building and the Ozark Theater Building), and by acting as a current commissioner of the Dickson Street Improvement District and past officer and board member of the Downtown Dickson Enhancement Project (DDEP).

I wish to voice my objection to the proposed ordinance changes with respect to building heights and setbacks championed by Alderman Marsh. My objections couldn't have been more aptly put than those offered by the editorial staff of the Northwest Arkansas Times on Friday November 1, 2013. Investment in our community often involves tremendous resources in time and capital. Investors like to know what the rules are before making such a commitment. And predictability is imperative.

When a governing body, in response to the concerns of a few, arbitrarily changes the rules in contravention to established entitlements and an adopted master plan it scares the investment community and sends the wrong signal. To try and put it simply, imagine that you are fortunate enough to plan to build your own home but need to save some money first. Yet you've found the perfect lot. You buy it (investing a sizeable amount of your savings) and begin planning your dream home. Then the regulating authority passes a new ordinance which states that, due to the nature of surrounding development, the land you bought can only be used for agricultural purposes. Now all you can do with your huge investment is grow tomatoes. Would you have paid the same for the lot if you thought this would happen before hand? Such is the case for many who have made a commitment to invest downtown and still are working to build that dream.

Respectfully Submitted,
Greg House

City of Fayetteville Item Review Form

2013-0151

Legistar File Number

11-19-2013

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

Jesse Fulcher

Submitted By

Planning

Department

Action Required:

VAC 13-4516: Vacation (BRENDA DRIVE, COURT AND WALTON STREET/UNIVERSITY OF ARKANSAS, 482): Submitted by DEVELOPMENT CONSULTANTS, INC. for property located WEST OF RAZORBACK ROAD AND NORTH OF CENTER STREET. The request is to vacate the right-of-way of Brenda Drive, Court and Walton Street, and a 30-foot wide alley off of Hotz Drive.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐ No

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-01-13 P03:07 RCVD

Paul A. Belin 11-1-2013

Don Man 11-1-13

Donald Jordan 11/2/13

dm

ENT
11/1/13
PH

Kat

This ordinance was left on the Second Reading at the November 19, 2013 City Council Meeting.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director 

From: Jesse Fulcher, Senior Planner

Date: October 31, 2013

Subject: VAC 13-4516 Vacation (BRENDA DRIVE, COURT STREET, WALTON STREET,
ALLEY/UNIVERSITY OF ARKANSAS)

RECOMMENDATION

Staff recommends approval of an ordinance to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a 30-foot wide alley off of Hotz Drive.

BACKGROUND

The subject properties consist of three developed public streets and an alley right-of-way that is utilized as a driveway for an adjacent house now owned by the University of Arkansas. All four right-of-ways are located between Razorback Road and Palmer Avenue, and Hotz Drive and Center Street. Every property directly adjacent to the four right-of-ways (23 total properties) is owned by the University. Most of the structures along these streets have already been removed and temporary parking lots have been installed.

The applicant's request is to vacate three developed public streets and an alley right-of-way that has been used as a driveway, as indicated on the depicted exhibit. All four right-of-ways are surrounding by property owned by the University, including the residential driveway.

Pursuant to Arkansas Code (A.C.A.), Title 14, Chapter 301 Municipal Streets Generally, cities and towns of the first and second class and incorporated towns are given power and authority to vacate public streets and alleys within the cities and towns under the conditions and in the manner herein provided.

In all cases where the owner of property within a city or town shall have dedicated, or may hereafter dedicate, a portion of the property to the public use as streets or alleys by platting the property and causing the plat to be filed for record, as provided by law, and any street or alley, or section thereof, shown on the plat so filed shall not have been actually used by the public as a street or alley for a period of five (5) years *and in all cases where all property abutting any street or alley, or section thereof, is owned by any educational institution or college, whether the property shall have been actually used by the public as a street or alley for a period of five (5) years or not, the city or town council shall have power to vacate and abandon the street or alley, or any portion thereof, by proceeding the manner set forth in this subchapter.*

In this particular case, all of the right-of-ways have been used by the public in the last five years, either by the residents who lived in the houses along the streets, or those attending University events. At this time, all of the houses have been removed and the property is used exclusively by the University for parking.

DISCUSSION

On October 28, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4516 SUBMITTED BY DEVELOPMENT CONSULTANTS, INCORPORATED FOR PROPERTY LOCATED WEST OF RAZORBACK ROAD AND NORTH OF CENTER STREET TO VACATE THE RIGHT-OF-WAY OF BRENDA DRIVE, COURT STREET, WALTON STREET, AND A THIRTY FOOT WIDE ALLEY OFF OF HOTZ DRIVE.

WHEREAS, the City Council has the authority under A.C.A. § 14-301-301 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 portions of the platted right-of-ways and alley are not required for corporate purposes; and

WHEREAS, all property abutting said right-of-ways are owned by the University of Arkansas.

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 described right-of-ways 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 Condition of Approval and shall not be in effect until the condition is met.

1. Development of this site shall include the construction and dedication of two public streets as indicated in Exhibit "C" attached hereto.
2. All right-of-ways shall be retained as general utility easements.
3. Any relocation or, or damage to any existing utility facilities shall be repaired at the property owners expense.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

B. 2
VAC 13-4516 (Brenda Drive, Court and
Walton Street/University of Arkansas)
Page 5 of 30

VAC13-4516

U OF A

Close Up View



Legend

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

Overview VAC13-4516

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

0 100 200 400 600 800 Feet

EXHIBIT "B"
VAC 13-4516

BRENDA DRIVE:

BRENDA DRIVE AS SHOWN ON THE OFFICIAL PLAT OF DILL ADDITION FILED FOR RECORD AT PLAT BOOK 1, PAGE 143 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID DILL ADDITION; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 105.2 FEET; THENCE AROUND THE CUL DE SAC ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE SOUTHEAST LINE OF LOT 2 AND ALONG THE SOUTHWEST LINE OF LOT 3 AND ALONG THE WEST LINE OF LOT 4 OF SAID DILL ADDITION ALONG A 37.5 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 193.4 FEET; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 105.4 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE WESTERLY FOR A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

COURT STREET:

COURT STREET AS SHOWN ON THE OFFICIAL PLAT OF BLOCK 2 OF MCRAE ADDITION FILED FOR RECORD AT PLAT BOOK 3, PAGE 387 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID BLOCK 2; THENCE NORTHERLY ALONG THE EAST LINE OF LOTS 1-3 OF SAID BLOCK 2, A DISTANCE OF 201.68 FEET TO THE POINT OF CURVATURE OF A 22 FEET RADIUS CURVE; THENCE NORTHWESTERLY ALONG THE EAST LINE OF SAID LOT 3 ALONG THE 22 FEET RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF REVERSE CURVATURE FOR A 40 FEET RADIUS CURVE; THENCE AROUND THE CUL DE SAC ALONG THE EAST LINE OF SAID LOT 3 AND ALONG THE SOUTHEAST LINE OF LOT 4 AND ALONG THE SOUTH LINE OF LOT 5 AND ALONG THE SOUTHWEST LINE OF LOT 6 AND ALONG THE WEST LINE OF LOT 7 SAID BLOCK 2 ALONG THE 40 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 182.50 FEET TO THE POINT OF REVERSE CURVATURE FOR A 22 FEET RADIUS CURVE; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID LOT 7 ALONG THE 22 FEET RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF TANGENCY; THENCE SOUTHERLY ALONG THE WEST LINE OF LOTS 7-9 OF SAID BLOCK 2, A DISTANCE OF 201.68 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE WESTERLY FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

30' ALLEY:

THE 30 FEET WIDE ALLEY BETWEEN LOTS 18 AND 19 AND SOUTH OF LOT 19 OF HOTZ REVISED ADDITION AS SHOWN ON THE OFFICIAL PLAT OF HOTZ REVISED ADDITION FILED FOR RECORD AT PLAT BOOK 1, PAGE 213 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 18; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 18, A DISTANCE OF 192.68 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE WESTERLY FOR A DISTANCE OF 58.64 FEET TO THE EAST LINE OF LOT 5 OF BLOCK 1 OF MCRAE ADDITION; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF LOT 19 OF HOTZ REVISED ADDITION; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 19, A DISTANCE OF 29.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 19; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 19, A DISTANCE OF 164.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 19; THENCE EASTERLY FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

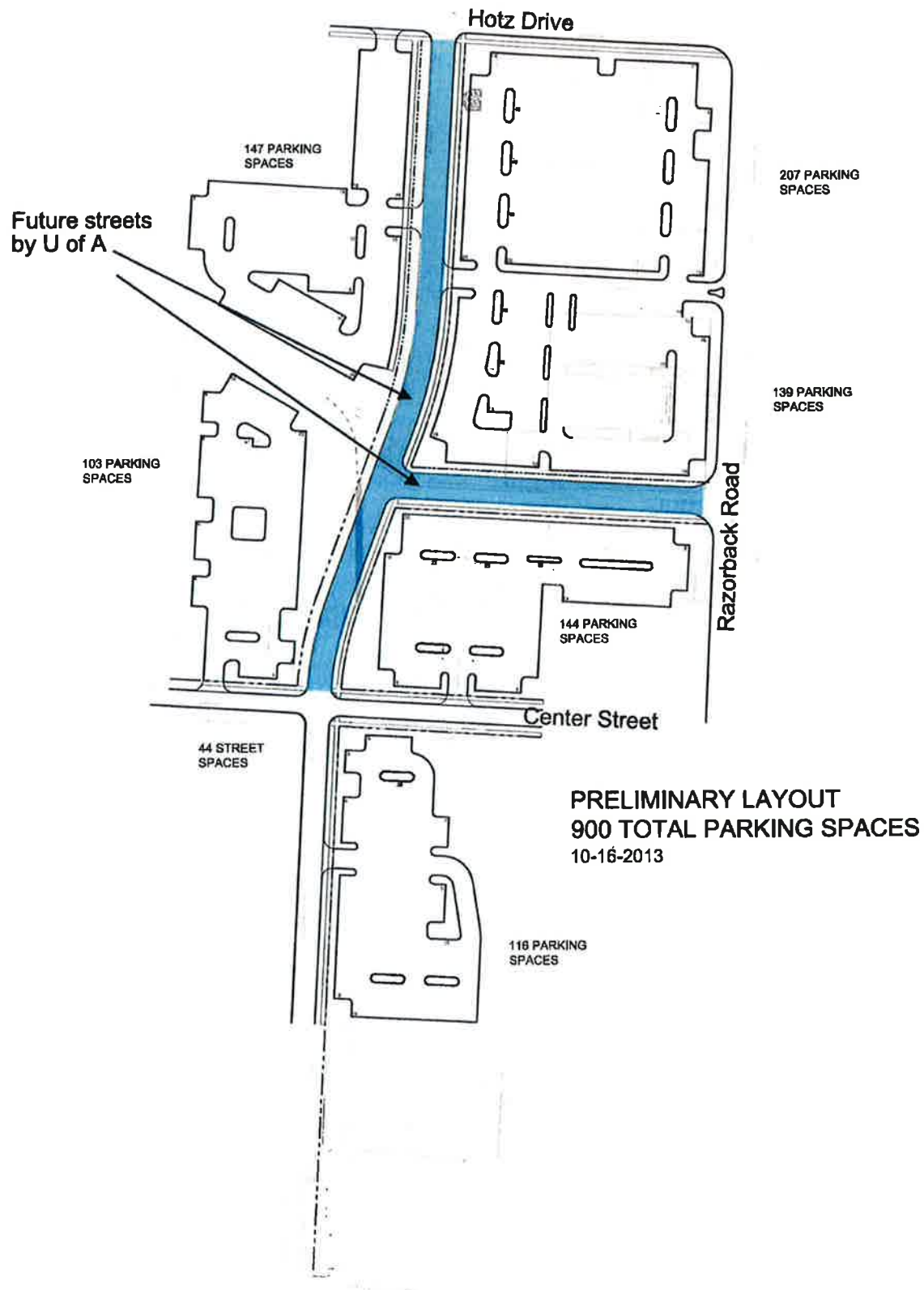
WALTON STREET:

1. WALTON STREET AS SHOWN ON THE OFFICIAL PLAT OF BLOCK 1 OF MCRAE ADDITION FILED FOR RECORD AT PLAT BOOK 3, PAGE 305 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 1;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 48.45 FEET TO THE POINT OF CURVATURE OF A 22 FEET RADIUS CURVE; THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 5 ALONG THE 22 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF REVERSE CURVATURE FOR A 40 FEET RADIUS CURVE; THENCE AROUND THE CUL DE SAC ALONG THE SOUTH LINE OF SAID LOT 5 AND ALONG THE EAST LINES OF LOTS 3 & 4 AND ALONG THE NORTH LINES OF LOTS 1 & 2 OF SAID BLOCK 1 ALONG THE 40 FEET RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 182.50 FEET TO THE POINT OF REVERSE CURVATURE FOR A 22 FEET RADIUS CURVE; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 1 ALONG THE 22 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF TANGENCY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 48.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

2. WALTON STREET AS DESCRIBED IN WARRANTY DEED 526, PAGE 558 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION SEVENTEEN (17) IN TOWNSHIP SIXTEEN (16) NORTH, OF RANGE THIRTY (30) WEST OF THE 5TH P.M., DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS FOUR HUNDRED SEVENTY FIVE AND TWELVE HUNDREDTHS (475.12) FEET NORTH AND TWENTY NINE (29) FEET WEST OF THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE WEST THREE HUNDRED EIGHTY-NINE (389) FEET; THENCE NORTH FIFTY (50) FEET; THENCE EAST THREE HUNDRED EIGHTY-NINE (389) FEET; THENCE SOUTH FIFTY (50) FEET TO THE PLACE OF BEGINNING, CONTAINING ONE-HALF OF AN ACRE, MORE OR LESS

EXHIBIT "C"



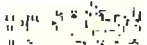
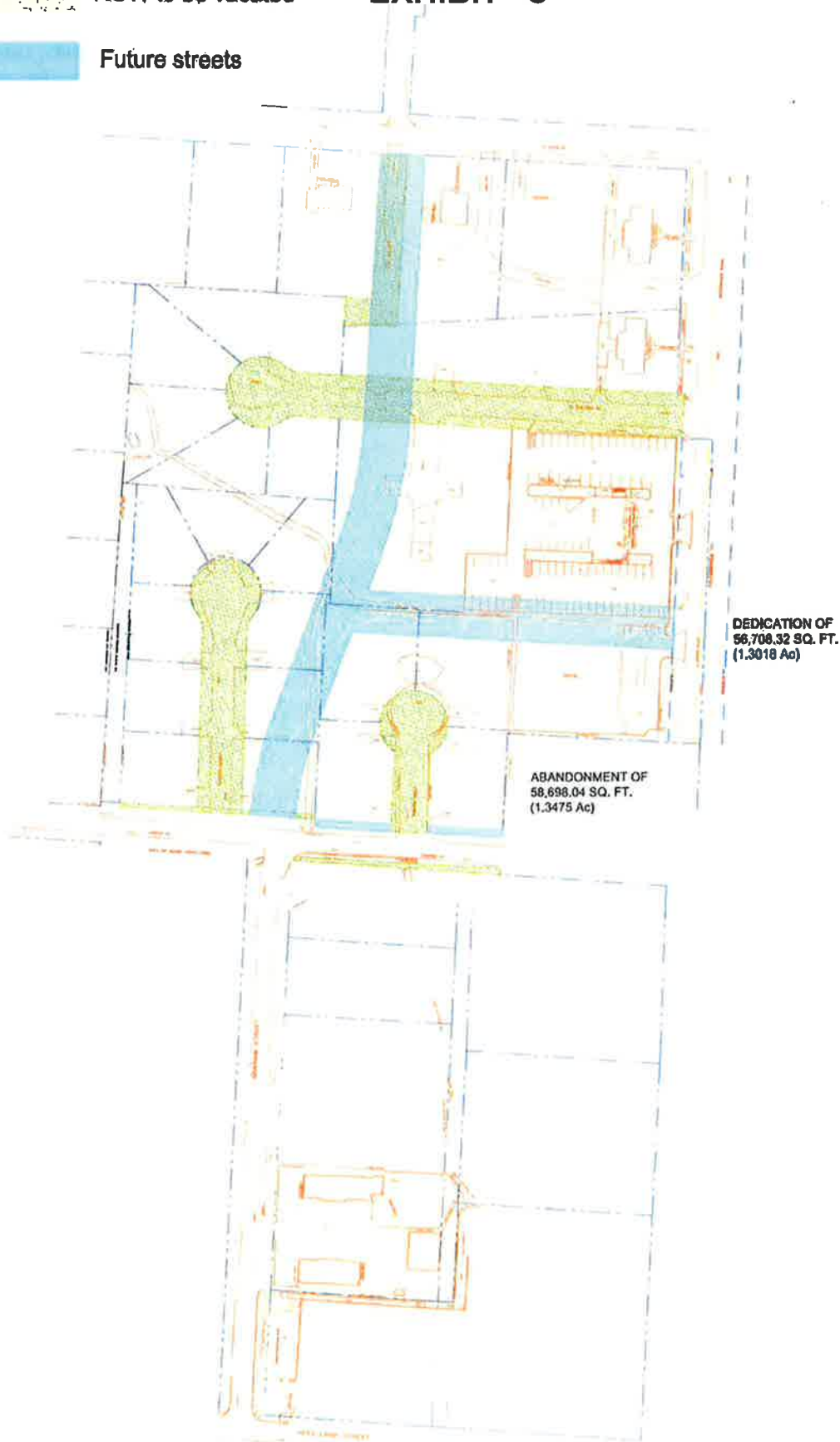
 ROW to be vacated

EXHIBIT "C"

 Future streets





PC Meeting of October 28, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~October 22, 2013~~ Updated October 31, 2013

VAC 13-4516: Vacation (BRENDA DRIVE, COURT STREET, WALTON STREET, ALLEY/UNIVERSITY OF ARKANSAS, 482): Submitted by DEVELOPMENT CONSULTANTS, INC. for properties located WEST OF RAZORBACK ROAD AND NORTH OF CENTER STREET. The request is to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a 30-foot wide alley off of Hotz Drive.

Planner: Jesse Fulcher

Findings:

Property and Background: The subject properties consist of three developed public streets and an alley right-of-way that is utilized as a driveway for an adjacent house now owned by the University of Arkansas. All four right-of-ways are located between Razorback Road and Palmer Avenue, and Hotz Drive and Center Street. Every property directly adjacent to the four right-of-ways (23 total properties) is owned by the University. Most of the structures along these streets have already been removed and temporary parking lots have been installed. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family on Hotz Drive	RSF-4, Residential Single-Family 4 Units per Acre
South	Single/Multi-family on Center Street	RMF-24, Residential Multi-Family 24 Units per Acre
East	University of Arkansas buildings	RMF-24, Residential Multi-Family 24 Units per Acre
West	Single-family on Palmer Avenue	RSF-4, Residential Single-Family 4 Units per Acre

Request: The applicant's request is to vacate three developed public streets and an alley right-of-way that has been used as a driveway, as indicated on the depicted exhibit. All four right-of-ways are surrounding by property owned by the University, including the residential driveway.

Pursuant to Arkansas Code (A.C.A), Title 14, Chapter 301Municipal Streets Generally, cities and towns of the first and second class and incorporated towns are given power and authority to vacate public streets and alleys within the cities and towns under the conditions and in the manner herein provided.

In all cases where the owner of property within a city or town shall have dedicated, or may hereafter dedicate, a portion of the property to the public use as streets or alleys by platting the property and causing the plat to be filed for record, as provided by law, and any street or alley, or section thereof, shown on the plat so filed shall not have been actually used by the public as a street or alley for a period of five (5) years *and in all cases where all property abutting any street or alley, or section thereof, is owned by any educational institution or college, whether the property shall have been actually used by the public as a street or alley for a period of five (5) years or not, the city or town council shall have power to vacate and abandon the street or alley, or any portion thereof, by proceeding the manner set forth in this subchapter.*

In this particular case, all of the right-of-ways have been used by the public in the last five years, either by the residents who lived in the houses along the streets, or those attending University events. At this time, all of the houses have been removed and the property is used exclusively by the University for parking.

Easement Vacation Approval: The applicant has submitted the required right-of-way vacation forms to the City Utilities Departments, franchise utilities, and adjacent property owners (the University of Arkansas) with no objections.

UTILITIES

RESPONSE

Ozarks Electric	No objections.
Cox Communications	No objections
AEP/SWEP CO	No objections, but retain right-of-ways as easements.
Source Gas	No objections
AT&T	No objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No objections
Transportation	No objections
Solid Waste	No objections

ADJACENT PROPERTY OWNER:

RESPONSE

University of Arkansas	No objections
------------------------	---------------

Public Comment: No public comment has been received.

Recommendation: This is a unique request, in that the applicant is requesting to vacate public streets that have used by the public for many decades. Removing streets tends to reduce connectivity within a neighborhood, which is contrary to the City's adopted policies. However, in this particular case, all four of the right-of-ways dead-end into University property and provide no connectivity within the neighborhood. Further, it is the University's plan to redevelop this entire area, including constructing two new streets that will increase connectivity in the neighborhood. In staff's opinion, the long-term plan for this block of property will greatly increase connectivity for the neighborhood, University students, and those attending athletic events. Staff recommends forwarding **VAC 13-4516** to the City Council with a recommendation for approval with the following conditions:

1. **Development of this site shall include the construction and dedication of two public streets as indicated in Exhibit "C" attached hereto.**
2. **All right-of-ways shall be retained as general utility easements.**
3. **Any relocation or, or damage to any existing utility facilities shall be repaired at the property owners expense.**

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: - ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Date: October 28, 2013

Motion: Chesser

Second: Pennington

Vote: 8-0-0

Notes:



1450 E. Zion Road – Suite 7
Fayetteville, AR 72703

File No.: 13-3101

For the use and benefit of: **Development Consultants, Inc**

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

We the undersigned, being an employee of City Title & Closing LLC, do hereby certify that we have made due and diligent search of the Records in the Assessor's Office within and for Washington County, Arkansas, and find the adjacent owners, which touch the subject property, and addresses as shown in Exhibit "A".

IN-SO-FAR as the same affects the following described property, to-wit:

Brenda Drive, Court Street, West Walton Street and the 30' alley between Lots 18 and 19 and South of Lot 19 of Hotz Addition, in the City of Fayetteville, Washington County, Arkansas..

Dated September 10, 2013

City Title & Closing LLC
1450 E. Zion Road, Suite 7
Fayetteville, AR 72703
479-935-4177

A handwritten signature in black ink, appearing to read 'Jessica L. Wooten', is written over the printed name.

By:
Jessica L. Wooten, Authorized Signatory
Agency License No. 382820
Signing Agent No. 324795

****DISCLAIMER****

This report is being issued from the dates specified above and does not make any representation as to the status or validity of the title and the company assumes no liability by virtue of errors of omission and liability of the company shall not exceed the amount paid for the search.

Exhibit "A"

Parcel Nos.

765-06484-000	765-04742-000
765-06482-000	765-04741-000
765-06483-000	765-04740-000
765-14513-000	765-05219-000
765-08273-000	765-08281-000
765-08272-000	765-08280-000
765-08271-000	765-08279-000
765-08270-000	765-08278-000
765-08269-000	765-08277-000
765-14517-000	765-08276-000
765-14517-001	765-08275-000
765-14508-000	765-08274-000
765-04743-000	

**University of Arkansas
Board of Trustees
316 Administration Bldg
Fayetteville, AR 72701**

**Parcel No. 765-05227-000
Smith Revocable Trust
5835 E Estate View Road
Fayetteville, AR 72703**

****DISCLAIMER****

This report is being issued from the dates specified above and does not make any representation as to the status or validity of the title and the company assumes no liability by virtue of errors of omission and liability of the company shall not exceed the amount paid for the search.

**ADJACENT PROPERTY OWNER WRITTEN CONSENT FORM
FOR STREET AND ALLEY VACATION REQUEST**

Date: September 18, 2013

Location of Vacation: Brenda Drive, Court Street, Walton Street and the 30' Alley between Lots 18 & 19 and south of Lot 19 of Hotz Revised Addition, City of Fayetteville, Arkansas

Adjacent Property Owner: University of Arkansas
Adjacent Property Address: Various along Brenda Dr, Court St, Walton St, Hotz Dr, & Razorback Rd
Property: Lots 1-4 of Dill Addition, Lots 1-5 of Block 1 of McRae Addition, Lots 1-9 of Block 2 of McRae Addition, Lots 18-19 of Hotz Revised Addition and Parts of the SW1/4 NE1/4 Section 17, T16N, R30W all in the City of Fayetteville

REQUESTED VACATION:

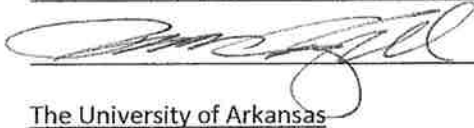
I have requested the petition and I consent to vacate the following streets and alley, as described on the attached legal description and as shown on the attached sketch:

In the matter of the vacation of the aforesaid streets and alley, Allen J. Young of Development Consultants, Inc is authorized to process the petition on my behalf.

Printed Name of Adjacent Owner:

Board of Trustees of The University of Arkansas

Signature of Adjacent Owner:



Applicant Name:

The University of Arkansas

UTILITY APPROVAL FORM

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

DATE: 9-16-2013

UTILITY COMPANY: AEP - SWEP CO

APPLICANT NAME: Allen J. Young, DCI, For UoF.A APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hotel

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

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

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

Retain all of the right of ways and alleys as
utility easements.

- ☐ No objections provided the following conditions are met:

John Barger
Signature of Utility Company Representative

Dist. Engineer
Title

UTILITY APPROVAL FORM

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

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south From Hotz Dr.

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

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

Division Manager

Title

UTILITY APPROVAL FORM

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

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoA APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Horz Dr.

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

[See attached Legal Description, Survey and Exhibit 149.]

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Greg McGee

Signature of Utility Company Representative

Lead Staking Tech

Title

UTILITY APPROVAL FORM

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

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hotz Dr.

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

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:

Any damage to or relocation of existing facilities will be at owners/developers expense.

Chad S. J. Y.
Signature of Utility Company Representative

Construction Planner III NWA
Title

UTILITY APPROVAL FORM

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

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hotz Dr.

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

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:

RELOCATION OF OR DAMAGE TO ANY EXISTING AT/SWIFT FACILITIES
AT
WILL BE CARED FOR BY THE PROPERTY OWNER'S EXPENSE

Susan K. Clouser
Signature of Utility Company Representative

OSP DESIGN ENGINEER
Title

UTILITY APPROVAL FORM

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

DATE: 9-16-2013

UTILITY COMPANY: City of Fayetteville - Water/Sewer

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley South From Horz Dr.

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

[See attached Legal Description, Survey and Exhibit Maps.]

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Shannon Jones
Signature of Utility Company Representative

Utilities Engineer
Title

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

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoA APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Horz Dr.

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

[See attached Legal Description, Survey and Exhibit 149]

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

ASSISTANT TRANSPORTATION MANAGER
Title

UTILITY APPROVAL FORM

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

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
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**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Horz Dr.

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

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Brian Pugh

Signature of Utility Company Representative

Waste Reduction Coordinator

Title

Street and Alley Vacation Legal Descriptions

Brenda Drive:

Brenda Drive as shown on the official plat of Dill Addition filed for record at Plat Book 1, Page 143 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the southeast corner of Lot 1 of said Dill Addition; Thence northerly along the east line of said Lot 1, a distance of 105.2 feet; Thence around the cul de sac along the east line of said Lot 1 and along the southeast line of Lot 2 and along the southwest line of Lot 3 and along the west line of Lot 4 of said Dill Addition along a 37.5 feet radius curve to the right for a distance of 193.4 feet; Thence southerly along the west line of said Lot 4, a distance of 105.4 feet to the southwest corner of said Lot 4; Thence westerly for a distance of 40.00 feet to the Point of Beginning.

Court Street:

Court Street as shown on the official plat of Block 2 of McRae Addition filed for record at Plat Book 3, Page 387 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the southeast corner of Lot 1 of said Block 2; Thence northerly along the east line of Lots 1-3 of said Block 2, a distance of 201.68 feet to the point of curvature of a 22 feet radius curve; Thence northwesterly along the east line of said Lot 3 along the 22 feet radius curve to the left for a distance of 15.63 feet to the point of reverse curvature for a 40 feet radius curve; Thence around the cul de sac along the east line of said Lot 3 and along the southeast line of Lot 4 and along the south line of Lot 5 and along the southwest line of Lot 6 and along the west line of Lot 7 said Block 2 along the 40 feet radius curve to the right for a distance of 182.50 feet to the point of reverse curvature for a 22 feet radius curve; Thence southwesterly along the west line of said Lot 7 along the 22 feet radius curve to the left for a distance of 15.63 feet to the point of tangency; Thence southerly along the west line of Lots 7-9 of said Block 2, a distance of 201.68 feet to the southwest corner of said Lot 9; Thence westerly for a distance of 50.00 feet to the Point of Beginning.

30' Alley:

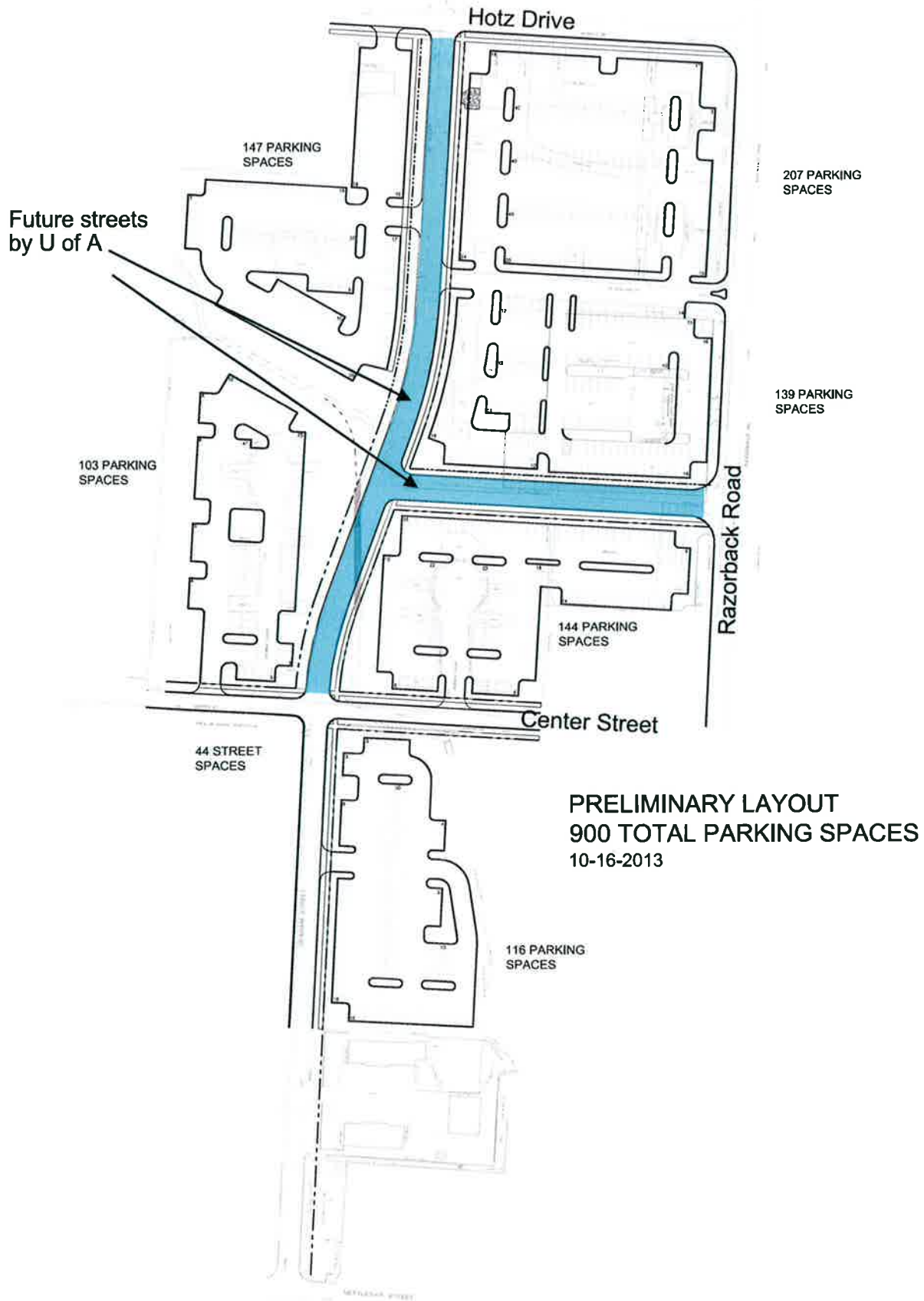
The 30 feet wide Alley between Lots 18 and 19 and south of Lot 19 of Hotz Revised Addition as shown on the official plat of Hotz Revised Addition filed for record at Plat Book 1, Page 213 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the northwest corner of said Lot 18; Thence southerly along the west line of said Lot 18, a distance of 192.68 feet to the southwest corner of said Lot 18; Thence westerly for a distance of 58.64 feet to the east line of Lot 5 of Block 1 of McRae Addition; Thence northerly along the west line of said Lot 5, a distance of 30.00 feet to the south line of Lot 19 of Hotz Revised Addition; Thence easterly along the south line of said Lot 19, a distance of 29.12 feet to the southeast corner of said Lot 19; Thence northerly along the east line of said Lot 19, a distance of 164.68 feet to the northeast corner of said Lot 19; Thence easterly for a distance of 30.00 feet to the Point of Beginning.

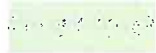
Walton Street:

1. Walton Street as shown on the official plat of Block 1 of McRae Addition filed for record at Plat Book 3, Page 305 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the southeast corner of Lot 5 of said Block 1;

Thence westerly along the south line of said Lot 5, a distance of 48.45 feet to the point of curvature of a 22 feet radius curve; Thence northwesterly along the south line of said Lot 5 along the 22 feet radius curve to the right for a distance of 15.63 feet to the point of reverse curvature for a 40 feet radius curve; Thence around the cul de sac along the south line of said Lot 5 and along the east lines of Lots 3 & 4 and along the north lines of Lots 1 & 2 of said Block 1 along the 40 feet radius curve to the left for a distance of 182.50 feet to the point of reverse curvature for a 22 feet radius curve; Thence northeasterly along the north line of said Lot 1 along the 22 feet radius curve to the right for a distance of 15.63 feet to the point of tangency; Thence easterly along the north line of said Lot 1, a distance of 48.45 feet to the northeast corner of said Lot 1; Thence northerly for a distance of 50.00 feet to the Point of Beginning.

2. Walton Street as described in Warranty Deed 526, Page 558 in the records of Washington County, Arkansas being a Part of the Southwest quarter of the Northeast quarter of Section seventeen (17) in Township sixteen (16) North, of Range thirty (30) west of the 5th P.M., described as follows, to-wit: Beginning at a point which is four hundred seventy five and twelve hundredths (475.12) feet North and twenty nine (29) feet West of the Southeast corner of said forty acre tract, and running thence West three hundred eighty-nine (389) feet; thence North fifty (50) feet; thence East three hundred eighty-nine (389) feet; thence south fifty (50) feet to the place of beginning, containing one-half of an acre, more or less.

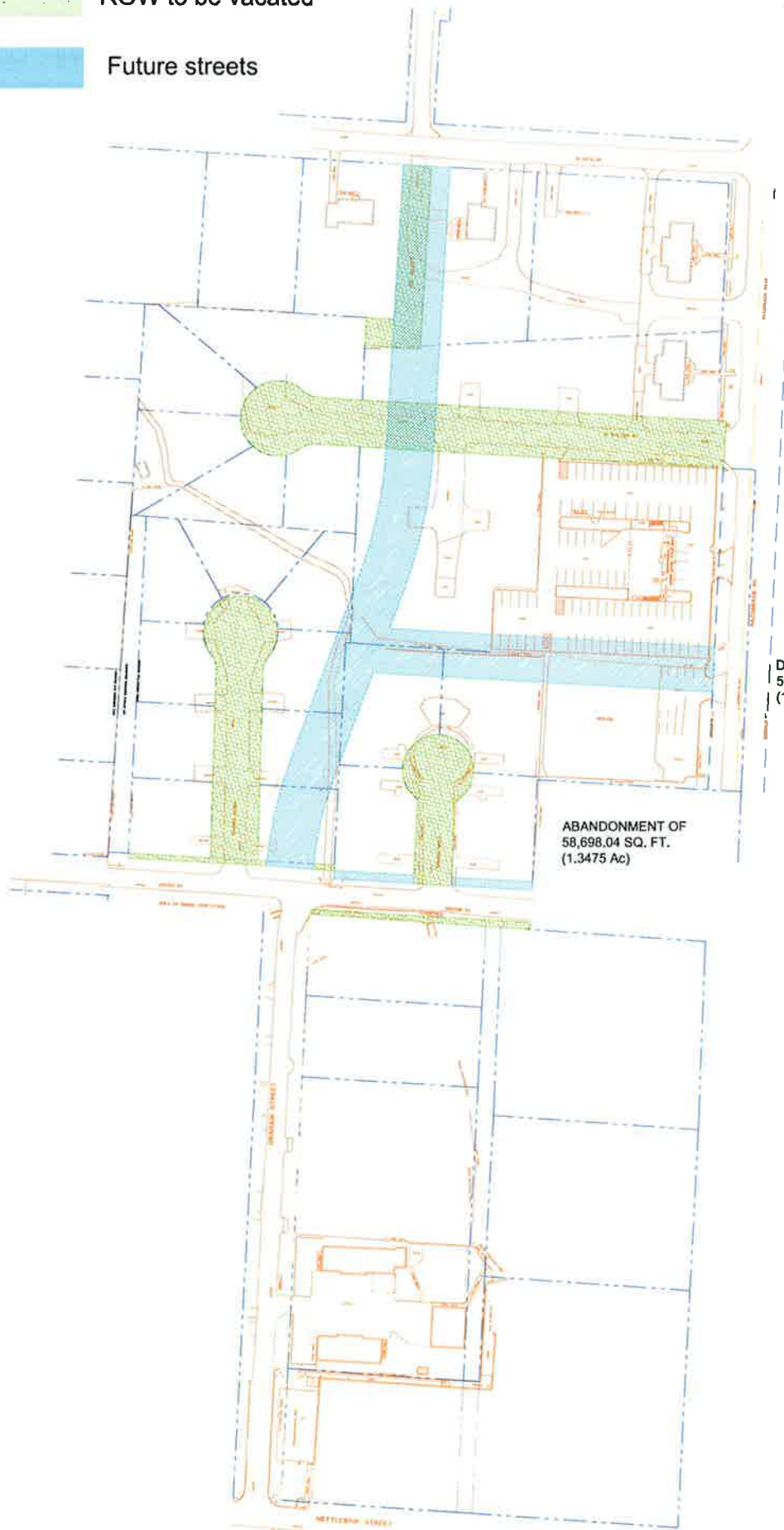




ROW to be vacated

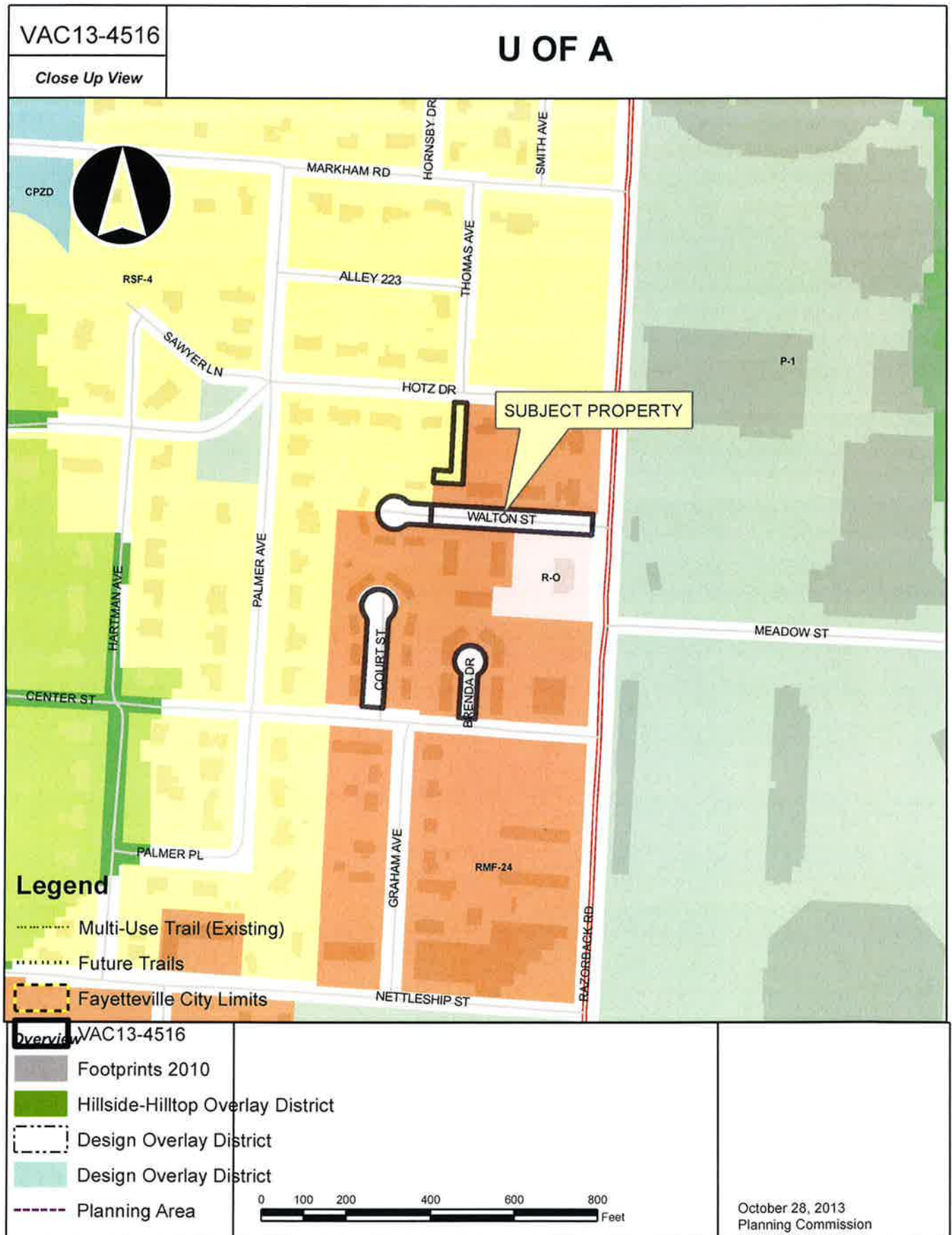


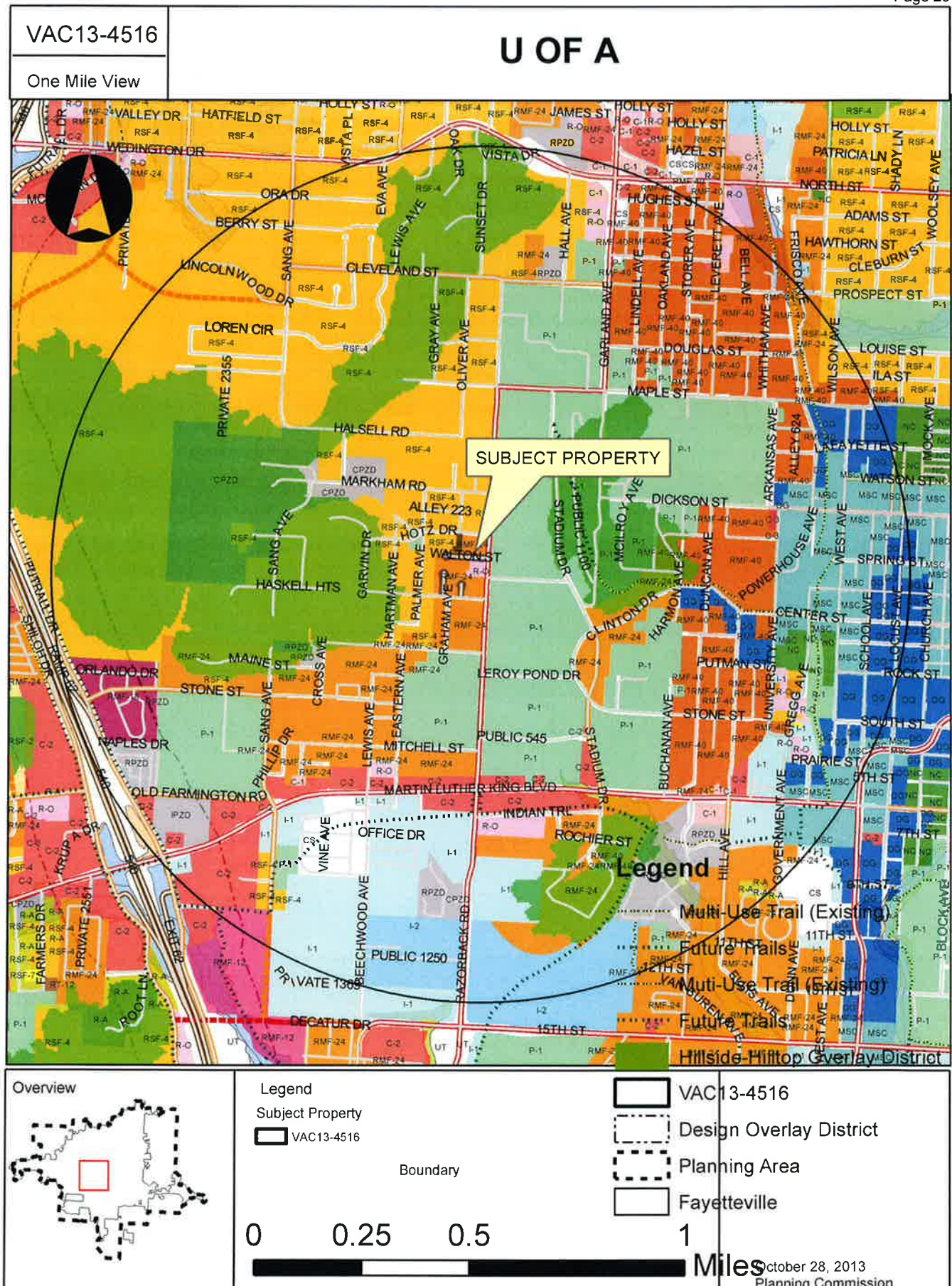
Future streets



DEDICATION OF
56,708.32 SQ. FT.
(1.3018 Ac)

ABANDONMENT OF
58,698.04 SQ. FT.
(1.3475 Ac)





City of Fayetteville Item Review Form

2013-0146

Legistar File Number

11/19/13

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

Jesse Fulcher

Submitted By

Planning

Department

Action Required:

ADM 13-4512: Administrative Item (WEDINGTON DRIVE AND SALEM ROAD/FOREST HILLS PZD MODIFICATION TO PLANNING AREA 2, 440): Submitted by MORRISON SHIPLEY ENGINEERS for property located in the Forest Hills Development at Wedington Drive and Salem Road. The property is zoned R-PZD FOREST HILLS. The request is to modify the zoning criteria for Planning Area 2 to change the density and use.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-01-13P03:07 RGV

dm



K

Paul A. Beshen 11-1-2013

Don Mann 11-1-13

Frank Jordan 11/2/13

This ordinance was left on the Second Reading at the November 19, 2013 City Council Meeting.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director

From: Jesse Fulcher, Senior Planner

Date: October 31, 2013

Subject: ADM 13-4512 Forest Hills Planned Zoning District Amendment No. 3 – Planning Area 2

RECOMMENDATION

Staff recommends approval of an ordinance to amend the concept plan and zoning criteria for the Forest Hills Planned Zoning District (PZD), allowing four single-use (residential) multi-story buildings in Planning Area 2 and reducing the number of units from 100 to 72.

BACKGROUND

The Forest Hills Planned Zoning District contains approximate 80 acres, divided into five distinct planning areas. Planning Area 2, The Village at Forest Hills, contains approximately 11 acres and is approved to be developed with four (4) three-story mixed use structures and four (4) one-story retail and office structures. The concept plan, building images and description market this planning area as a mixed use destination with street level retail and food services, upper level residential units, outdoor market, and sidewalk cafes.

To date two one-story buildings have been permitted for Planning Area 2. Planet Fitness was approved by the Planning Commission in 2012 and is now open. Aspen Square, a four-unit retail building, was approved by Planning staff in 2013 and is currently under construction just southwest of Planet Fitness.

The applicant proposes to construct four single-use, multi-story buildings on the south end of Planning Area 2. These buildings, along with the previous two commercial projects, will essentially complete development in this planning area. Overall, the final site design of Planning Area 2 is consistent with the concept plan approved with the Forest Hills PZD. However, in staff's opinion, the plan doesn't meet the overall land use plan if the last four buildings are single-use residential buildings.

Therefore, the applicant is requesting that the Planning Commission and City Council approve an amendment to Planning Area 2, and allow four buildings to be constructed as multi-story apartment buildings and not as vertical mixed-use buildings as approved with the PZD.

DISCUSSION

On October 28, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

revised ord. for the
12/3/13 CC mtg.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2793 FOREST HILLS TO REVISE THE CONCEPT PLAN AND ZONING CRITERIA FOR PLANNING AREA TWO, REDUCING THE NUMBER OF DWELLING UNITS FROM 100 UNITS TO 72 UNITS AND REMOVING THE REQUIREMENT FOR VERTICAL MIXED-USE BUILDINGS.

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

Section 1. That the zoning criteria booklet and plats for R-PZD 07-2793 Forest Hills are hereby amended to reflect the major modification to the concept plan and zoning criteria in Planning Area two, reducing the number of dwelling units from 100 to 72 and removing the requirement for vertical mixed-use buildings, as reflected in Exhibit "A."

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

Section 3: That this amendment is subject to Conditions of Approval and shall not be in effect until these conditions are met.

1. The ground floor parking area shall be designed to resemble a habitable space, as indicated in the attached elevations. This includes the use of entrance features (even if not operable) such as windows, doors and awnings.
2. The parking entrance shall be removed from Jewell Road and relocated to the interior of the site.
3. This development is subject to all requirements of Urban Residential Design Standards, including the requirement for a front façade and building entry along the public street.
4. This development shall meet a minimum buildable street frontage of 50% along Jewell Road.
5. All conditions of approval from the previously approved R-PZD 07-2793 Forst Hills shall apply.
6. Approval of this PZD modification does not grant approval of the development details for the project. The proposed development will be required to be reviewed for compliance with all Unified Development Code requirements as part of the standard development review process.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

PLANNING AREA 2 – OFFICE/RETAIL/MULTI-FAMILY – “THE VILLAGE AT FOREST HILLS”

This is the mixed use section of the development involving retail, commercial, office and residential (apartments) which is on the east side of the Salem Road extension. The building prototype is designed to create small scale office building frontage with loft style spaces over the first floor of office that supports pedestrian friendly streetscapes. The density of development/improvement is more intense with the bulk of the green space concentrated in a common park. There is denser tree cover on this portion of the development along with an existing pond. Care will be taken to design the parking and building footprints to preserve as many existing trees as possible. The existing pond will be enlarged to serve as detention basin for the eastern portion of the commercial and office areas. The pond will be established as a focal point of the office area, with sidewalks and sitting areas. The offices will be constructed in the northeast quadrant of the site, bounded on the south by North Jewell Road; on the east by Salem Road; and on the north by Walgreen’s.

This area is projected to include a core of (4) three-story apartment structures (with interior parking on the first floor, with two stories of apartments above) and (4) one-story retail/office structures.

The apartments will consist of multiple floor plans, one and two bedroom units , all of which will have balconies. Circulation will be internal with a secured entrance/elevator lobby and secured interior parking at the first level.

The parking level will be relieved, clad and fenestrated to maintain a multi-use appearance. The design theme will be classic urban, a mixture of synthetic cut stone, stucco and thin brick. The façade will overlook the lake and all 4 buildings will be connected to the overall development both visually and physically with pedestrian walks.

A. Permitted Uses

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single family dwellings
Unit 9	Two-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods

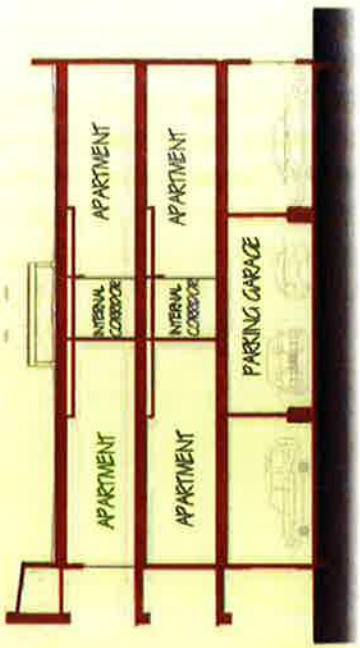


Area 2 - Apartments

Theme Example

FOREST HILLS
a mixed-use planned zoning development

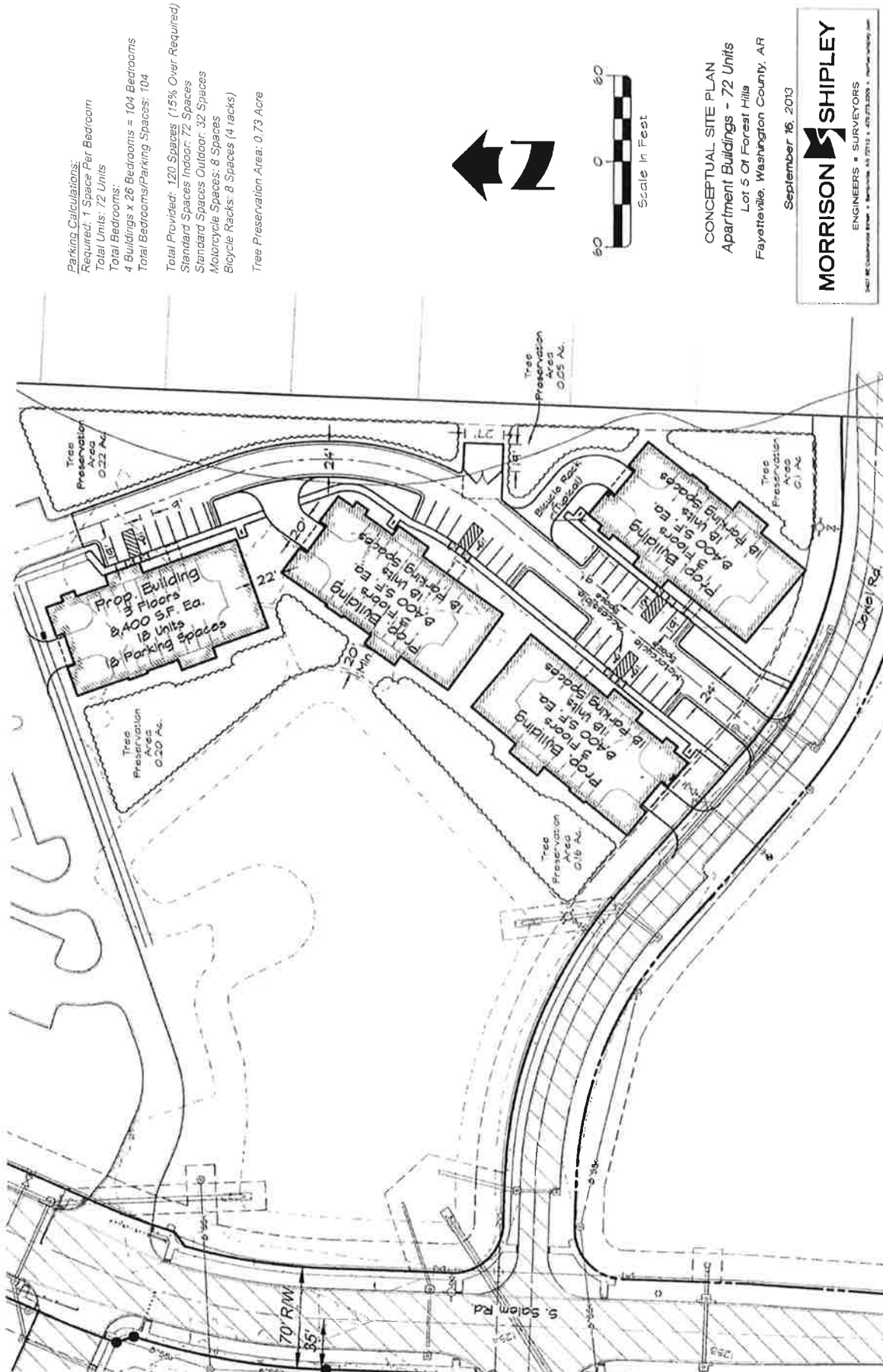
EXHIBIT 'A'



Area 2 - Apartments



EXHIBIT 'A'





PC Meeting of October 28, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~October 21, 2013~~ Updated October 31, 2013

ADM 13-4512: Administrative Item (WEDINGTON DRIVE AND SALEM ROAD/FOREST HILLS PZD MODIFICATION TO PLANNING AREA 2, 440): Submitted by MORRISON SHIPLEY ENGINEERS for property located in the Forest Hills Development at Wedington Drive and Salem Road. The property is zoned R-PZD FOREST HILLS. The request is to modify the zoning criteria for Planning Area 2 to change the density and use. Planner: Jesse Fulcher

BACKGROUND

Property: The Forest Hills Planned Zoning District contains approximate 80 acres, divided into five distinct planning areas. Planning Area 2, The Village at Forest Hills, contains approximately 11 acres and is approved to be developed with four (4) three-story mixed use structures and four (4) one-story retail and office structures. The concept plan, building images and description market this planning area as a mixed use destination with street level retail and food services, upper level residential units, outdoor market, and sidewalk cafes.

To date two one-story buildings have been permitted for Planning Area 2. Planet Fitness was approved by the Planning Commission in 2012 and is now open. The original building design was modified to include building elements presented in the PZD booklet. Aspen Square, a four-unit retail building, was approved by Planning staff in 2013 and is currently under construction just southwest of Planet Fitness. Many of the same design elements of Planet Fitness were included in this building design. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	Forest Hills PZD
South	Multi-family	RMF-24
East	Multi-family	RMF-24
West	Undeveloped	R-A

Proposal: The applicant proposes to construct four single-use, multi-story buildings on the south end of Planning Area 2. These buildings, along with the previous two commercial projects, will essentially complete development in this planning area. Overall, the final site design of Planning Area 2 is consistent with the concept plan approved with the Forest Hills PZD. However, in staff's opinion, the plan doesn't

meet the overall land use plan if the last four buildings are single-use residential buildings.

Therefore, the applicant is requesting that the Planning Commission and City Council approve an amendment to Planning Area 2, and allow the remaining four buildings to be constructed as multi-story apartment buildings and not as vertical mixed-use buildings as approved with the PZD. The overall density will be reduced from 100 units to 72, 6.6 units per acre.

Public Comment: Public notice signs were placed on along Salem Road, notifying the public of the upcoming hearings. No comments have been received.

RECOMMENDATION

In staff's opinion, Planning Area 2 will develop as a mixed use district, just not in a verticle format as originally proposed. Overall, Planning Area 2 will be a compact, multi-use development, that is walkable and connected to the rest of the Forest Hills development site.

Staff recommends forwarding **ADM 13-4512 Forest Hills R-PZD Modification No. 5** to the City Council for approval with the following conditions:

1. The ground floor parking area shall be designed to resemble a habitable space, as indicated in the attached elevations. This includes the use of entrance features (even if not operable) such as windows, doors and awnings.
2. The parking entrance shall be removed from Jewell Road and relocated to the interior of the site.
3. This development is subject to all requirements of Urban Residential Design Standards, including the requirement for a front façade and building entry along the public street.
4. This development shall meet a minimum buildable street frontage of 50% along Jewell Road.
5. All conditions of approval from the previously approved R-PZD 07-2793 Forst Hills shall apply.
6. Approval of this PZD modification does not grant approval of the development details for the project. The proposed development will be required to be reviewed for compliance with all Unified Development Code requirements as part of the standard development review process.

Planning Commission Action: ☒ Forwarded ☐ Denied
Motion: Chesser
Second: Autry
Vote: 8-0-0
Meeting Date: October 28, 2013

Original PZD Design and Zoning Standards

April, 2008

Planned Zoning District Plans

for

THE SHOPPES AND RESIDENCES AT FOREST HILLS

Fayetteville, Washington County, Arkansas

OWNER & DEVELOPER
FOREST HILLS DEVELOPMENT GROUP, LLC
6301 CLIFF DRIVE
FT. SMITH, AR 72917
479-494-5682
MR. JOHN D. ALFORD

OZARKS ELECTRIC COOPERATIVE
3641 WEDINGTON DRIVE
FAYETTEVILLE, AR 72701



MORRISON SHIPLEY
ENGINEERS • SURVEYORS
3607 SE Commercial Street • Bentonville, AR 72715 • 479.753.5229 • morrisonshipley.com



CITY COUNCIL APPROVED
DATE: 4/23/08
BY: [Signature]

INDEX OF SHEETS	
1	General Information Map
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3	General Information Map
4	General Information Map
5	General Information Map
6	General Information Map
7	General Information Map
8	General Information Map
9	General Information Map
10	General Information Map

Issued for Review



TREE PRESERVATION AREAS - 12.89 ACRES
RIGHT-OF-WAY DEDICATION - 12.61 ACRES
(N.T.S.)

FOREST HILLS

LAND USE SUMMARY										ACRES
COLOR	LAND USE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	RECREATION	UNDEVELOPED	WATER	ROADS	RIGHT-OF-WAY	TOTAL
Green	Tree Preservation Areas	12.89	0.00	0.00	0.00	0.00	0.00	0.00	12.89	12.89
Pink	Right-of-Way Dedication	12.61	0.00	0.00	0.00	0.00	0.00	0.00	12.61	12.61
Blue	Phase 1 - 2008 to 2010	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Yellow	Phase 2 - 2011 to 2013	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Purple	Phase 3 - 2014 to 2016	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Orange	Phase 4 - 2017 to 2019	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Red	Phase 5 - 2020 to 2022	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Grey	Phase 6 - 2023 to 2025	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
White	Phase 7 - 2026 to 2028	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Black	Phase 8 - 2029 to 2031	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Blue	Phase 9 - 2032 to 2034	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Blue	Phase 10 - 2035 to 2037	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Green	Phase 11 - 2038 to 2040	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Green	Phase 12 - 2041 to 2043	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Purple	Phase 13 - 2044 to 2046	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Purple	Phase 14 - 2047 to 2049	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Yellow	Phase 15 - 2050 to 2052	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Yellow	Phase 16 - 2053 to 2055	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Orange	Phase 17 - 2056 to 2058	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Orange	Phase 18 - 2059 to 2061	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Red	Phase 19 - 2062 to 2064	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Red	Phase 20 - 2065 to 2067	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Grey	Phase 21 - 2068 to 2070	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Grey	Phase 22 - 2071 to 2073	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Blue-Gray	Phase 23 - 2074 to 2076	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Blue-Gray	Phase 24 - 2077 to 2079	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Teal	Phase 25 - 2080 to 2082	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Teal	Phase 26 - 2083 to 2085	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Green-Gray	Phase 27 - 2086 to 2088	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Green-Gray	Phase 28 - 2089 to 2091	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Olive	Phase 29 - 2092 to 2094	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Olive	Phase 30 - 2095 to 2097	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Gold	Phase 31 - 2098 to 2100	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Gold	Phase 32 - 2101 to 2103	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Brown	Phase 33 - 2104 to 2106	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Brown	Phase 34 - 2107 to 2109	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Tan	Phase 35 - 2110 to 2112	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Tan	Phase 36 - 2113 to 2115	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Cream	Phase 37 - 2116 to 2118	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Cream	Phase 38 - 2119 to 2121	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark White	Phase 39 - 2122 to 2124	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light White	Phase 40 - 2125 to 2127	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Silver	Phase 41 - 2128 to 2130	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Silver	Phase 42 - 2131 to 2133	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Black	Phase 43 - 2134 to 2136	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Black	Phase 44 - 2137 to 2139	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Purple-Gray	Phase 45 - 2140 to 2142	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Purple-Gray	Phase 46 - 2143 to 2145	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Teal-Gray	Phase 47 - 2146 to 2148	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Teal-Gray	Phase 48 - 2149 to 2151	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Green-Gray	Phase 49 - 2152 to 2154	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Green-Gray	Phase 50 - 2155 to 2157	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Olive-Gray	Phase 51 - 2158 to 2160	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Olive-Gray	Phase 52 - 2161 to 2163	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Gold-Gray	Phase 53 - 2164 to 2166	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Gold-Gray	Phase 54 - 2167 to 2169	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Brown-Gray	Phase 55 - 2170 to 2172	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Brown-Gray	Phase 56 - 2173 to 2175	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Tan-Gray	Phase 57 - 2176 to 2178	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Tan-Gray	Phase 58 - 2179 to 2181	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Cream-Gray	Phase 59 - 2182 to 2184	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Cream-Gray	Phase 60 - 2185 to 2187	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark White-Gray	Phase 61 - 2188 to 2190	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light White-Gray	Phase 62 - 2191 to 2193	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Silver-Gray	Phase 63 - 2194 to 2196	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Silver-Gray	Phase 64 - 2197 to 2199	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Black-Gray	Phase 65 - 2200 to 2202	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Black-Gray	Phase 66 - 2203 to 2205	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Purple-Gray	Phase 67 - 2206 to 2208	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Purple-Gray	Phase 68 - 2209 to 2211	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Teal-Gray	Phase 69 - 2212 to 2214	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Teal-Gray	Phase 70 - 2215 to 2217	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Green-Gray	Phase 71 - 2218 to 2220	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Green-Gray	Phase 72 - 2221 to 2223	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Olive-Gray	Phase 73 - 2224 to 2226	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Olive-Gray	Phase 74 - 2227 to 2229	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Gold-Gray	Phase 75 - 2230 to 2232	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Gold-Gray	Phase 76 - 2233 to 2235	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Brown-Gray	Phase 77 - 2236 to 2238	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Brown-Gray	Phase 78 - 2239 to 2241	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Tan-Gray	Phase 79 - 2242 to 2244	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Tan-Gray	Phase 80 - 2245 to 2247	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Cream-Gray	Phase 81 - 2248 to 2250	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Cream-Gray	Phase 82 - 2251 to 2253	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark White-Gray	Phase 83 - 2254 to 2256	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light White-Gray	Phase 84 - 2257 to 2259	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Silver-Gray	Phase 85 - 2260 to 2262	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Silver-Gray	Phase 86 - 2263 to 2265	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Black-Gray	Phase 87 - 2266 to 2268	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Black-Gray	Phase 88 - 2269 to 2271	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Purple-Gray	Phase 89 - 2272 to 2274	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Purple-Gray	Phase 90 - 2275 to 2277	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Teal-Gray	Phase 91 - 2278 to 2280	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Teal-Gray	Phase 92 - 2281 to 2283	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Green-Gray	Phase 93 - 2284 to 2286	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Green-Gray	Phase 94 - 2287 to 2289	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Olive-Gray	Phase 95 - 2290 to 2292	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Olive-Gray	Phase 96 - 2293 to 2295	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Gold-Gray	Phase 97 - 2296 to 2298	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Gold-Gray	Phase 98 - 2299 to 2301	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Brown-Gray	Phase 99 - 2302 to 2304	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Brown-Gray	Phase 100 - 2305 to 2307	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Tan-Gray	Phase 101 - 2308 to 2310	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Light Tan-Gray	Phase 102 - 2311 to 2313	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00
Dark Cream-Gray	Phase 103 - 2314 to 2316	10.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.0



Planning Area #2



Issued for Review

THE SHOPPES AND
RESIDENCES AT FOREST HILLS

Fayetteville, Washington County, Arkansas

Vertical Bands	
Horizontal Bands	100
Fluting Bands	100
Cracking Marks	
END PAGE	

Drum #	GLD	Drum #	GLD
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[illegible]

¹⁰ George Adams 2: The Village At Forest Hill
1961-62

The *off-on-on* increases further if the development will take place on the East Side of the River. The *off-on-on* increases further if the development will take place on the East Side of the River. The *off-on-on* increases further if the development will take place on the East Side of the River.

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- Unit 8 = Supplemental Mapping Exercise
- Unit 9 = Supplemental Mapping Exercise
- Unit 10 = Supplemental Mapping Exercise
- Unit 11 = Professional Outline
- Unit 12 = Mid-Exam 1 Outline

[illegible][illegible]

POURING ARMS
On Any Lot, The Arms Coupled By All Buildings Shall Not
Exceed 100% Of The Total Area Of Such Lot

IN PLEASURE
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Public Law 101-508

Planning Area 1 - Central City	Planning Area 2 - Old Town	Planning Area 3 - Midtown	Planning Area 4 - South City
			

Property No. 6 - 50

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[illegible][illegible][illegible]

Estimated Regressions - 3 Equations
 Assumed that the More Than 3 Alternative As Short
 On the Policy
 Fresh/Summer Seas - 18
 Sam Walker - 7
 Sam Walker - 0 (Planned and used)
 Sam - 23
 Estimated Years
 Fresh - 18

[illegible]

Landscaping - An Alternative To The Traditional Landscape Ordinance

The Corp Image

10 **Aras Supply** For A Resident in Jersey County Is Briefed On Reparatings in Addition to 14th Chapter of the 1990s Development Code. The Other Highlight With The Permanent



PEPPERS AND
FOREST HILLS

County, Arkansas

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Fertilized Area
 Unit 1 = Glynnville Area By Right
 Unit 2 = Single-family Dwelling
 Unit 3 = Multi-Family Dwelling
 Unit 4 = Multi-Family Dwelling

Conditional Use:
 Unit 1 = Glynnville Area By Conditional Use Permit
 Unit 2 = Public Recreation And Utility Facilities
 Unit 3 = Cultural And Recreational Facilities
 Unit 4 = Temporary Dwelling
 Unit 5 = Other Conditional Use

Kennametal Clamping and Nonresidential Specialty
Planning Area Average: \$6.7 M
Number of Bids: 60
Nonresidential Building Square Feet: no
Manufacturing Square Feet: no
Nonresidential Specialty: Japan's Industrial Arts
and Arts Regulators

Lure Area Per Chumming Unit: 2,000 sq ft
 Student's Registration
 First Exchange - 7
 Side Marker - 0 (Checked with Log)
 Rope - 0
 Maximum Height Registration
 Building Heights Are Limited To 30' Above Fresh Grade

Drawing Area
 May Approaches
 to Planning
 Landscaping - in Accordance to The Registered
 Landscape Contractors
 Planning and the Maintenance of the Field Development
 Code
 and the Maintenance of the Field Development

The Design Partnership has almost virtually not been used by manufacturers in a color which sets the design. The major problem and unique feature of each is, consequently, at the moment, the color and the color. The design of the design is the color and the color. The design of the design is the color and the color. The design of the design is the color and the color.



A SUMMARY

Page 15 of 15

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OPPES AND
AT FOREST HILLS

Issued for Review

PLANNING AREA 2 – OFFICE/RETAIL/MULTI-FAMILY – “THE VILLAGE AT FOREST HILLS”

This is the mixed use section of the development involving retail, commercial, office and residential (apartments) which is on the east side of the Salem Road extension. The building prototype is designed to create small scale office building frontage with loft style spaces over the first floor of office that supports pedestrian friendly streetscapes. The density of development/improvement is more intense with the bulk of the green space concentrated in a common park. There is denser tree cover on this portion of the development along with an existing pond. Care will be taken to design the parking and building footprints to preserve as many existing trees as possible. The existing pond will be enlarged to serve as detention basin for the eastern portion of the commercial and office areas. The pond will be established as a focal point of the office area, with sidewalks and sitting areas. The offices will be constructed in the northeast quadrant of the site, bounded on the south by North Jewell Road; on the east by Salem Road; and on the north by Walgreen's.

This area is projected to include a core of (4) three-story mixed use structures (with retail, food, entertainment, office and other street related uses on the first floor, with two stories of apartments above) and (4) one-story retail/office structures. Two of the 4 core mixed use structures are two floors of “flats” fed from internal corridor above retail/office. The other two core mixed use structures are similar except the residential component would involve two story townhouse apartments.

Residential users will share parking with the retail/office. The four core buildings will be flanked by single-story commercial functions and may involve professional offices, service organizations or sales. The area will be anchored by an outdoor market facing into the park.

Area 2 – Office/Retail/Commercial
Theme Example



A. Permitted Uses	
Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single family dwellings
Unit 9	Two-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods

FOREST HILLS



to be nostalgic with materials, features and systems that draw on an older urban street market areas such as Fulton Market in Boston, The Brickyard in Oklahoma City and Central Avenue in Hot Springs. The mix of services in the 4 core buildings will require some screening and operational constraints. The design personality of the structure will be traditional with classical arches, gables, columns and loggias and will utilize a mix of brick veneer, cut stone, some cast stone and metal composition roofing.

M. Signage: Signage for Planning Area 2 shall be in accordance with a commercial zoning district. Only monument signs are permitted. Pole/pylon signs are prohibited.

PART OF PHASE 3

FOREST HILLS

- Unit 16 Shopping goods
- Unit 19 Commercial recreation, small sites
- Unit 25 Professional offices
- Unit 26 Multi-family dwellings

B. 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 24 Home occupations
- Unit 34 Liquor Store
- Unit 35 Outdoor Music Establishment
- Unit 36 Wireless communications facilities
- Unit 40 Sidewalk Cafes

C. Residential Density and Non-Residential Intensity

- Planning area acreage: 10.90 acres
- Number of dwelling units: 100 units
- Non-residential building square feet: 86,236 SF
- Residential density: 9.17 units/acre
- Non-residential intensity (square feet/acre): 7,912 SF
- Minimum Lot Width: Not Applicable
- Minimum Lot Area: 10,000 SF
- Land Area per Dwelling Unit: One Bedroom units - 800 SF
Two Bedroom units - 900 SF

- Setback Requirements:** Front: 10 feet, Side: 10 feet
Rear: 20 feet

- Height Regulations:** Building heights are limited to the following:
30' max. height when less than 30' from a residential property.
40' max. height when greater than 30', but less than 50' from a residential property.
65' max. height when greater than 50' from a residential property.

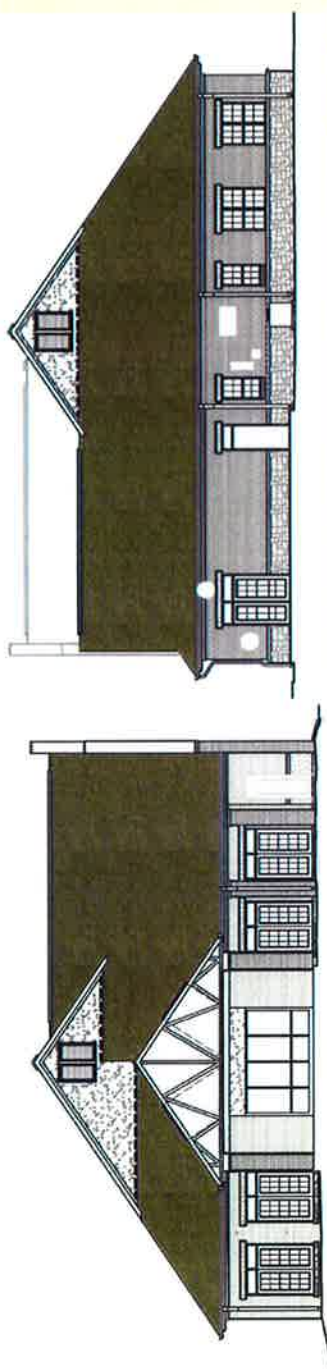
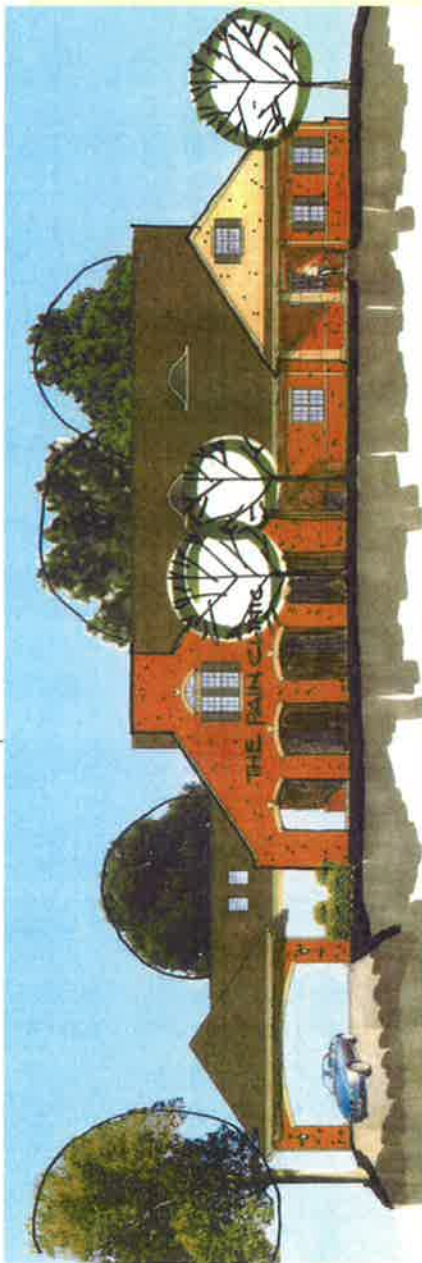
- Building Area:** On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

- Landscaping:** In accordance with City of Fayetteville Landscape Ordinance.

- Parking:** In accordance with the Unified Development Code.

- Architectural Design Standards:** The area's theme is suggested

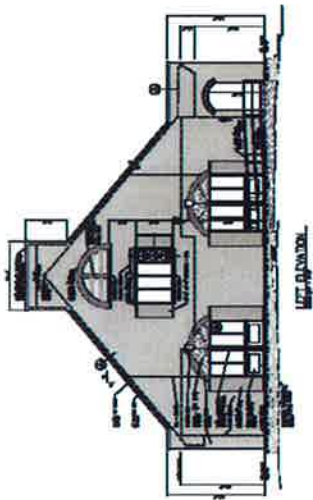




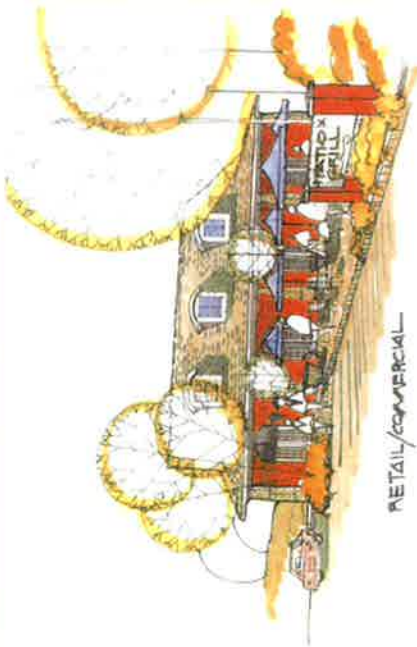
FOREST HILLS

8 HILLSIDE DRIVE, PLANNED COMMUNITY DEVELOPMENT

AREA '2' - MIXED USE



Area 2 - Office



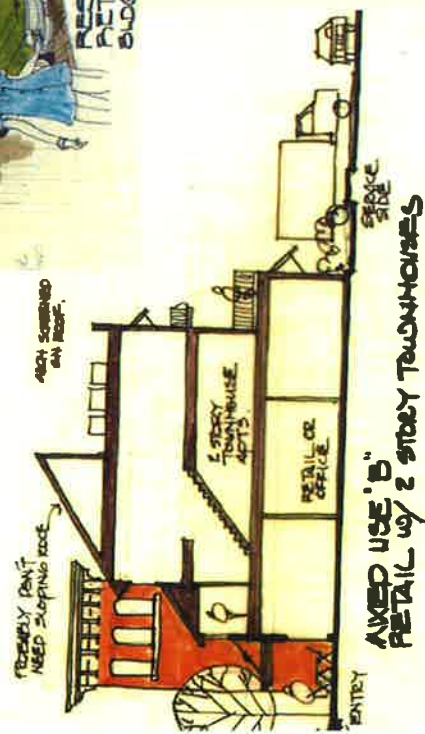
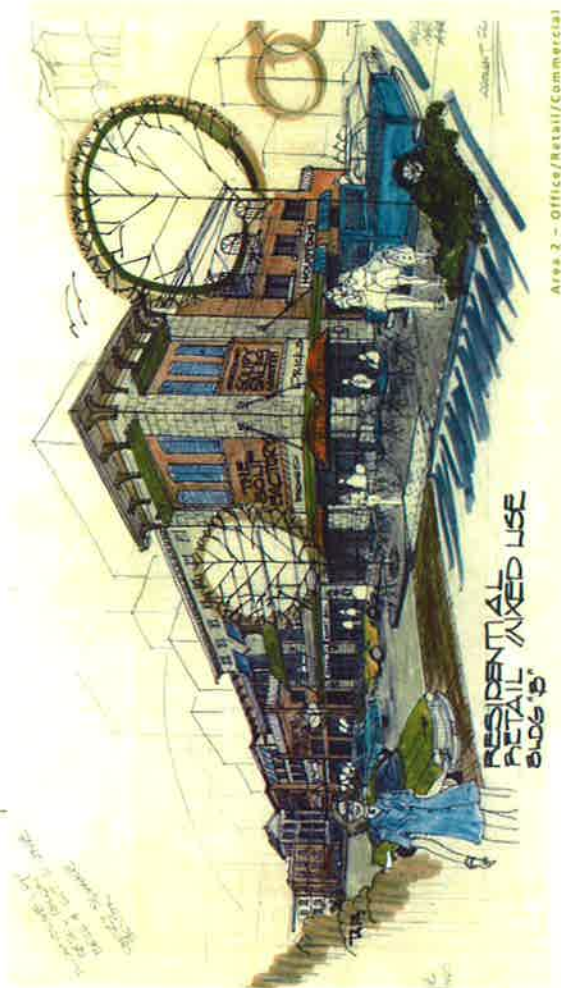
Area 2 - Office



Detention Pond

FOREST HILLS

A MIXED USE PLANNED LIVING DEVELOPMENT



FOREST HILLS

g) Zoning Comparison Chart

Zoning Comparison									
Planning Area	Permitted Use Units	Conditional Use Units	Lot Width (min)	Lot Area (min)	Land Area per Dwelling Unit	Density	Setback Req'd	Height Req'd	Building Area
Planning Area 1	1,4,12,13,14, 15,16,18,19, 25,34	2,3,17,20, 21, 35,36, 40	N/A	None	N/A	5,349 sf/acre	F-20' S-15 (Adj R) S-O (Adj NR) R-20'	40'	60%
Planning Area 2	1,5,8,9,12,13, 15, 16, 19, 25,26	2,3,4, 24, 34, 35, 36, 40	N/A	10,000 sf	One Bedroom - 800 sf Two Bedroom - 900 sf	9.17 units/ac 7,912 sf/ac	F-10' S-10' R-20'	30' max - less than 30' from residential. 40' max - greater than 30', but less than 50' from residential. 65' max - more than 50' from residential.	60%
Planning Area 3	1,8,9,10, 26	2,3,4,24	70'	8,400 sf	1,500 sf	22.72 units/ac	F-15' S-10' R-20'	60'	N/A
Planning Area 4	1,8,9	2,3,4,24	40'	3,500 sf	3,500 sf	4.82 units/ac	1 Attached F-15' S Exterior-7', S Interior-0' R-25' Detached F-15' S-12'/0' R-25'	40'	50%
Planning Area 5	1,8, 26	2,3,4,9,24	30'	2,000 sf	2,000 sf	3.83 units/ac	F-0' S-Interior 0', S-Exterior 7' R-0'	50'	N/A

FOREST HILLS

Proposed PZD Design and Zoning Standards



September 17, 2013

City of Fayetteville
Fayetteville City Council
125 W. Mountain St.
Fayetteville, AR 72701

**Re: Planning Area 2, Office/Retail/Multi-Family "The Village" at Forest Hills
Request to Amend PZD Criteria – Density and Use**

Dear City Council,

On behalf of the property owner and developer, Forest Hills Partners LLC, we are requesting consideration to amend the criteria for density, use, and tree preservation in Planning Area 2, the office/retail/multi-family portion of the Planned Zoning District (PZD). Forest Hills is located on the south side of Wedington Drive at Salem Road; Planning Area 2 includes the area where the Planet Fitness and other recent retail buildings are located. The property was rezoned to PZD in June 2008 which established a multi-family density of 9.17 units per acre for Planning Area 2 based on 100 apartment units. The apartments were planned to be on the upper levels of retail buildings.

Forest Hills Partners, LLC, would like to develop the multi-family portion of Planning Area 2 with four upscale, three story apartment buildings. The buildings will consist of two stories of apartment units (totaling 72 units) over ground level interior parking. **We are requesting to reduce the density from 9.17 units per acre to 6.61 units per acre and to amend the use to accommodate multi-family over interior parking.** In order to facilitate four buildings, the existing tree canopy preserved on-site in Area 2 will be less than 25%. We request approval to provide tree preservation mitigation with a combination of new plantings in Area 2 and preserving existing canopy in the tree preservation area in the southeast corner of Forest Hills. The modified PZD booklet sheets and site plan have also been attached as a part of this request.

Thank you for your consideration.

Sincerely,
Morrison-Shipley Engineers, Inc.

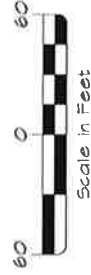
Sammi May, P.E.
Project Manager

Tree
preservation
% can't
be
amended.
will be
reviewed with
large scale
development.

Parking Calculations:
Required: 1 Space Per Bedroom
Total Units: 72 Units
Total Bedrooms:
4 Buildings x 26 Bedrooms = 104 Bedrooms
Total Bedrooms/Parking Spaces: 104

Total Provided: 120 Spaces (15% Over Required)
Standard Spaces Indoor: 72 Spaces
Standard Spaces Outdoor: 32 Spaces
Motorcycle Spaces: 8 Spaces
Bicycle Racks: 8 Spaces (4 racks)

Tree Preservation Area: 0.73 Acre



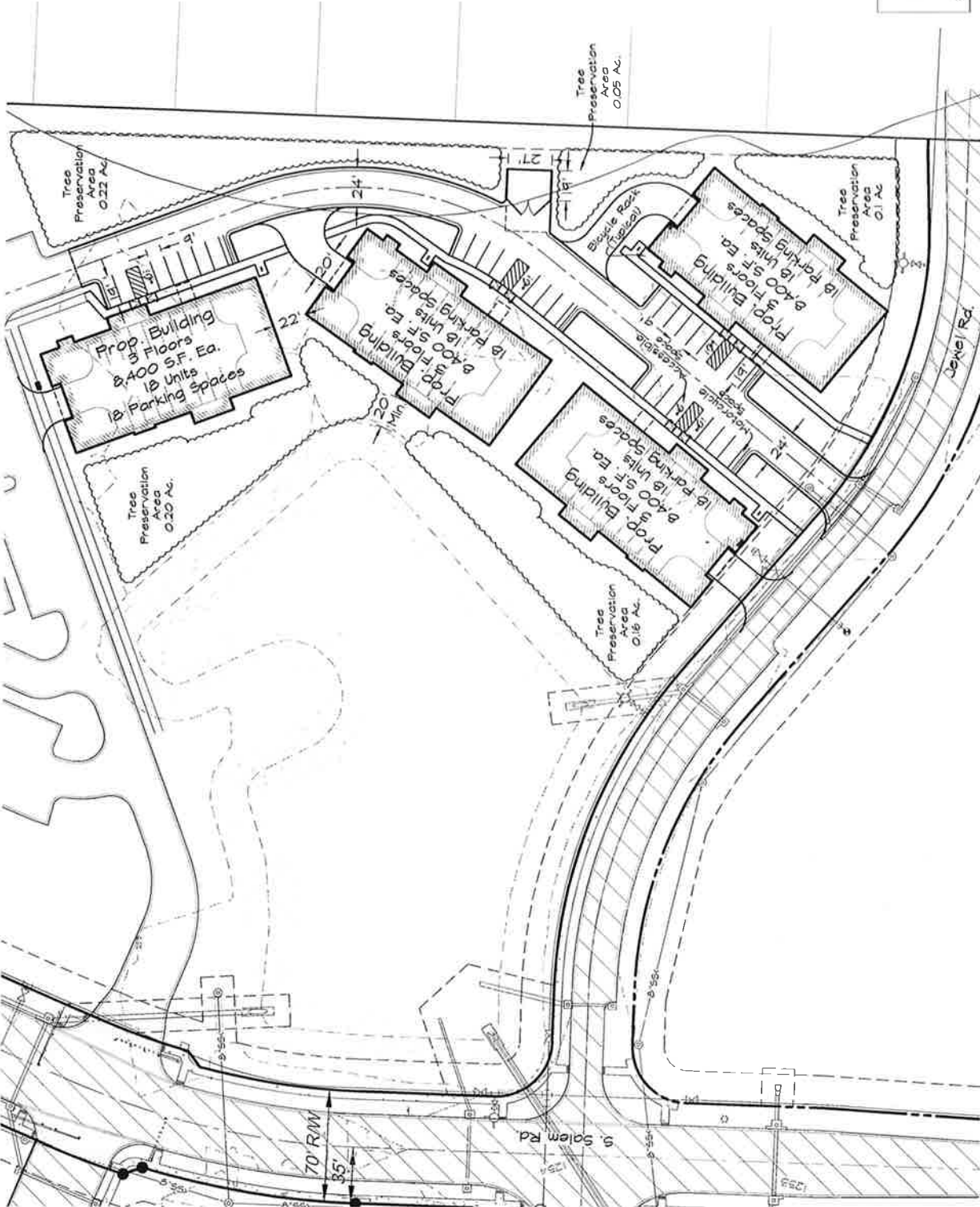
CONCEPTUAL SITE PLAN
Apartment Buildings - 72 Units
Lot 5 Of Forest Hills
Fayetteville, Washington County, AR

September 16, 2013

MORRISON SHIPLEY

ENGINEERS • SURVEYORS

2407 SE Commercial Street • Fayetteville, AR 72713 • 479.273.2266 • msh@msurvey.com



PLANNING AREA 2 – OFFICE/RETAIL/MULTI-FAMILY – “THE VILLAGE AT FOREST HILLS”

This is the mixed use section of the development involving retail, commercial, office and residential (apartments) which is on the east side of the Salem Road extension. The building prototype is designed to create small scale office building frontage with loft style spaces over the first floor of office that supports pedestrian friendly streetscapes. The density of development/improvement is more intense with the bulk of the green space concentrated in a common park. There is denser tree cover on this portion of the development along with an existing pond. Care will be taken to design the parking and building footprints to preserve as many existing trees as possible. The existing pond will be enlarged to serve as detention basin for the eastern portion of the commercial and office areas. The pond will be established as a focal point of the office area, with sidewalks and sitting areas. The offices will be constructed in the northeast quadrant of the site, bounded on the south by North Jewell Road; on the east by Salem Road; and on the north by Walgreen's.

This area is projected to include a core of (4) three-story apartment structures (with interior parking on the first floor, with two stories of apartments above) and (4) one-story retail/office structures.

The apartments will consist of multiple floor plans, one and two bedroom units, all of which will have balconies. Circulation will be internal with a secured entrance/elevator lobby and secured interior parking at the first level.

The parking level will be relieved, clad and fenestrated to maintain a multi-use appearance. The design theme will be classic urban, a mixture of synthetic cut stone, stucco and thin brick. The façade will overlook the lake and all 4 buildings will be connected to the overall development both visually and physically with pedestrian walks.

A. Permitted Uses

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single family dwellings
Unit 9	Two-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods



Area 2 - Apartments

Theme Example

FOREST HILLS

a mixed-use planned zoning development

- Unit 16 Shopping goods
- Unit 19 Commercial recreation, small sites
- Unit 25 Professional offices
- Unit 26 Multi-family dwellings

B. 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 24 Home occupations
- Unit 34 Liquor Store
- Unit 35 Outdoor Music Establishment
- Unit 36 Wireless communications facilities
- Unit 40 Sidewalk Cafes

C. Residential Density and Non-Residential Intensity

- Planning area acreage: 10.90 acres
- Number of dwelling units: 72 units
- Non-residential building square feet: 86,236 SF
- Residential density: 6.61 units/acre
- Non-residential intensity (square feet/acre): 7,912 SF
- Minimum Lot Width:** Not Applicable
- Minimum Lot Area:** 10,000 SF
- Land Area per Dwelling Unit:** One Bedroom units - 750 SF
Two Bedroom units - 975 SF

- G. Setback Requirements:** Front: 10 feet, Side: 10 feet
Rear: 20 feet
- H. Height Regulations:** Building heights are limited to the following:
40' max. height when less than 30' from a residential property.
65' max. height when greater than 50' from a residential property.
- I. Building Area:** On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.
- J. Landscaping:** In accordance with City of Fayetteville Landscape Ordinance.
- K. Parking:** In accordance with the Unified Development Code.
- L. Architectural Design Standards:** The area's overall theme will



Area 2 - Office

be nostalgic with materials and design features that provide a diversity of scale, color and texture to reflect multiple functions of retail, office and housing in keeping with an urban code.

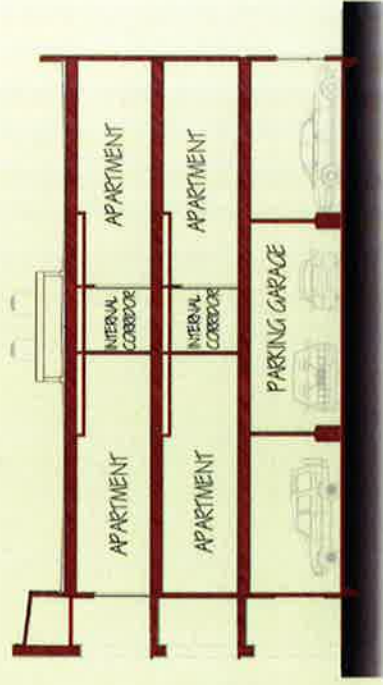
The freestanding single story retail/office facilities will consist of metal clad roofed forms for added scale and skins of brick, stone or patterned stucco.

M. Signage: Signage for Planning Area 2 shall be in accordance with a commercial zoning district. Only monument signs are permitted. Pole/pylon signs are prohibited.

N. Tree Preservation: Approximately 17.5% (68,300 sq. ft.) of existing tree canopy will be preserved on-site, while the remainder of required tree preservation (7.5% or 29,300 sq. ft.) will be provided by deedling tree preservation areas at the south end of the Forest Hills property (adjacent to Persimmon).

PART OF PHASE 3 FOREST HILLS

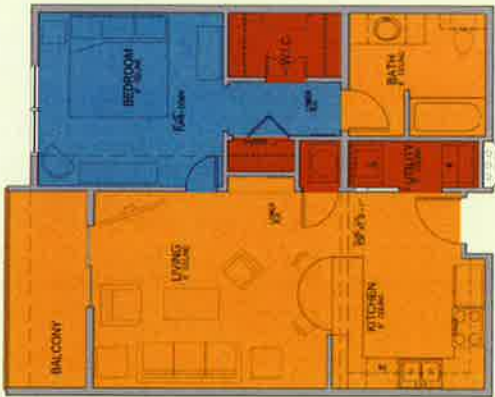
a mixed-use planned zoning development



Area 2 - Apartments

FOREST HILLS

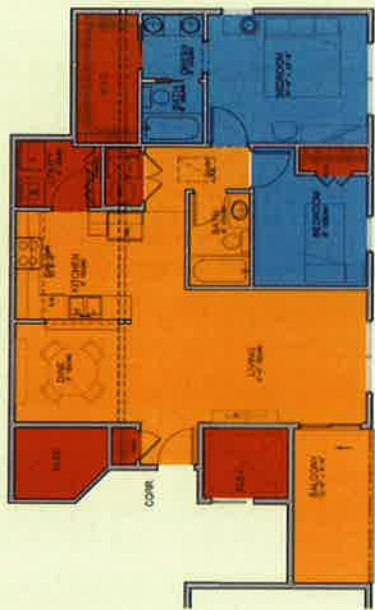
a mixed-use planned zoning development



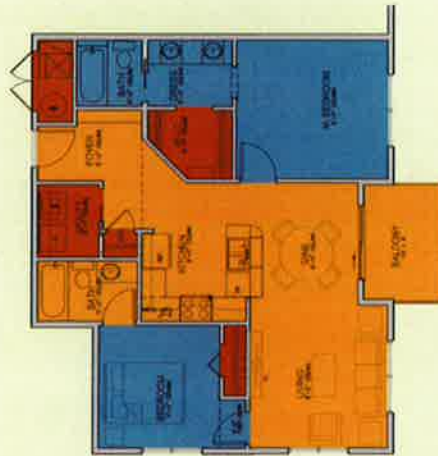
1 BEDROOM "A"
SIZE 871 SF



1 BEDROOM "B"
SIZE 871 SF



2 BEDROOM "B"
SIZE 1041 SF



2 BEDROOM "C"
SIZE 1041 SF

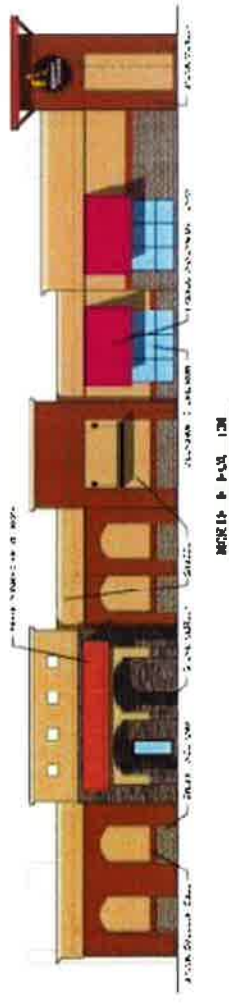
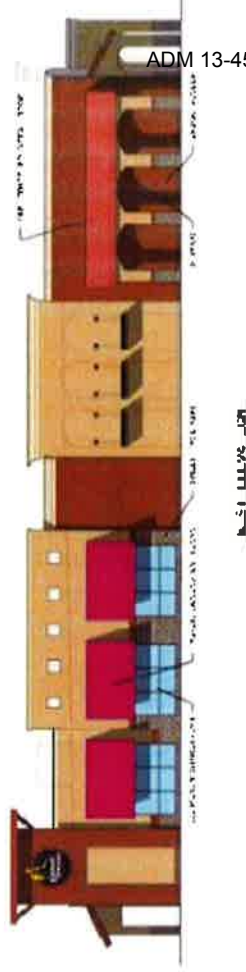
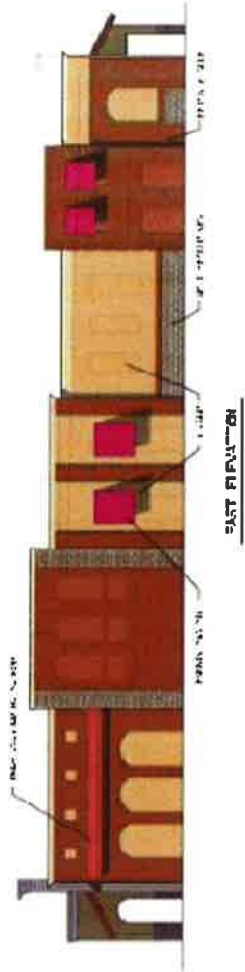
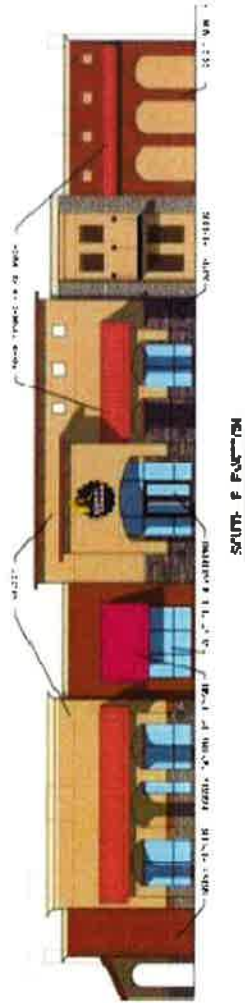
Area 2 - Apartments

FOREST HILLS

a mixed-use planned zoning development

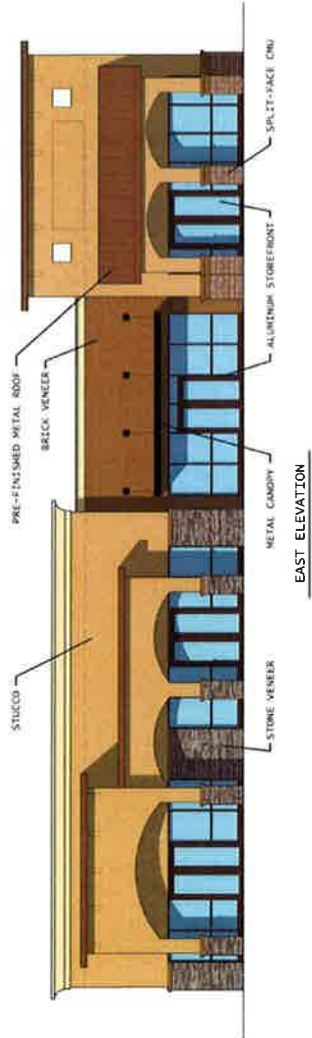
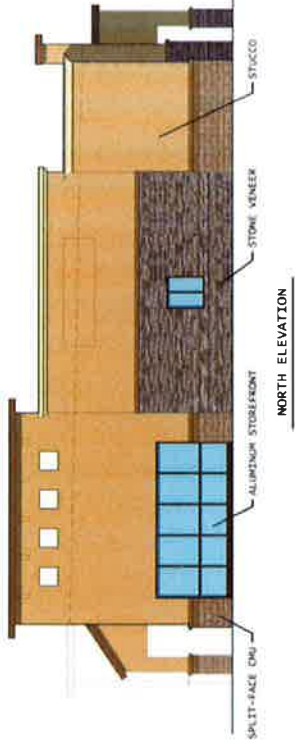
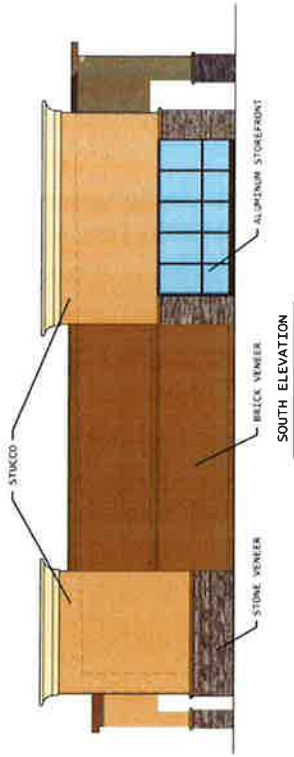
ELEVATIONS FOR PREVIOUSLY APPROVED PROJECTS

NEW PLANET FITNESS FACILITY **FOREST HILLS LOT 5 SALEM STREET**



PLANNING COMMISSION APPROVED
04/23/2012 (AMG)

ASPEN SQUARE
FOREST HILLS LOT 5



ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2793 FOREST HILLS TO REVISE THE CONCEPT PLAN AND ZONING CRITERIA FOR PLANNING AREA TWO, REDUCING THE NUMBER OF DWELLING UNITS FROM 100 UNITS TO 72 UNITS AND REMOVING THE REQUIREMENT FOR VERTICAL MIXED-USE BUILDINGS.

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

Section 1. That the zoning criteria booklet and plats for R-PZD 07-2793 Forest Hills are hereby amended to reflect the major modification to the concept plan and zoning criteria in Planning Area two, reducing the number of dwelling units from 100 to 72 and removing the requirement for vertical mixed-use buildings, as reflected in Exhibit "A."

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Item Review Form

2013-0147

Legistar File Number

11/19/13

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

Jesse Fulcher

Submitted By

Planning

Department

Action Required:

ADM 13-4513: Administrative Item (WEDINGTON DRIVE AND SALEM ROAD/FOREST HILLS PZD MODIFICATION TO PLANNING AREA 5, 440): Submitted by MORRISON SHIPLEY ENGINEERS for property located in the Forest Hills Development at Wedington Drive and Salem Road. The property is zoned R-PZD FOREST HILLS. The request is to modify the zoning criteria for Planning Area 5 to change the density and housing type.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Baker 11-1-2013
Don Ma 11/1/13
Franklin 11/2/13

11-01-13P03:03
dm
ENTER
11/1/13
KJ

This ordinance was left on the second reading at the November 19, 2013 City Council meeting



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director &

From: Jesse Fulcher, Senior Planner

Date: October 31, 2013

Subject: ADM 13-4513 Forest Hills Planned Zoning District Amendment No. 4 – Planning Area 5

RECOMMENDATION

Staff recommends approval of an ordinance to amend the concept plan and zoning criteria for the Forest Hills Planned Zoning District (PZD), amending the housing type from townhouses to detached single-family houses and reducing the number of units from 60 to 31.

BACKGROUND

The Forest Hills Planned Zoning District contains approximate 80 acres, divided into five distinct planning areas. Planning Area 5, The Townhomes at Forest Hills, contains approximately 16 acres and is approved to be developed with 60 townhouse units with a rear-alley design format.

The applicant proposes to amend the housing type from townhouses to detached single-family houses. The rear access alley design will still be utilized. The overall unit count will be reduced from 60 to 31 units, and a larger portion of the wooded site will remain undeveloped and be dedicated as a tree preservation easement.

DISCUSSION

On October 28, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

revised ord. for the
12/3/13 CC mtg.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2793 FOREST HILLS TO REVISE THE CONCEPT PLAN AND ZONING CRITERIA FOR PLANNING AREA FIVE, REDUCING THE NUMBER OF DWELLING UNITS FROM 60 UNITS TO 31 UNITS AND AMENDING THE HOUSING TYPE FROM TOWNHOUSES TO DETACHED SINGLE-FAMILY HOUSES.

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

Section 1. That the zoning criteria booklet and plats for R-PZD 07-2793 Forest Hills are hereby amended to reflect the major modification to the concept plan and zoning criteria in Planning Area five, reducing the number of dwelling units from 60 to 31 and changing the housing type from townhouses to detached single-family houses, as reflected in Exhibit "A."

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

Section 3: That this amendment is subject to Conditions of Approval and shall not be in effect until these conditions are met.

1. All conditions of approval from the previously approved R-PZD 07-2793 Forst Hills shall apply.
2. Approval of this PZD modification does not grant approval of the development details for the project. The proposed subdivision will be required to be reviewed for compliance with all Unified Development Code requirements as part of the standard development review process.
3. The homes shall be constructed consistent with the elevations and material list presented in the revised PZD booklet, and the materials and colors shall be varied on units with identical plans.

PASSED and APPROVED this day of , 2013.

APPROVED:

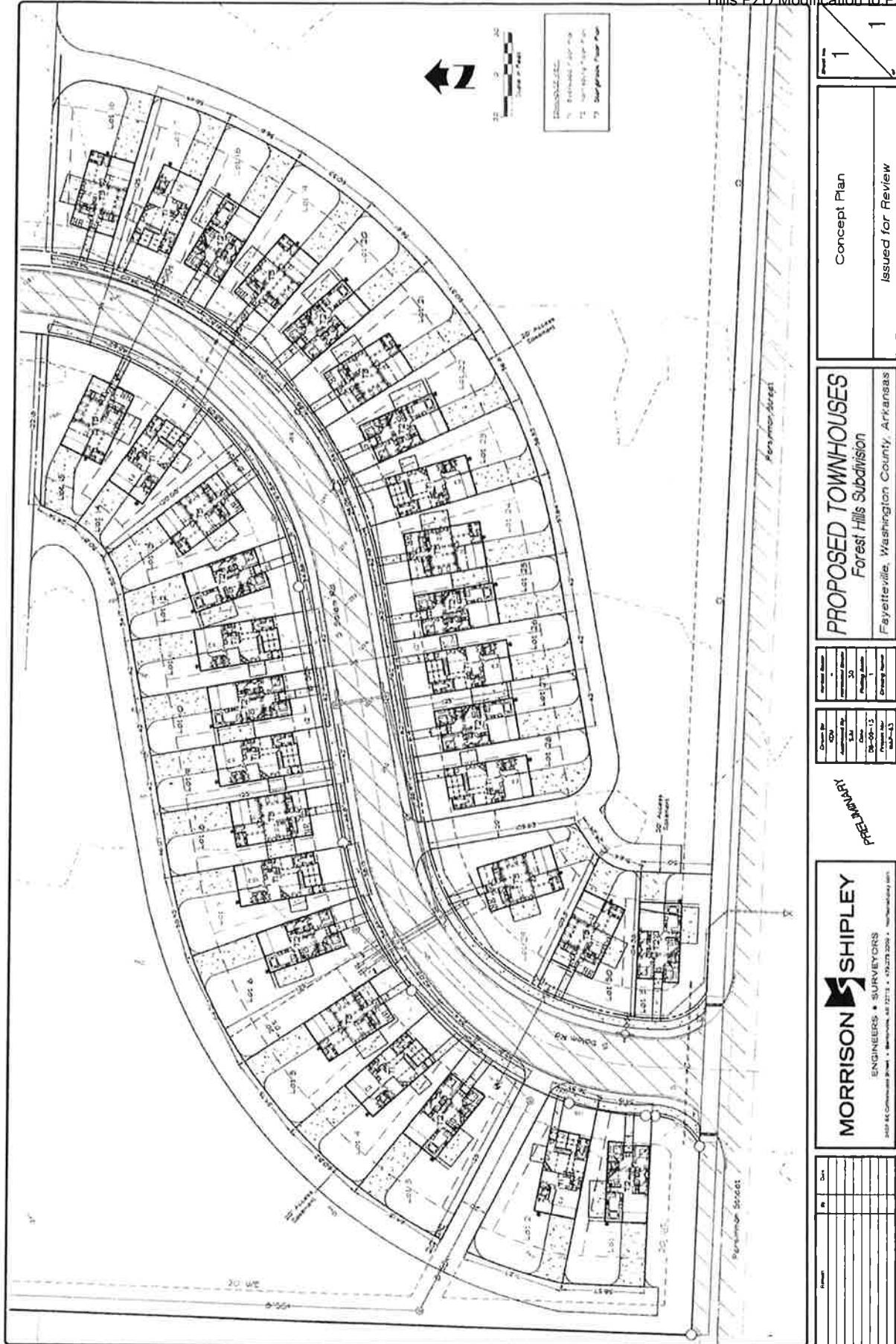
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5)
Page 5 of 36



October 28, 2013
Planning Commission

ADM 13-4513 Forest Hills PZD #5

PLANNING AREA 5 – TOWNHOMES – “THE TOWNHOMES AT FOREST HILLS”

The Townhomes will be located between the single family on the south side of Persimmon and the proposed multi-family and Garden Homes along Salem Road. The Townhomes are planned to include one- and two-story traditional Townhome dwellings with a zero lot line sides.

These single family units will range from 1,450 S.F. to 1,750 S.F. with rear garages served for private “alley” drives. The open sides (12’ clear) will provide each with private outdoor living , patio and lawn.

The scale of the design components and steep roof pitches will harken back to urban housing neighborhoods of the early 1900’s. Exterior materials will consist of stone, brick and architectural composite shingles. Color themes will be muted earth tones.

The three models will be mixed in plan and materials for visual relief.



HARRISBURG MODEL - FRONT ELEVATION
SCALE 3/8" = 1'-0"

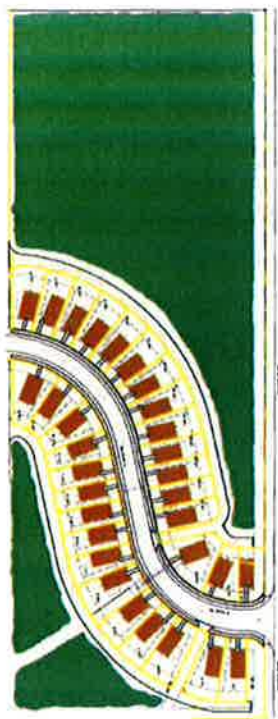


EVERWOOD MODEL - FRONT ELEVATION
SCALE 3/8" = 1'-0"

Area 5 – Townhomes

F O R E S T H I L L S

a mixed-use planned zoning development

A. Permitted Uses - Unit 1 City-wide uses by right - Unit 8 Single-family dwellings - Unit 26 Multi-family dwellings		 Area 5 - Townhomes	M. Signage: Area sign(s) for a residential zoning district shall be permitted in accordance with Chapter 174.10 (G) of the UDC. No other signage shall be permitted.	N. Tree Preservation: Tree Preservation will be provided east of the lots, in areas to be deeded for tree preservation.
B. Conditional Uses - Unit 2 City-wide uses by conditional use permit - Unit 3 Public protection and utility facilities - Unit 4 Cultural and recreational facilities - Unit 9 Two-Family Dwellings - Unit 24 Home occupations	C. Residential Density and Non-Residential Intensity - Planning area acreage: 15.67 ac - Number of dwelling units: 31 units - Non-residential square feet: Not Applicable - Residential density: 1.98 units/acre - Non-residential intensity (square feet/acre): Not Applicable	Bulk and Area Regulations: D. Minimum Lot Width: 30 feet E. Minimum Lot Area: 5,000 SF F. Land Area per Dwelling Unit: 5,000 SF G. Setback Requirements: Front: Zero (0) feet, Side (Interior): Zero (0) feet, Side (Exterior): 7 feet (perimeter wall), Rear: Zero (0) feet H. Height Regulations: Buildings heights are to be limited to 45' above finish grade I. Building Area: Not applicable	Site Planning: J. Landscaping: In accordance with City of Fayetteville Landscape Ordinance. K. Parking: In accordance with the Unified Development Code. L. Architectural Design Standards: The personality of an older urban neighborhood with services and cars to the rear and pedestrians to the front. A blend of traditional tall roof forms and materials, muted earth tones, intermixed in four colors schemes and three footprints. Facades will be irregular in scale and materials, the streetscape will be heavily landscaped with low profile shrubs, sod and trees. The side yards can be open or screened for privacy.	PART OF PHASE 4

FOREST HILLS

a mixed-use planned zoning development

EXHIBIT 'A'

G) Zoning Comparison Chart

Zoning Comparison									
Planning Area	Permitted Use Units	Conditional Use Units	Lot Width (min)	Lot Area (min)	Land Area per Dwelling Unit	Density	Setback Req'd	Height Req'd	Building Area
Planning Area 1	1,4,12,13,14, 15,16,18,19, 25,34	2,3,17,20, 21, 35,36, 40	N/A	None	N/A	5,349 sf/acre	F-20' S-15 (Adj R) S-0 (Adj NR) R-20'	40'	60%
Planning Area 2	1,5,8,9,12,13, 15, 16, 19, 25,26	2,3,4, 24, 34, 35, 36, 40	N/A	10,000 sf	One Bedroom -750 sf Two Bedroom - 975 sf	6.16 units/ac 7,912 sf/ac	F-10' S-10' R-20'	40' max.-less than 50' from residential. 65' max.-more than 50' from residential.	60%
Planning Area 3	1,8,9,10, 26	2,3,4,24	70'	8,400 sf	1,500 sf	22.72 units/ac	F-15' S-10' R-20'	60'	N/A
Planning Area 4	1,8,9	2,3,4,24	40'	3,500 sf	3,500 sf	4.82 units/ac	1 Attached F-15' S Exterior-7', S Interior-0' R-25' Detached F-15' S-12'/0' R-25'	40'	50%
Planning Area 5	1,8, 26	2,3,4,9,24	30'	5,000 sf	5,000 sf	5.76 units/ac	F-0' S-Interior 0', S-Exterior 7' R-0'	45'	N/A

FOREST HILLS

PLANNED ZONING DEVELOPMENT

October 28, 2013
Planning Commission

ADM 13-4513 Forest Hills PZD #5



PC Meeting of October 28, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Planning Commission Members
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~October 21, 2013~~ Updated October 31, 2013

ADM 13-4513: Administrative Item (WEDINGTON DRIVE AND SALEM ROAD/FOREST HILLS PZD MODIFICATION TO PLANNING AREA 5, 440): Submitted by MORRISON SHIPLEY ENGINEERS for property located in the Forest Hills Development at Wedington Drive and Salem Road. The property is zoned R-PZD FOREST HILLS. The request is to modify the zoning criteria for Planning Area 5 to change the density and housing type.

Planner: Jesse Fulcher

BACKGROUND

Property: The Forest Hills Planned Zoning District contains approximate 80 acres, divided into five distinct planning areas. Planning Area 5, The Townhomes at Forest Hills, contains approximately 16 acres and is approved to be developed with 60 townhouse units with a rear-alley design format. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	Forest Hills PZD
South	Multi-family	RMF-24
East	Multi-family	RMF-24
West	Undeveloped	R-A

Proposal: The applicant proposes to amend the housing type from townhouses to detached single-family houses. The rear access alley design will still be utilized. The overall unit count will be reduced from 60 to 31 units, and a larger portion of the wooded site will remain undeveloped and be dedicated as a tree preservation easement.

Public Comment: Public notice signs were placed on along Salem Road, notifying the public of the upcoming hearings. No comments have been received.

RECOMMENDATION

Staff supports the proposed amendment, finding that the design concept is consistent with the originally approved plans and provides additional tree preservation area, which has been lacking in some of the other planning areas. The addition will provide another housing style to compliment the conventional neighborhood development patterns to the north and south. Further, the traditional design form is consistent with Goal 2 of City Plan 2030 and provides new housing within walking distance of shopping, schools and community facilities.

Recommended Motion: Staff recommends forwarding **ADM 13-4513 Forest Hills R-PZD Modification No. 4** to the City Council for approval with the following conditions:

1. All conditions of approval from the previously approved R-PZD 07-2793 Forst Hills shall apply.
2. Approval of this PZD modification does not grant approval of the development details for the project. The proposed subdivision will be required to be reviewed for compliance with all Unified Development Code requirements as part of the standard development review process.
3. The homes shall be constructed consistent with the elevations and material list presented in the revised PZD booklet, and the materials and colors shall be varied on units with identical plans.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied**

Motion: Chesser

Second: Pennington

Vote: 8-0-0

Meeting Date: October 28, 2013

Original PZD Design and Zoning Standards

April, 2008

Planned Zoning District Plans

for

THE SHOPPES AND RESIDENCES AT FOREST HILLS

Fayetteville, Washington County, Arkansas

OWNER & DEVELOPER
FOREST HILLS DEVELOPMENT GROUP, LLC
6301 CLIFF DRIVE
FT. SMITH, AR 72617
479-494-5682
MR. JOHN D. ALFORD

OZARKS ELECTRIC COOPERATIVE
3641 MEDINGTON DRIVE
FAYETTEVILLE, AR 72701



MORRISON SHIPLEY
ENGINEERS & SURVEYORS
1007 W. Commercial Street • Fayetteville, AR 72701 • 479.494.5682 • morrisonshipley.com



INDEX OF SHEETS	
1.	Cover Sheet, Vicinity Map
2.	Site Plan of Proposed Development
3.	Grading Plan
4.	Drainage Plan
5.	Utility Plan
6.	Final Land Use/Planning Map
7.	Planning Area Boundary

Issued for Review

**CITY COUNCIL
APPROVED**

DATE: 4/15/08



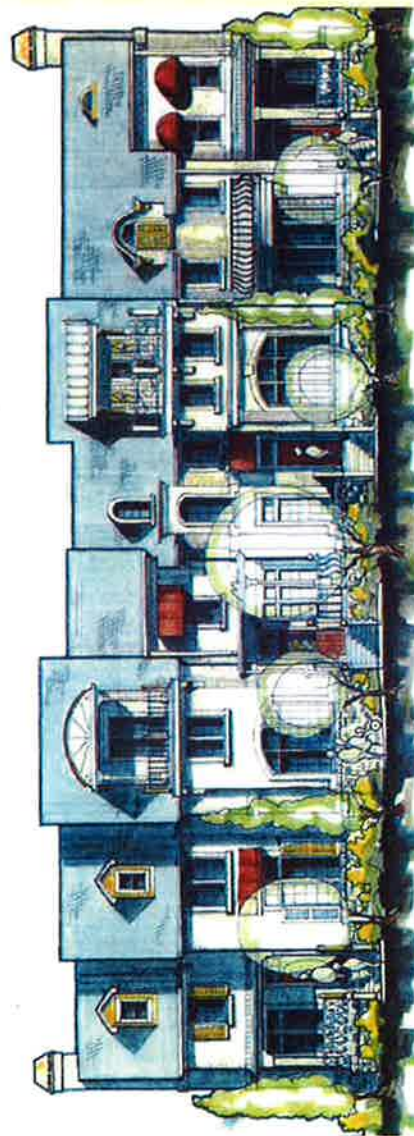




PLANNING AREA 5 – TOWNHOMES – “THE TOWNHOMES AT FOREST HILLS”

The Townhomes will be located between the single family on the south side of Persimmon and the proposed multi-family and Garden Homes along Salem Road. The Townhomes will offer the development's most upscale option. The Townhomes are planned to include two-story traditional Townhome dwellings with zero lot line front & rear setbacks, with bedrooms upstairs and living areas downstairs. The Townhomes will be built as common wall structures but will be sold separately. The buildings will be limited to no more than four attached units.

The single family, two to two and a half story units will provide a very urban living format in a very “un-urban” setting i.e. buffered on all sides by open green space and walking trails. The four-plex format provides the designer with a strong identifiable façade but also allows massing breaks for the eye and the ability to adjust to the topography and lot forms. Each of the 2,000 s.f. – 2,500 s.f. units will have a private rear court yard and access to rear, double garage serviced from the alley.

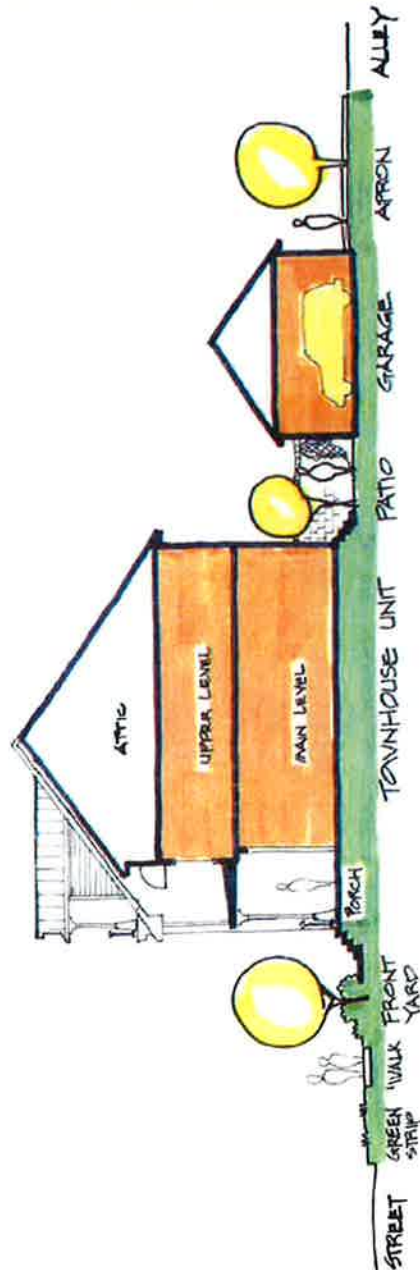


TOWNHOMES - AREA 5

FOREST HILLS

A.	Permitted Uses	City-wide uses by right Unit 1 Single-family dwellings Unit 8 Multi-family dwellings Unit 26
	Conditional Uses	City-wide uses by conditional use permit Unit 2 Public protection and utility facilities Unit 3 Cultural and recreational facilities Unit 4 Two-family Dwellings Unit 9 Home occupations Unit 24
C.	Residential Density and Non-Residential Intensity	Planning area acreage: 15.67 ac Number of dwelling units: 60 units Non-residential square feet: Not Applicable Residential density: 3.83 units/acre Non-residential Intensity (square feet/acre): Not Applicable
	Built and Area Regulations:	Minimum Lot Width: 30 feet (No more than 4 attached) Minimum Lot Area: 2,000 SF Land Area per Dwelling Unit: 2,000 SF Setback Requirements: Front: Zero (0) feet, Side (Interior): Zero (0) feet (common wall), Side (Exterior): 7 feet (perimeter wall), Rear: Zero (0) feet Height Regulations: Buildings heights are to be limited to 50' above finish grade Building Area: Not applicable
J.	Site Planning:	Landscaping: In accordance with City of Fayetteville Landscape Ordinance. Parking: In accordance with the Unified Development Code. Architectural Design Standards: The design personality will accent vertically and substantial trim elements but monochromatic in color which will highlight the irregular facade and unique features of each unit. Landscaping at the street will be intense but low scale. The green strip at the street will be tree lined. The majority of the units will have front stoops to allow seating.
M.	Signage:	Area sign(s) for a residential zoning district shall be permitted in accordance with Chapter 17A.10 (G) of the UDC. No other signage shall be permitted.

FOREST HILLS



Area 5 - Townhomes

FOREST HILLS

38

G) Zoning Comparison Chart

Zoning Comparison									
Planning Area	Permitted Use Units	Conditional Use Units	Lot Width (min)	Lot Area (min)	Land Area per Dwelling Unit	Density	Setback Req'd	Height Req'd	Building Area
Planning Area 1	1,4,12,13,14, 15,16,18,19, 25,34	2,3,17,20,21, 35,36,40	N/A	None	N/A	5,349 sf/acre	F-20' S-15 (Adj R) S-0 (Adj NR) R-20'	40'	60%
Planning Area 2	1,5,8,9,12,13, 15,16,19, 25,26	2,3,4, 24, 34, 35,36,40	N/A	10,000 sf	One Bedroom - 800 sf Two Bedroom - 900 sf	9,17 units/ac 7,912 sf/ac	F-10' S-10' R-20'	30' max - less than 30' from residential. 40' max - greater than 30' but less than 50' from residential. 65' max - more than 50' from residential.	60%
Planning Area 3	1,4,9,10,26	2,3,4,24	70'	8,400 sf	1,500 sf	22.72 units/ac	F-15' S-10' R-20'	50'	N/A
Planning Area 4	1,8,9	2,3,4,24	40'	3,500 sf	3,500 sf	4.82 units/ac	1 Attached F-15' S-Exterior-7' S-Interior-0' R-25' Detached F-15' S-12'70' R-25'	40'	50%
Planning Area 5	1,8,26	2,3,4,24	30'	2,000 sf	2,000 sf	3.83 units/ac	F-0' S-Interior 0' S-Exterior 7' R-0'	50'	N/A

FOREST HILLS

Proposed PZD Design and Zoning Standards



September 17, 2013

City of Fayetteville
Fayetteville City Council
125 W. Mountain St.
Fayetteville, AR 72701

**Re: Planning Area 5, "The Townhomes" at Forest Hills
Request to Amend PZD Criteria – Density and Layout**

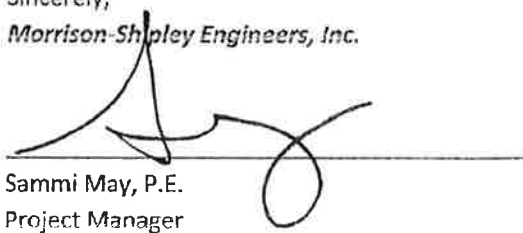
Dear City Council,

On behalf of the property owner and developer, Forest Hills Partners LLC, we are requesting consideration to amend the criteria for density and layout in Planning Area 5, the "Townhome" portion of the Planned Zoning District (PZD). Forest Hills is located on the south side of Wedington Drive at Salem Road. The property was rezoned to PZD in June 2008 which established a density of 3.83 units per acre for Planning Area 5, which was based on 60 townhomes units. The townhome layout consisted of buildings featuring attached townhome units. A copy of the PZD Master Land Development Plan has been attached to this request for reference.

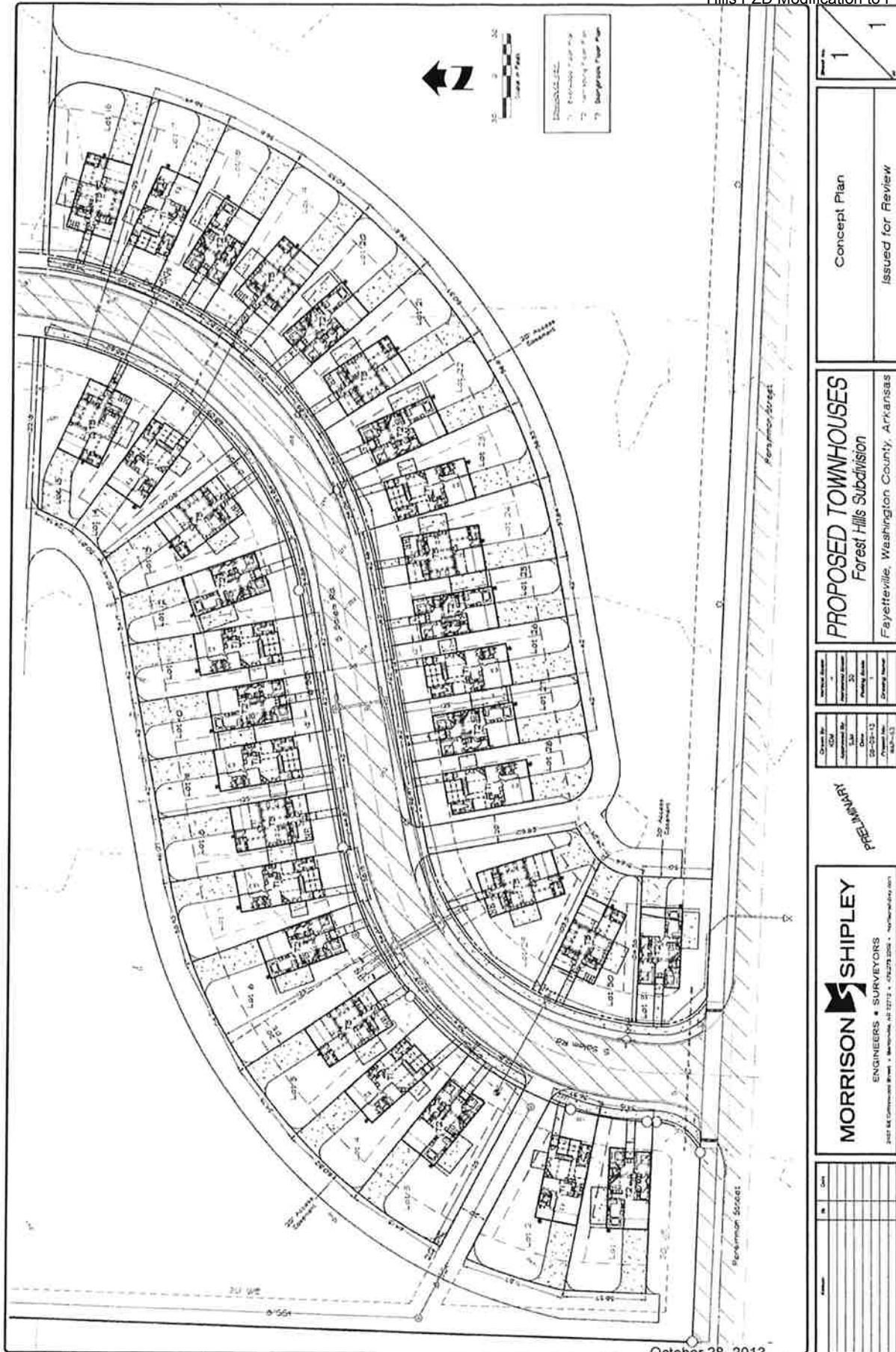
Forest Hills Partners, LLC, would like to develop Planning Area 5 with 31 free-standing townhome units (rather than attached) along Salem Road frontage. The townhomes will be served with rear alleys, as originally planned in the PZD. **We are requesting to reduce the density from 3.86 units per acre to 1.98 units per acre to accommodate 31 fee-standing townhome units (lots) in Planning Area 5.** The modified PZD booklet sheets, lot layout, and house plans have also been attached as a part of this request. As you can see from the new layout, placing townhomes along Salem Road only allows for a greater tree preservation area to the east.

Thank you for your consideration.

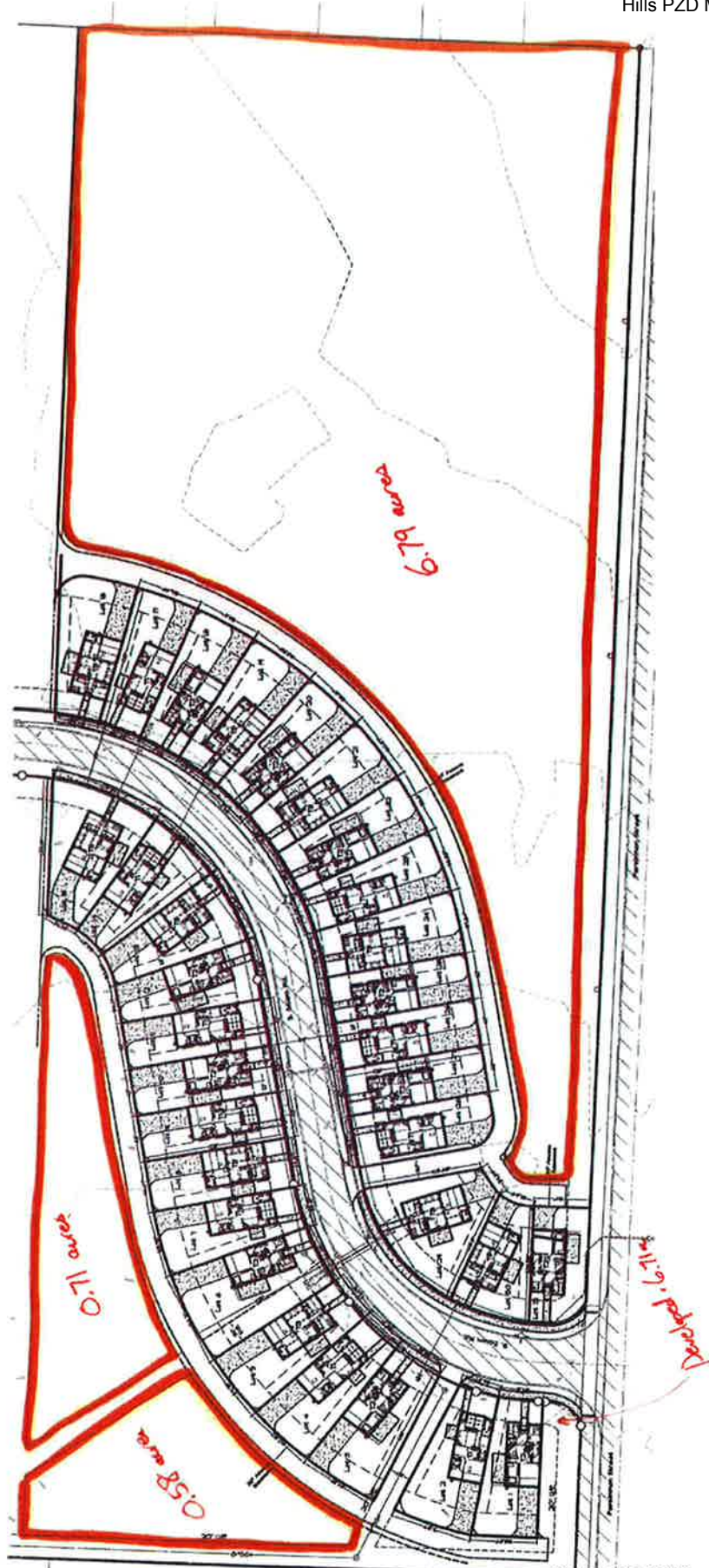
Sincerely,
Morrison-Shipley Engineers, Inc.


Sammi May, P.E.
Project Manager

2407 S.E. Cottonwood Street
Bentonville, AR • 72712
479.273.2209 • Fax 479.273.2553
October 28, 2013
Planning Commission
ADM 13-4513 Forrest Heights PZD #5
Agenda Item 5
Page 14 of 26



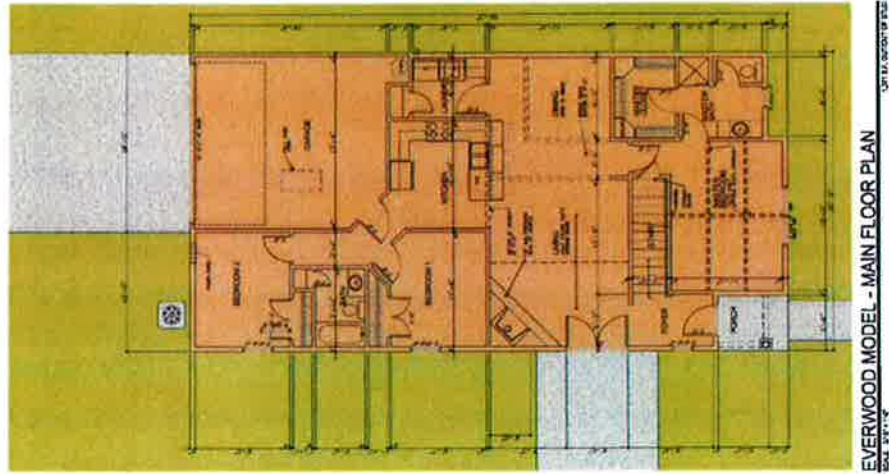
TREE PRESERVATION CONCEPT



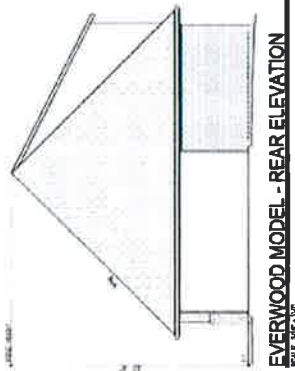
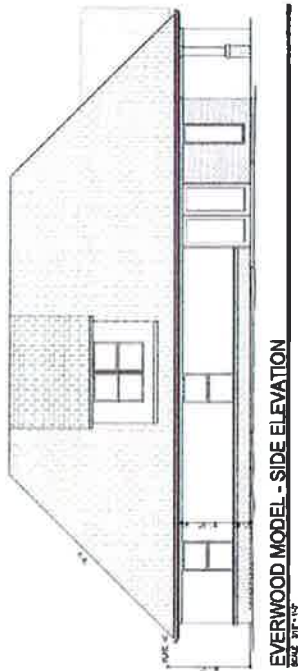
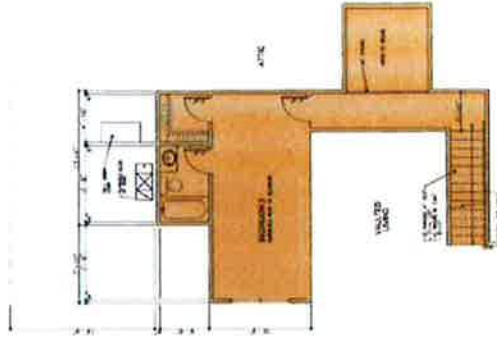


TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
417 COMANCHE PLACE • SUITE 100 • FAYETTEVILLE, ARKANSAS 72703
PHONE: (479) 452-2018 • FAX: (479) 452-2025 • EMAIL: tim@timrisley.com

THE TOWNHOUSES
EVERWOOD MODEL
FAYETTEVILLE, ARKANSAS



EVERWOOD MODEL - SECOND LEVEL
SCALE: 3/8" = 1'-0"



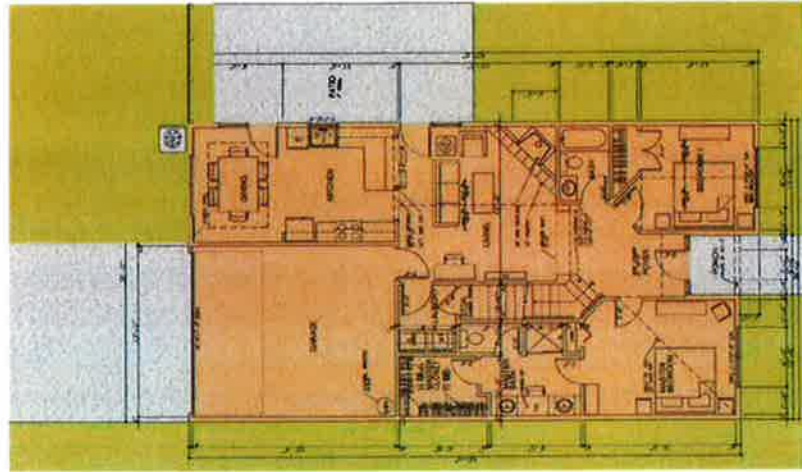


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PHONE: (479) 782-7800 • FAX: (479) 452-3921 • EMAIL: tim@timrisley.com

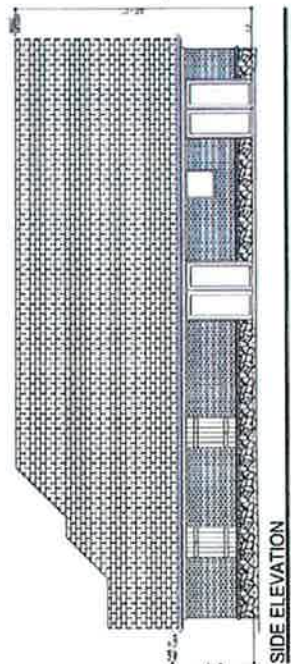
THE TOWNHOUSES
HARRISBURG MODEL
FAYETTEVILLE,
ARKANSAS



HARRISBURG MODEL - SECOND FLOOR
SCALE: 1/8" = 1'-0"



HARRISBURG MODEL - MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

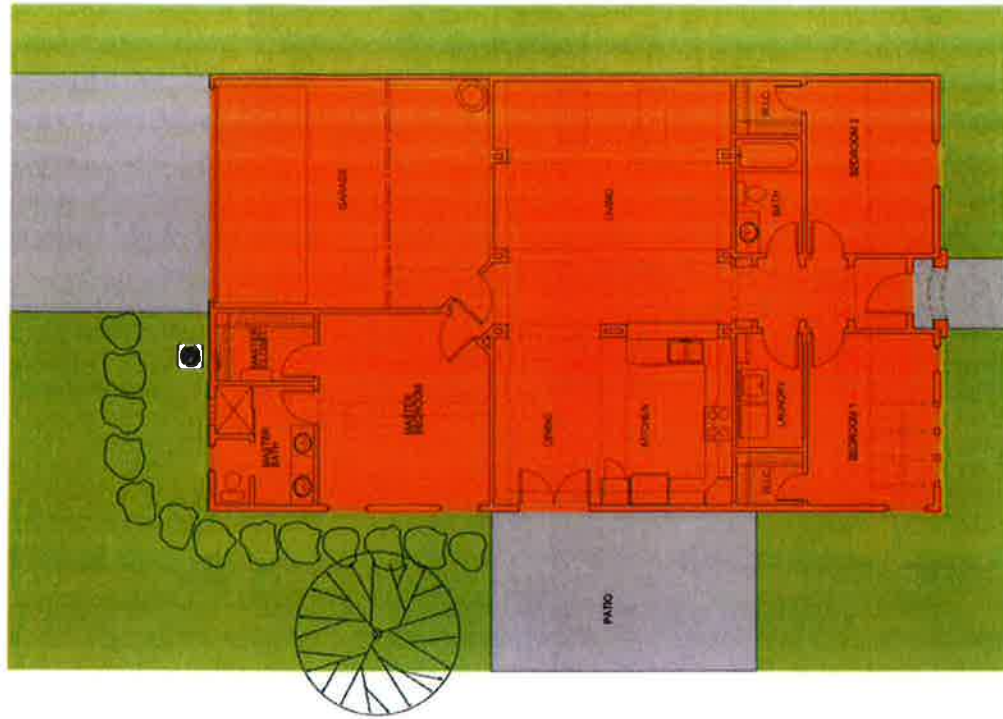


HARRISBURG MODEL - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

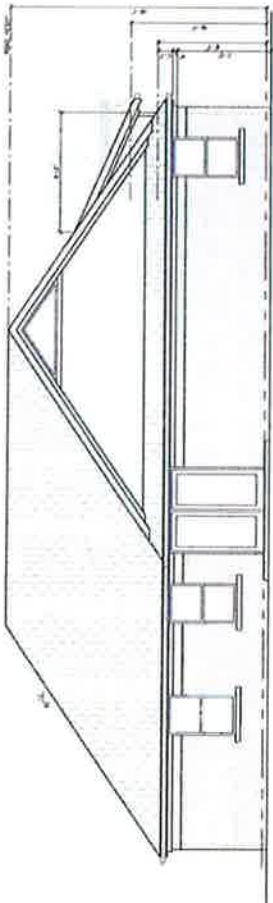


TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
8181 PINEAPPLE - FORT SMITH, ARKANSAS 72303
PHONE: (479) 643-1844 FAX: (479) 643-1873 EMAIL: tim@timrisley.com

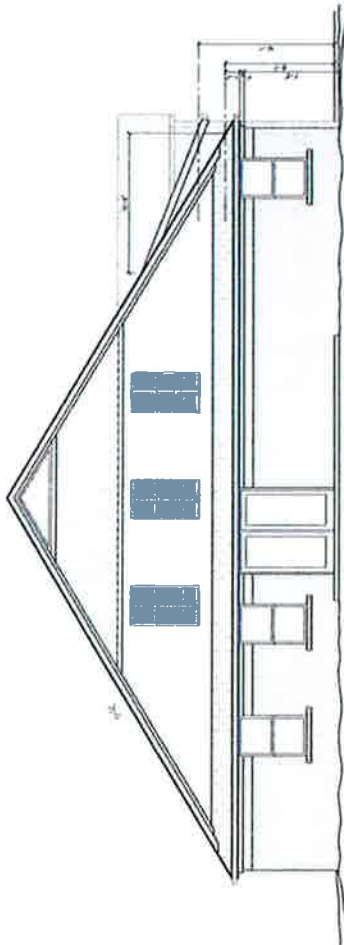
THE TOWNHOUSES
STORYBOOK MODEL
FAVORITEVILLE,
ARKANSAS



FLOOR PLAN
SCALE: 1/8" = 1'-0"



ALTERNATE ROOF FORM
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"

PLANNING AREA 5 – TOWNHOMES – “THE TOWNHOMES AT FOREST HILLS”

The Townhomes will be located between the single family on the south side of Persimmon and the proposed multi-family and Garden Homes along Salem Road. The Townhomes are planned to include one- and two-story traditional Townhome dwellings with a zero lot line sides.

These single family units will range from 1,450 S.F. to 1,750 S.F. with rear garages served for private “alley” drives. The open sides (12’ clear) will provide each with private outdoor living , patio and lawn.

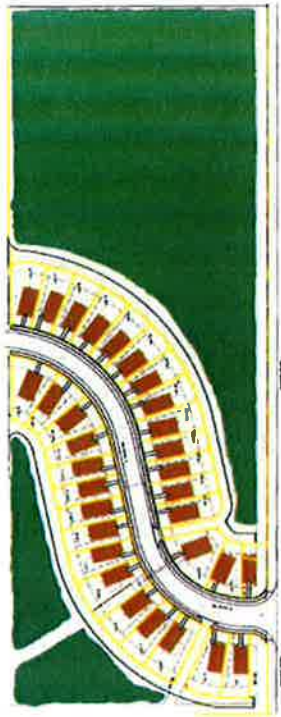
The scale of the design components and steep roof pitches will harken back to urban housing neighborhoods of the early 1900’s. Exterior materials will consist of stone, brick and architectural composite shingles. Color themes will be muted earth tones.

The three models will be mixed in plan and materials for visual relief.



Area 5 – Townhomes
F O R E S T H I L L S
a mixed-use planned zoning development

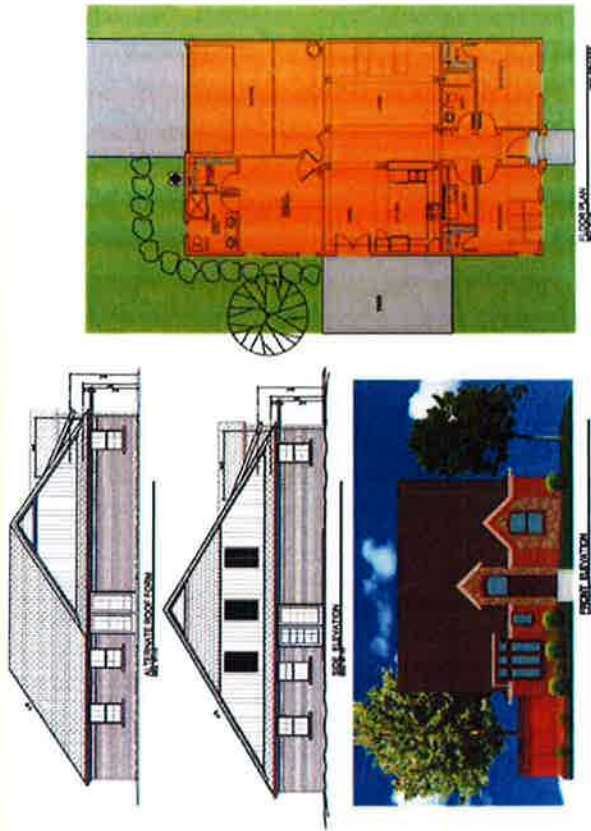
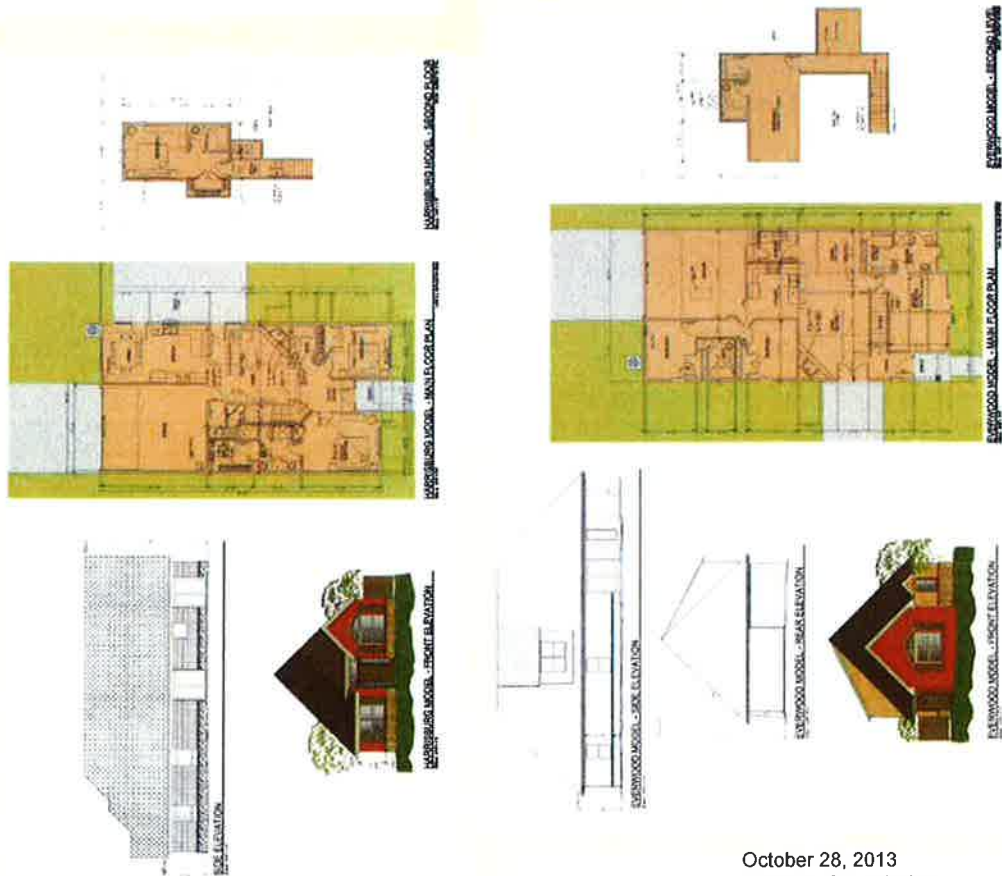
A.	Permitted Uses	City-wide uses by right Unit 1 Single-family dwellings Unit 8 Multi-family dwellings Unit 26
	Conditional Uses	City-wide uses by conditional use permit Unit 2 Public protection and utility facilities Unit 3 Cultural and recreational facilities Unit 4 Two-Family Dwellings Unit 9 Home occupations Unit 24
C.	Residential Density and Non-Residential Intensity	Planning area acreage: 15.67 ac Number of dwelling units: 31 units Non-residential square feet: Not Applicable Residential density: 1.98 units/acre Non-residential intensity (square feet/acre): Not Applicable
	Bulk and Area Regulations:	
D.	Minimum Lot Width:	30 feet
E.	Minimum Lot Area:	5,000 SF
F.	Land Area per Dwelling Unit:	5,000 SF
G.	Setback Requirements:	Front: Zero (0) feet, Side (Interior):Zero (0) feet, Side (Exterior): 7 feet (perimeter wall), Rear: Zero (0) feet
H.	Height Regulations:	Buildings heights are to be limited to 45' above finish grade
I.	Building Area:	Not applicable
J.	Site Planning:	
	Landscaping:	In accordance with City of Fayetteville Landscape Ordinance.
K.	Parking:	In accordance with the Unified Development Code.
L.	Architectural Design Standards:	The personality of an older urban neighborhood with services and cars to the rear and pedestrians to the front. A blend of traditional tall roof forms and materials, muted earth tones , intermixed in four colors schemes and three footprints. Facades will be irregular in scale and materials, the streetscape will be heavily landscaped with low profile shrubs, sod and trees. The side yards can be open or screened for privacy.
M.	Signage:	Area sign(s) for a residential zoning district shall be permitted in accordance with Chapter 174.10 (G) of the UDC. No other signage shall be permitted.
N.	Tree Preservation:	Tree Preservation will be provided east of the lots, in areas to be deeded for tree preservation.
PART OF PHASE 4		



Area 5 - Townhomes

FOREST HILLS

a mixed-use planned zoning development

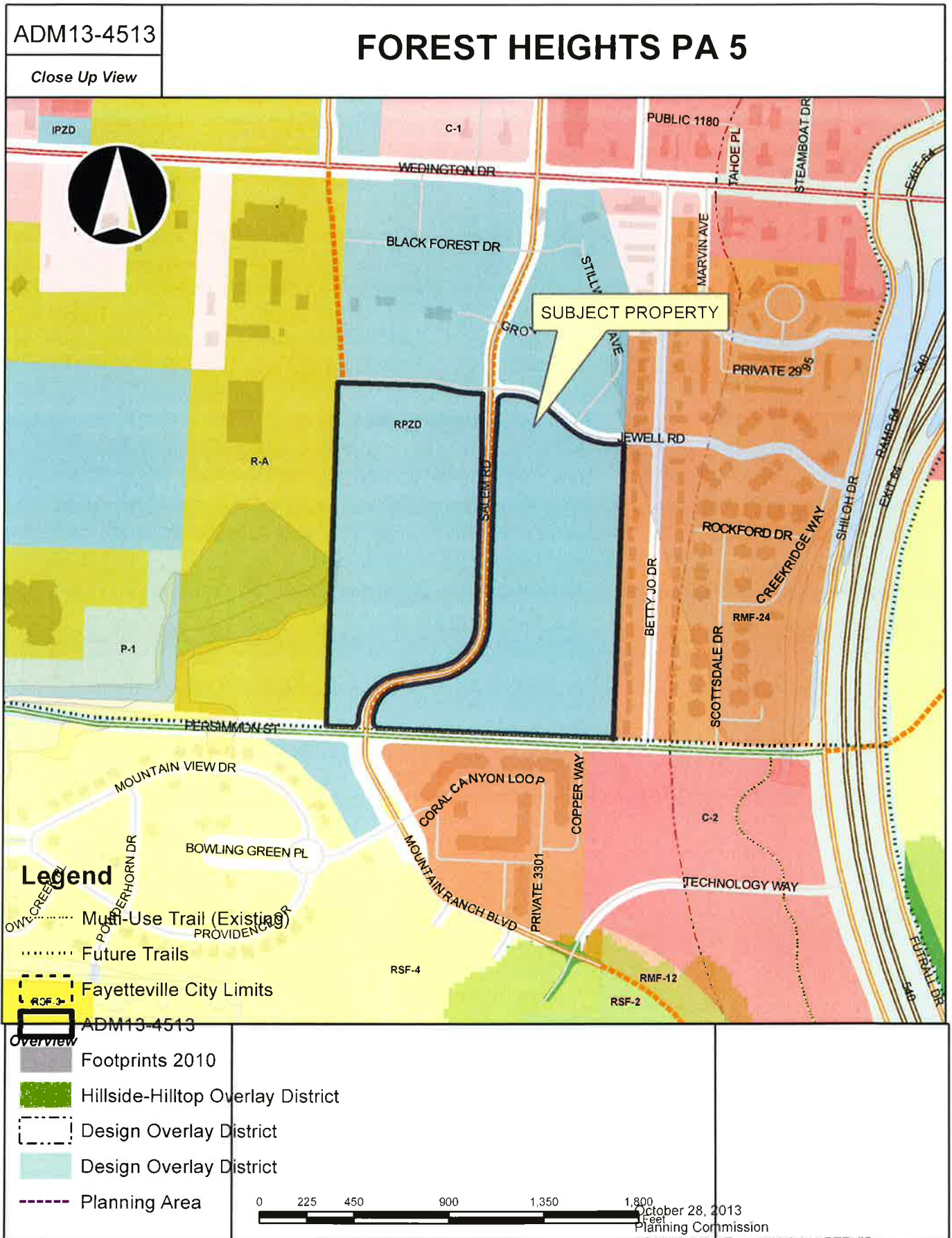


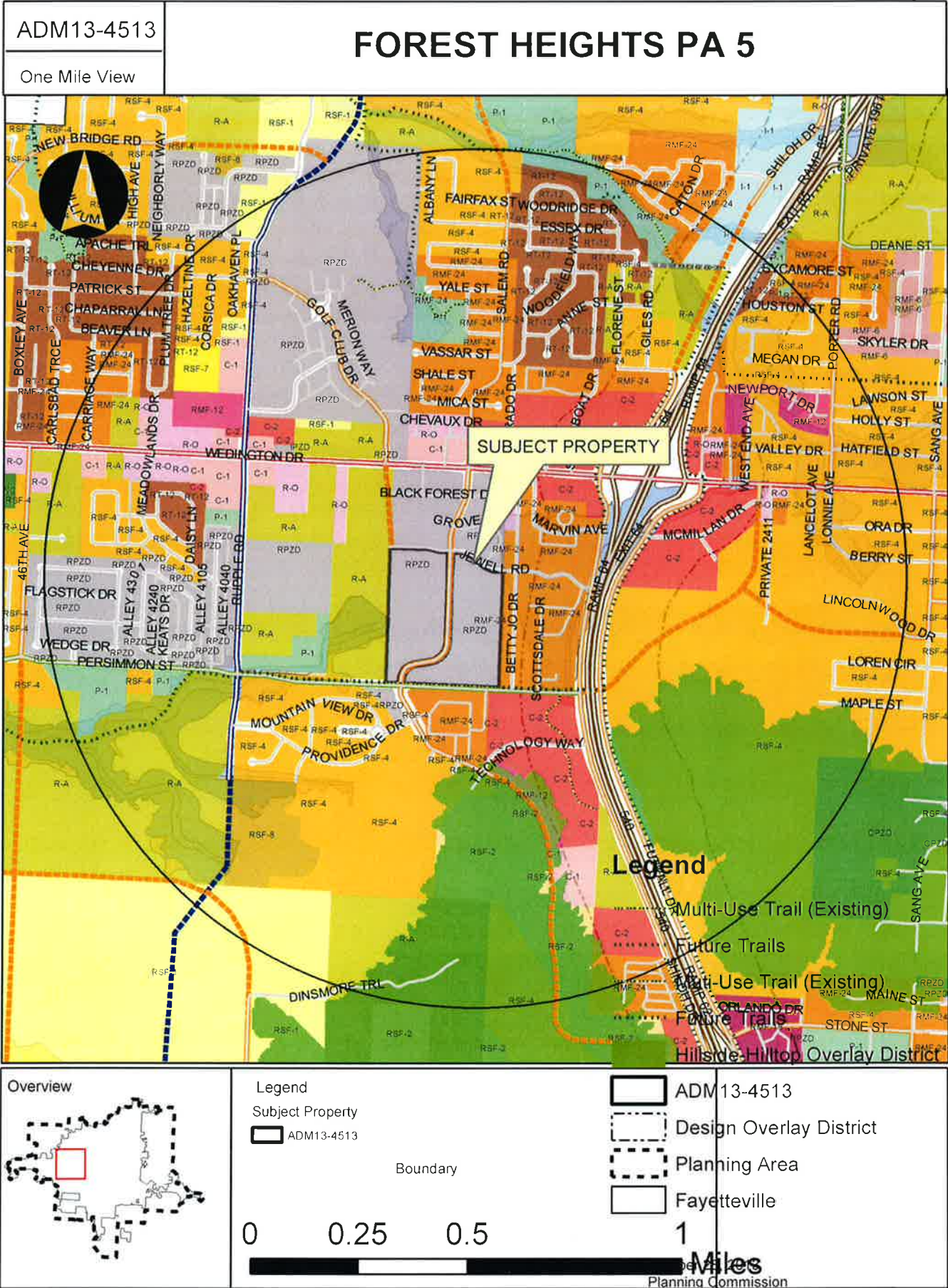
FOREST HILLS a mixed-use planned zoning development

G) Zoning Comparison Chart

Zoning Comparison									
Planning Area	Permitted Use Units	Conditional Use Units	Lot Width (min)	Lot Area (min)	Land Area per Dwelling Unit	Density	Setback Req'd	Height Req'd	Building Area
Planning Area 1	1,4,12,13,14, 15,16,18,19, 25,34	2,3,17,20, 21, 35,36, 40	N/A	None	N/A	5,349 sf/acre	F-20' S-15 (Adj R) S-0 (Adj NR) R-20'	40'	60%
Planning Area 2	1,5,8,9,12,13, 15, 16, 19, 25,26	2,3,4, 24, 34, 35, 36, 40	N/A	10,000 sf	One Bedroom -750 sf Two Bedroom - 975 sf	6.16 units/ac 7,912 sf/ac	F-10' S-10' R-20'	40' max.-less than 50' from residential. 65' max.-more than 50' from residential.	60%
Planning Area 3	1,8,9,10, 26	2,3,4,24	70'	8,400 sf	1,500 sf	22.72 units/ac	F-15' S-10' R-20'	60'	N/A
Planning Area 4	1,8,9	2,3,4,24	40'	3,500 sf	3,500 sf	4.82 units/ac	1 Attached F-15' S Exterior-7', S Interior-0', R-25' Detached F-15' S-12'/0' R-25'	40'	50%
Planning Area 5	1,8, 26	2,3,4,9,24	30'	5,000 sf	5,000 sf	5.76 units/ac	F-0' S-Interior 0', S-Exterior 7' R-0'	45'	N/A

FOREST HILLS
a mixed use planned zoning development





ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2793 FOREST HILLS TO REVISE THE CONCEPT PLAN AND ZONING CRITERIA FOR PLANNING AREA FIVE, REDUCING THE NUMBER OF DWELLING UNITS FROM 60 UNITS TO 31 UNITS AND AMENDING THE HOUSING TYPE FROM TOWNHOUSES TO DETACHED SINGLE-FAMILY HOUSES.

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

Section 1. That the zoning criteria booklet and plats for R-PZD 07-2793 Forest Hills are hereby amended to reflect the major modification to the concept plan and zoning criteria in Planning Area five, reducing the number of dwelling units from 60 to 31 and changing the housing type from townhouses to detached single-family houses, as reflected in Exhibit "A."

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Item Review Form

2013-0160

Legistar File Number

11/19/13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Planning

Department

Action Required:

ADM 13-4450: Administrative Item (Pratt Place Inn, 481) Submitted by JULIAN AND JANE ARCHER for property located at 2115 MARKHAM ROAD. The property is zoned Pratt Place Inn C-PZD 05-1670 and contains a total of 72.1 acres. The request is to modify the operating hours of Pratt Place Inn.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Berlin 11-4-2013

Dmy Mary - 11/5/13

Arnold J. J. 11/7/13

11-01-13P03:52 RCVD



this ordinance was left on the First Reading at the November 19, 2013 City Council Meeting.



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council
Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
From: Jesse Fulcher, Senior Planner
Date: November 1, 2013
Subject: ADM 13-4450 (PRATT PLACE INN C-PZD 05-1670)

RECOMMENDATION

Planning staff recommends approval of an ordinance to modify the hours of operation on a limited basis for Pratt Place Inn C-PZD 05-1670. Staff's recommendation differs from the applicant's request and is on a trial basis. This item has not been heard by the Planning Commission, due to the fact that this particular Planned Zoning District was not ever reviewed by the Planning Commission originally. All conditions relative to the PZD were established by the City Council.

BACKGROUND

In 2005 the City Council approved a Commercial Planned Zoning District (C-PZD 05-1670) for Pratt Place Inn, located on approximately 72 acres at the end of Markham Road, west of the University of Arkansas campus and located within a largely undeveloped area. The PZD granted the owners approval to operate a small inn and restaurant and host special events, such as weddings, receptions and private parties. The event grounds contain a 5,000 square foot inn and restaurant, 5,400 square foot Pratt Place Barn event space, parking lot and small cottage.

Included with the approval of the PZD were restrictions on the hours and days of operation. Specifically, the Pratt Place Inn may operate from 7:00 a.m. until 10:00 p.m., Sunday through Thursday, and from 7:00 a.m. until 12:00 a.m., Friday and Saturday.

In September 2012 a neighbor of the Pratt Place Inn property contacted the City complaining that the facility was being operated in violation of the conditions set by the City Council in 2005, particularly concerned with noise and music. This included allowing outdoor music performances and events to occur past the approved hours of operation (Police incident reports attached). City staff investigated the complaints and determined that while no noise violations were substantiated, there had been instances of events lasting past the permitted hours of operation. City staff mailed violation letters to the property owners and venue management, prompting a meeting with the owners (The Archers) on October 16, 2012. At that meeting the owners were reminded of the conditions of operating the Inn and advised to comply with those conditions or risk further enforcement action. The process to amend the original conditions of approval was discussed, but not explored further. Staff received a letter from the Archers on October 20, 2012, in which they described their efforts to curtail the noise and comply with the original conditions of approval.

On April 1, 2013, the Planning Division received another complaint regarding the operating hours at the Pratt Place Inn and Barn. Staff substantiated the complaint and mailed final notices to the owners and management, which led to another meeting with the Archers and ultimately a request from them to modify the Planned Zoning District.

The Archer's have now submitted a request to modify the allowable operating hours, which in their opinion, put the Pratt Place Barn at a disadvantage vis-à-vis other locales in Fayetteville. The request to amend the PZD is as follows:

- 1) Operating hours from 7:00 a.m. until midnight Monday through Saturday and until 10:00 p.m. on Sunday.
- 2) Allow up to 10 events per calendar year until 2:00 a.m.

The Pratt Place Inn and Barn has been in operation for approximately six years without significant impact to the neighborhood, based on staff's observations and neighbors' input. There have been, as noted herein, some incidents of operating outside the hours of operation. Limiting operating hours to 10:00 p.m. every day during the week may in fact put this facility at a disadvantage to other similar facilities, as suggested by the owners (the applicant has researched similar type facilities in other cities and submitted operating requirements for these facilities, attached). However, operations at the Pratt Place Inn must be balanced with the expectations of residents living nearby, since the presence of music at the facility has, in fact, been a source of some complaints in the past six years.

Police Department incident reports indicate there have been 13 noise complaints since 2008. However, no violations of the noise ordinance have ever been detected. Violations that have been documented were related to operating after the current hours of operation, and not noise. Based on this evidence it appears that the operators are closely monitoring events and activities on the property and managing noise levels in an effort to reduce impacts on the surrounding neighborhoods.

Based on this evidence, staff feels that the owners should be allowed to extend operating hours to a limited extent, on a trial basis. If during this trial period management can continue to operate the facility in compliance with the noise ordinance and with consideration of surrounding property owners, the new operating hours could be approved without limitation. We are recommending a two-year trial period.

Staff's recommendation does not include a provision to operate up to 10 events until 2:00 a.m. as requested by the Archer's. In staff's opinion, these type of events operating regularly throughout a year should be limited to commercial establishments in areas where primarily other commercial, not residential, activities are occurring. Events at this venue bring additional traffic, noise and overall busy-ness to an otherwise residential area. It is our opinion that extending the hours to 2:00 a.m., even if the staff and Police are notified beforehand, will not reduce the impact on neighbors at this hour of the night. Further, if it is communicated up front what the hours are for this venue, we believe that the expectation for the type of events hosted at this location will also be more appropriately planned. In our research into other event venues found outside of commercial areas, hours of operation generally tend to be much more restricted. However, the applicant's point about New Year's Eve parties is valid, and common even in residential areas, so staff is recommending in favor of this 1 event per calendar year extending until 1:00 a.m.

Staff Recommendation:

1) Operating hours for events shall be as follows:

Sunday 7:00 a.m. – 10:00 p.m.

Monday through Saturday 7:00 a.m. – Midnight

2) One New Year's Eve event (December 31) each year may be allowed until 1:00 a.m.

3) These new hours are granted for a trial period of two years from the date of City Council approval. One year from this approval date, the City Council shall review any valid complaints and/or violations and determine at that time if the new operating hours should be extended beyond the two year period.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A COMMERCIAL PLANNED ZONING DISTRICT ENTITLED C-PZD 05-1670 PRATT PLACE INN, TO REVISE THE HOURS OF OPERATION AS LISTED IN SECTION 1.

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

Section 1: That the City Council of the City of Fayetteville hereby amends C-PZD 05-1670 Pratt Place Inn is to reflect the following hours of operation:

- 1) Monday through Saturday from 7:00 a.m. until midnight and from 7:00 a.m. until 10:00 p.m. on Sunday; and
- 2) A maximum of 1 event on New Year's Eve each year allowed until 1:00 a.m.

Section 2: That the new hours are granted for a trial period of two years from the date of City Council approval. One year from this approval date, the City Council shall review any valid complaints and/or violations and determine at that time if the new operating hours should be extended beyond the two year period.

Section 3: That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and APPROVED this 19th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ADDITIONAL INFORMATION FROM APPLICANTS

October 16, 2013

REQUEST FOR CERTAIN MODIFICATIONS TO THE PRATT PLACE INN AND BARN PZD CONDITIONS

It has been almost eight years since the Pratt Place Inn and Barn PZD conditions were adopted (November 1, 2005) by the Fayetteville City Council and, due to changes which have occurred since the PZD was created, we would like to request that certain of the conditions be revised. (For your information, the hours set in the "Additional Conditions of Approval item 1." put the hours as 7:00 a.m. until 10:00 p.m. Sunday through Thursday and from 7:00 a.m. until 12:00 a.m. Friday and Saturday.)

1. Amend the operating times of Pratt Place Inn and Barn as follows:

An event go no later than 12 midnight Monday through Saturday and 10:00 p.m. on Sunday.

There is considerable competition in Fayetteville and Northwest Arkansas for assembly venues and the current time restrictions on Pratt Place Barn put us at a disadvantage vis-a-vis other locales. Most events at Pratt Place Barn, especially the weddings, take place on weekends and wind down between 10 and 11 p.m. or sometimes midnight, but there are occasions when there are weekday weddings or events and the current 10:00 p.m. cut off we now realize is too restrictive.

(For your information, the hours in Fayetteville for the legal service of alcohol is 10:00 a.m. until 2:00 a.m. Monday-Saturday and 12:00 p.m. until 10:00 p.m. Sunday.) This does not mean that we want events that go on as long as is legally allowed for other venues, rather longer than the current PZD provision allows. We should mention, since it may not be obvious, that the barn and inn are not public venues like the ones on Dickson Street where people come to be entertained into the wee hours, but rather venues



rented by families or groups for their own events and their invited guests.

2. Allow for up to ten (10) events per calendar year to go until 2:00 a.m.

This is to permit events where the venue renter wants to go until that time. Such an event would require at least one week's prior notice in writing by Pratt Place Inn to the City of Fayetteville Planning Department. (If you wish, you could also say the Police Department must be copied on that request.)

We have found that there are groups which wish to have their event go until 1 or 2 a.m. and we would like to be able to accommodate, though on a limited basis, such requests. Imagine, for example, a New Year's Eve party when New Year's falls on a Sunday. It fell on a Monday in 2012. Or a Fourth of July Party when the Fourth falls on a Thursday as it did this year. Also, there are young people who like to dance into the wee hours. You must remember such times in your past.

+++++

Observations on concerns about the noise level.

The residential noise decibel level is 60 decibels until 11:00 p.m. and 55 afterward. This is the level "as measured at any point on the boundary of the property from which the sound or noise was emanating."

We are as sensitive to the noise issue as anyone, we observe the RESIDENTIAL decibel level. The noise level is and always has been as much a concern for us as it is for adjacent residents. We always have enforced the City of Fayetteville's noise regulations and actually would appreciate a periodic noise monitoring by whichever city entity is responsible for it. We have asked in writing that the Fayetteville Police, when investigating a noise complaint,

bring a decibel monitor. Because Pratt Place Inn is far closer to the barn than any adjacent residents and because the guests at the inn stay there because of the tranquility of the area, it is as much, or more, our concern that whatever music comes from the barn not be excessive or disturbing. Furthermore, we live on the property, dine outdoors on our porch in good weather, and sleep with our windows open in appropriate weather. Consequently, we have a personal interest in restraining the volume of music, even if it is at the property perimeters of what is permitted by City of Fayetteville sound levels. There is simply not a noise problem emanating from Pratt Place. Anyone who claims there is probably is pursuing some ulterior motive.

+++++

Some may ask why we did not make a case for different hours when the PZD proposal was before the Fayetteville City Council in 2005. The answer is quite simple—we had no idea at that time what the weekly or monthly usage would be for our facilities, and we were thinking in terms of there being mainly weekend events.

We have to point out absolutely vital factors in this revision request. With the current restrictions on the hours for events, we will not be able to survive financially. We have put everything we have into this project. We have taken out an additional loan from Metropolitan Bank apart from the mortgage, have taken out lines of credit and borrowed on them to the maximum on our house in Fayetteville and our residence in Des Moines, and have invested every last penny of my retirement funds in this project. Without the increased income from more flexible PZD requirements we will immediately collapse under the weight of our financial obligations, the operation will go into bankruptcy, and our creditors will seize the property and dispose of it. Since the Pratt Waterman Archer and Markham property has been a part of the Fayetteville scene for as long as anyone living can remember, there is an assumption on the part of others that it can just go on being the way it was if they just insist

on it being that way without any sacrifice to themselves. Others love to have the woods and fields and the sense of being in nature in the midst of the city, but without any understanding of the effort and cost that accompany it.

Some will say that we are chipping away at the “safeguards” and conditions of the PZD, in an effort to weaken them, despite the fact that we agreed to them in 2005. That is not at all the case. What other facility in Fayetteville, indeed, in Northwest Arkansas, carries on completely out of sight of the surrounding neighborhood. Our parking is unseen, the weddings and parties are unseen, and the guests and visitors are unseen. Markham Road is as it was 50 or 75 years ago, only paved. Business, life, and the evolution of a city put forth numerous unanticipated challenges, and zoning inflexibility would paralyze cities. Did the people who bought houses on North Garland know they were going to be living on a four lane divided road? Did the City of Fayetteville, when it supported the building of the Walton Arts Center and the improvement of Dickson Street, know it was going to install a vast area of paid parking? And did it know it was going to build a multilevel parking garage at the corner of School and Spring Streets? Put another way, did the City of Fayetteville deceive citizens by not anticipating or telling what was going to be needed, or is it simply responding to demands and factors that have emerged over time? I believe all reasonable people know it is the latter, and that is, writ very small, what has happened with Pratt Place Inn and Barn which have done nothing but add to the allure of Fayetteville with a magnificent one-of-a-kind inn and venue, and have only enhanced the beauty of the University Heights neighborhood.

Sincerely,

Julian and Jane Archer And their heirs and descendants.

Pratt Place Inn & Barn: Decibal Readings October 11, 2012

(During event)

	<u>9pm</u>	<u>10pm</u>	<u>11pm</u>	<u>12am</u>	<u>1am</u>	<u>Baseline</u>
Tower & Sang	<u>47</u>	<u>47</u>	<u>44</u>	<u>46</u>	<u>47</u>	<u>48</u>
Sang & Haskell	<u>51</u>	<u>44</u>	<u>44</u>	<u>47</u>	47 <u>49</u>	<u>48</u>
Dining Room	<u>49</u>	<u>50</u>	<u>51</u>	<u>50</u>	51 <u>52</u>	<u>48</u>

Recorded/Taken by: Andrew Smith

Errors due to road/highway noise: ± 1 decibel
 Begin event began to start around 11pm
 Sang & Haskell conversation: No sound from inn
 able to be heard over
 highway noise

Decibel Readings *ambient (no event)*
Pratt Place Inn and Barn

Date: 17 Oct. 2012

Notes: No event

*Significant bump, drop
 between 9pm and 10pm
 greatly reduced insect
 noise in surrounding
 area*

	9pm	10pm	11pm	12pm	1am
Markham and Cross	<u>54</u>	<u>49</u>	<u>46</u>	<u>47</u>	<u>47</u>
Water Tower and Sang	<u>55</u>	<u>49</u>	<u>48</u>	<u>48</u>	<u>47</u>
Haskell and Sang	<u>57</u>	<u>48</u>	<u>46</u>	<u>47</u>	<u>46</u>
Dining Room Patio	<u>54</u>	<u>48</u>	<u>47</u>	<u>46</u>	<u>46</u>

Completed by: Andrew Smith

April 23, 2013

LOG OF NOISE COMPLAINTS TO THE FAYETTEVILLE POLICE
DEPARTMENT FOR
PRATT PLACE INN AND BARN

2008

No complaints

2009

One complaint:

Thursday, October 29 10:09 p.m. From William Feldman

2010

Two complaints:

Saturday, March 13 9:10 p.m. From Elaine Wade

Saturday, November 6 9:03 p.m. From William Feldman

2011

One complaint

Thursday, May 26 8:49 p.m. From William Feldman

2012

Four complaints:

Saturday, June 30 8:11 p.m. From William Feldman

Saturday, September 8 10:22 p.m. anonymous

Thursday, October 11 11:30 p.m. From William Feldman

Saturday, December 8 11:13 p.m. From William Feldman*

2013

One complaint

Thursday, February 28 11:49 p.m. From William Feldman

Total police complaints in six years--9--seven of which are from the same person. Please examine the reports filed by the Fayetteville Police Department on these complaints.

One email complaint (2012) Thursday, September 27 1:22 a.m. email from William Feldman to Mayor Jordan. No call to police.

Also, attached is a decibel reading taken October 11, 2012. The level allowed by the City of Fayetteville for a residential area is 60 from 7 a.m. to 11 p.m. and 55 from 11 p.m. until 7 a.m. Furthermore, please note the decibel level recorded in the police report for February 28, 2013. **They all are below the legal maximum for the 11 p.m. to 7 a.m. time period.**

You will find attached an ambient decibel reading to show the normal noise level in this area.

*Despite my letter to Chief Tabor of December 3, 2012, requesting that when the police respond to a noise complaint concerning Pratt Place that they bring a decibel meter, the police did not do so. I should add that they told the Pratt Place person on duty that everything was all right and they did not write a report.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

(4) The use of bells or chimes in conjunction with places of religious worship; and

(5) The intentional sounding or permitting the sounding of any fire, burglar or civil defense alarm, siren whistle or similar stationary or emergency signaling device, for emergency purposes or for testing, provided such testing uses only the minimum cycle test time.

(C) For the purpose of this section, the use of an amplification device, radio, television, phonograph, drum, musical instrument or similar device which produces, reproduces, or amplifies sound shall be deemed annoying or disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public if the sound is produced between the hours of 1:00 a.m. and 8:00 a.m., and is plainly audible a distance of 150 feet or more from the source of the sound.

(1) Plainly audible means any sound produced as set forth above which clearly can be heard at a distance of 150 or more feet. The measurement standard shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included.

(2) This provision shall not apply to athletic or school related events

(Code 1965, §13-8 1(a), (b); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Ord. No. 4052, §1, 9-2-97; Code 1991 §96.02)

Cross reference(s)--Penalty, §96.99

96.03 Measurements

Sound level measurements shall be made with a sound level meter Type II or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institution.

(Code 1965, §13-8 1(k); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Code 1991, §96.03)

96.04 Limitations By Land Use Category

(A) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on

the boundary of the property from which the sound or noise was emanating. Except between the hours of 10:00 p.m. and 1:00 a.m., a complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

TABLE 1

Use Districts	Time	Maximum Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

(B) *District boundaries.* When a noise source can be identified and its noise measured in more than one use district, the noise level limits of the most restrictive use district shall apply at that district boundary.

(C) *Commercial source.* Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this chapter.

(D) *Transient source.* For a transient sound emanating in any land use category, the peak noise level shall not exceed 20 decibels above the limit set in Table 1 above.

(E) *Construction.* Construction projects shall be subject to the limitations specified for industrial zones for the period of time allowed by the building permit.

(Code 1965, §13-8.1(c); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Ord. No. 3624 §1, 8-4-92; Ord. No. 3724, §1, 9-21-93; Ord. No. 3926, §1, 10-3-95; Ord. No. 4047, 7-15-97; Code 1991 §96.04)

Cross reference(s)--Penalty, §96.99.

SIMILAR FACILITIES

Subject: Wilder Mansion

B. 5
ADM 13-4450 (Pratt Place Inn)
Page 17 of 62

From: Dovidio, Meagan (mdovidio@epd.org)

To: profarcher@yahoo.com;

Date: Wednesday, September 25, 2013 11:41 AM

Julian,

The Wilder Mansion remains open to guests until midnight. The decision for our closing time was not based on city ordinance; rather a decision to remain competitive in our market. Most wedding venues in our area (mansions, hotels, country clubs, etc.) are open until midnight. We set our hours based on industry standard.

Attached you'll find a copy of our rental use policies. Please feel free to call or email with any additional questions.

Thanks.
Meagan

Meagan Dovidio
Facility Rental Supervisor
Elmhurst Park District
186 S. West Avenue | Elmhurst, IL | 60126
(630) 993-8186 | Fax: (630) 993-8966 | www.epd.org | www.wildermansion.org

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Wilder Mansion - Elmhurst Illinois
From the owner



WILDER MANSION

[HISTORY OF THE MANSION](#)

[PLAN YOUR EVENT](#)

[RENTAL PACKAGE RATES](#)

[PREFERRED PROFESSIONALS](#)

[FLOOR PLANS](#)

[WILDER MANSION RENTAL BROCHURE](#)

[FREQUENTLY ASKED QUESTIONS](#)

[WEDDINGS IN WILDER PARK](#)

[PHOTOS & 360 TOURS](#)

[MAPS & DIRECTIONS](#)

[CONTACT US](#)



Pratt, Missouri, 64062-1000

WILDER MANSION AND FORMAL GARDEN USE POLICY

GROUP SIZE CAPACITY

The Wilder Mansion can hold a maximum of 250 people. The second floor can hold approximately 180 people for a seated event.

HOURS

Event hours are listed on the contract. The Mansion doors will open at the "Starting" time and close at the "Ending" time. All setup and clean up must occur during the listed event hours. Any additional time is subject to an additional fee. Please confirm your event time with your vendors.

Vendors generally require two hours for setup and one hour for breakdown. All event services end one hour prior to the end of the rental period, and all guests are required to vacate the premises at that time. The Mansion will close to all renters, guests and vendors at the "Ending" time stated on the contract. Mansion staff reserves the right to deny changes to event times made on the day of the event. Midnight is the closing time for all guests within the Mansion.

EVENT SPACE

Event space inside Wilder Mansion is limited to the first floor, second floor and front garden (weather permitting). For security and safety, guests may not enter the basement or third floor. The main entrance faces the west and is ADA-accessible. The east doors are an emergency exit only. No alcohol is permitted in Wilder Park or Wilder Formal Gardens. The Mansion is located in DuPage County.

TELEPHONE

The Wilder Mansion is equipped with a direct phone line (630) 993-8674 for incoming and outgoing calls during events. For all rental questions, please call (630) 993-8186.

RESTROOMS

The Wilder Mansion has eight restrooms (four per floor) within the facility that hospitality staff will keep stocked and clean during all events.

MUSIC AND DANCING

Amplified music is allowed on the first and second floors. In consideration of the surrounding residential neighborhood, music is absolutely prohibited outside the Wilder Mansion. The user is responsible for any facility damage caused by musicians during equipment load-in and/or load-out. Dancing must occur in the Wadhams Room. The in-house music system can be used for announcements and background music only. All dancing music must be played on a separate system.

ELECTRICAL

The Wilder Mansion is equipped with 120V/20 amps. Please inform disc jockeys and/or musicians of this prior to the event to avoid any unforeseen electrical problems.

PARKING

Parking is permitted in the Wilder Administrative building parking lot located next to the Mansion. While additional guest parking is available on the street, the Elmhurst Park District asks all guests to please be considerate of neighbors by not blocking driveways and keeping noise to a minimum.

HOUSEKEEPING

Wilder Mansion will be clean and ready for setup prior to all scheduled events. The caterer is responsible for cleaning the food preparation areas and food service cleanup during/after an event.

WILDER MANSION



Google earth

feet
meters

1000'

400

500'





Events Manager <events@prattplaceinn.com>

Mayslake Peabody Estate policies

Janneke Fowers <jfowers@dupageforest.com>

Tue, Oct 1, 2013 at 11:06 AM

To: "events@prattplaceinn.com" <events@prattplaceinn.com>

Morning Julian,

Please find attached the contract that we use including the operational policies and an info sheet we also send out. Below are some comments on things we talked about on the phone yesterday.

We do not use standard event times

Events are 4 hours with the possibility of extending it with one hour

All events need to end by Midnight. This is a courtesy to our neighbors and to be able to staff events.

Included in the rental is a 2-hour set-up before the start time of the event and a 1-hour clean-up

Caterer is responsible for all set-up and break down

We have several floor plan options the client can choose from.

We do not offer packages. All services (caterer, florist, photographer) are contracted by the client directly.

Please let me know if you have any further questions.

Thank you,

Janneke Fowers

Education Site Manager

Office of Education - Mayslake Peabody Estate

Forest Preserve District of DuPage County

Phone: (630) 206-9567 | Fax: (630) 850-2362

www.mayslakepeabody.com

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2 attachments



RENTAL CONTRACT final.doc
144K



Info sheet Hall_EH.doc
28K



Events Manager <events@prattplaceinn.com>

Mayslake Peabody Estate policies

Janneke Fowers <jfowers@dupageforest.com>
To: "events@prattplaceinn.com" <events@prattplaceinn.com>

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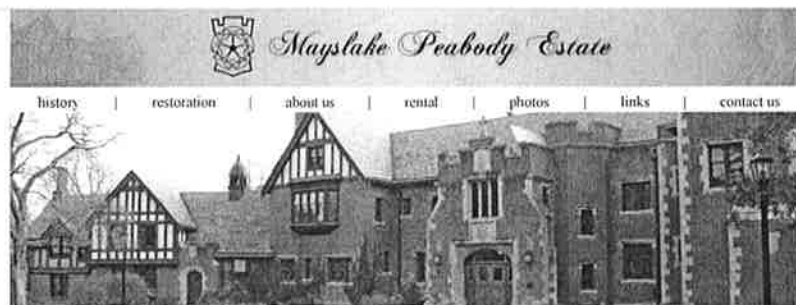
2 attachments



RENTAL CONTRACT final.doc
144K



Info sheet Hall_EH.doc
28K



RENTALS

- Portiuncula Chapel
- Mayslake Hall
- Event Hall
- Floor Plan
- Rental FAQ

Social Events

Given that Mayslake Peabody Estate is both a National Historic Landmark and a venue for public programming, we take pride in protecting this one-of-a-kind property and serving our visitors. We are honored by your interest in hosting an event at Mayslake Peabody Estate and look forward to helping you understand how, as a client, you will be asked to join in our stewardship of this local and national treasure. From weddings and art exhibits to film shoots and theater productions, Mayslake Peabody Estate is committed to ensuring your complete satisfaction.

Meetings/Workshops

Whether you are planning your company meeting, retreat or presentation, Mayslake Hall offers a unique and stimulating environment. We are able to accommodate small groups of 10 or larger groups up to 200. We can also offer additional event services such as coffee and tea breaks for your meetings.

Mon-Fri - < 20 people	\$75 (2 hour rental) / \$150 (4 hour rental)
Non-Profit	\$25 (2 hour rental) / \$50 (4 hour rental)
Mon-Fri - 20-65 people	\$150 (2 hour rental) / \$275 (4 hour rental)
Non-Profit	\$50 (2 hour rental) / \$100 (4 hour rental)
Mon-Fri - 66-200 people	\$500 (4 hour rental)
Non-Profit	\$175 (4 hour rental)

Commemorative Brick

The Mayslake Commemorative Brick Program provides the public with a permanent moment of a special date, event, person or group. A Commemorative Brick makes a wonderful gift, as purchasers of this keepsake are considered donors. Many couples purchase a brick as a remembrance of their wedding day and incorporate the placement of the brick into their wedding ceremony.



Please fill out a Commemorative Brick order form.

Portiuncula Chapel

History

The Portiuncula Chapel was built in 1926, in memory of Francis Stuyvesant Peabody at the request of his widow and son Jack. It was originally located on the spot where Peabody suffered a heart attack and died during a dog hunt. It is a replica of the Portiuncula Chapel in Assisi, Italy, which takes its name from the "little portion" of land where St. Francis received his call to serve the poor. The front features a colorful stone mosaic of St. Francis receiving the Portiuncula Indulgence. Both F. S. Peabody and his son Jack were interred under the Chapel.

Over the years, nature and vandalism took its toll on the deteriorating structure. After the land the chapel was situated on was sold in 1974, the chapel was moved and rebuilt at its present location. Following the sale of the property to the DuPage County Forest Preserve District in 1993, the bodies of Francis and Jack Peabody were moved, together with all the friars, to Queen of Heaven Cemetery in Hillside.



Seating Capacity

facebook



TOURS

JOIN US FOR A DOCENT GUIDED "RESTORATION IN PROGRESS" TOUR

WEDNESDAY:
11 a.m./12:30 p.m.

SATURDAY:
9:30 a.m./10 a.m./11 a.m./11:30 a.m.

HAVE A GROUP OF EIGHT OR MORE? CALL FOR A PRIVATE TOUR! 630-206-9588

\$5 PER PERSON

[Click here to see who made the solarium restoration possible!](#)

[Click here to see who made the library restoration possible!](#)

What's Next?

How about restoring the dining and breakfast room, completing the restoration of the back terrace elevation and restoring one of the servant's rooms? Your help is vital in making this happen! Please become a member of the Restoration Society, and join us in preserving our heritage!

[Click here to make a donation.](#)
Thank you.



Rental Contract

Applicant Name(s): NameOrganization Name: NameAddressCity, State Zip code

Event Details

Date: Date	Event: Field
Location I: Location	Location II: Location
Set-up I: Time PM	Set-up II: Time PM
Start I: Time PM	Start II: Time PM
End I: Time PM	End II: Time PM
Clean-up I: by Field PM	Clean-up II: by Time
Rehearsal: TBD	
Guest Count: Amount	Guest Count: Amount

The undersigned has read and agrees to abide by all of Mayslake Peabody Estate policies and the policies of the Forest Preserve District of DuPage County, and will assume responsibility for any damage done to Mayslake Peabody Estate or its contents during the rental period and occurring as a result of using such facilities, including damage done by attendees. In the event that any damage occurs, the Forest Preserve District staff will make arrangements for this to be remedied and the applicant will be responsible for all costs incurred.

Furthermore, the applicant(s), vendors, agents, employees and guests will attend and use the Mayslake Peabody Estate at their own risk. The Forest Preserve District of DuPage County shall not be liable for any damage arising from personal injuries sustained by any such person on the premises of Mayslake Peabody Estate. The applicant(s) assumes full responsibility for such damages. Mayslake Peabody Estate and Forest Preserve District staff shall not be liable for any equipment, property or personal belongings, whether rental or otherwise, which are used or left at Mayslake Peabody Estate in conjunction with an event. In consideration of being granted the right to use Mayslake Peabody Estate, the applicant(s) hereby releases and holds harmless the Forest Preserve District of DuPage County, its Commissioners, employees and agents from any claims, demands or rights of action arising out of such use of Mayslake Peabody Estate and adjacent facilities.

(Please check both boxes)

- ☐ I/We have read and understand the foregoing assumption of risk and release statement.
- ☐ I/We agree to abide by all the Mayslake Peabody Estate Operational Guidelines included with this contract.

Signature of Applicant(s):

Date: _____

Date: _____

MAVS LATE PEARBURY ESTATE



Google earth

feet
meters



500'



Google earth

Call to Book an Event
630-668-5392

Danada House, a Facility of the Forest Preserve District of DuPage County,
Operated by the Friends of Danada, a Not-For-Profit Organization



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DANADA HOUSE PORTFOLIO - [Click to Enlarge](#)



DANADA HOUSE | 3501 NAPERVILLE RD | WHEATON, IL 60189 | 630-668-5392 Located in central DuPage County, we serve Chicago and its suburbs, including Wheaton, Naperville, Lisle, Downers Grove, Glen Ellyn, Schaumburg.

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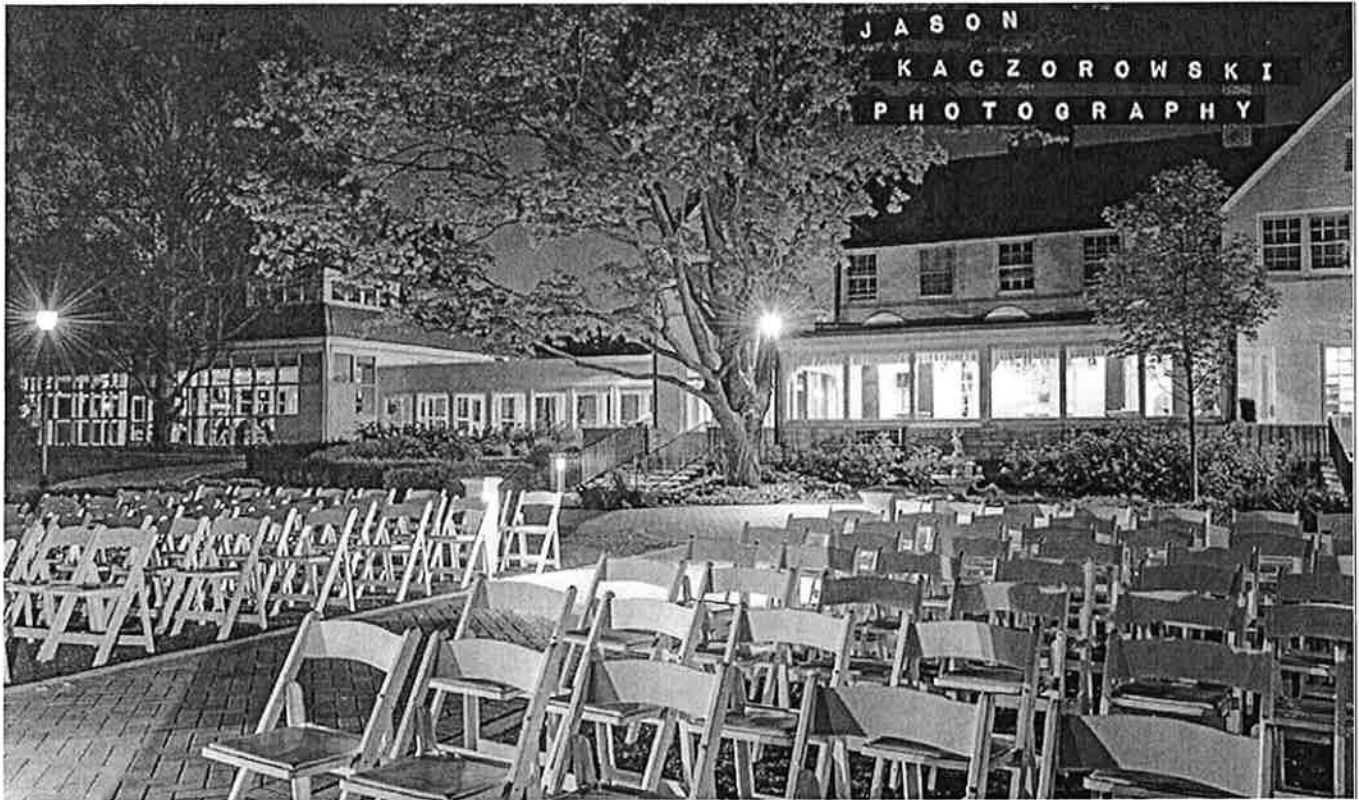
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Call to Book an Event
630-668-5392

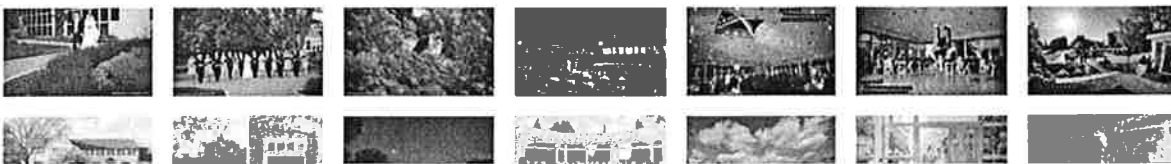
Danada House, a Facility of the Forest Preserve District of Dupage County,
Operated by the Friends of Danada, a Not-For-Profit Organization



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Danada Forest Preserve

B/C 5
ADM 3-4450 (Prairie Place Inn)
Page 31 of 62

Location

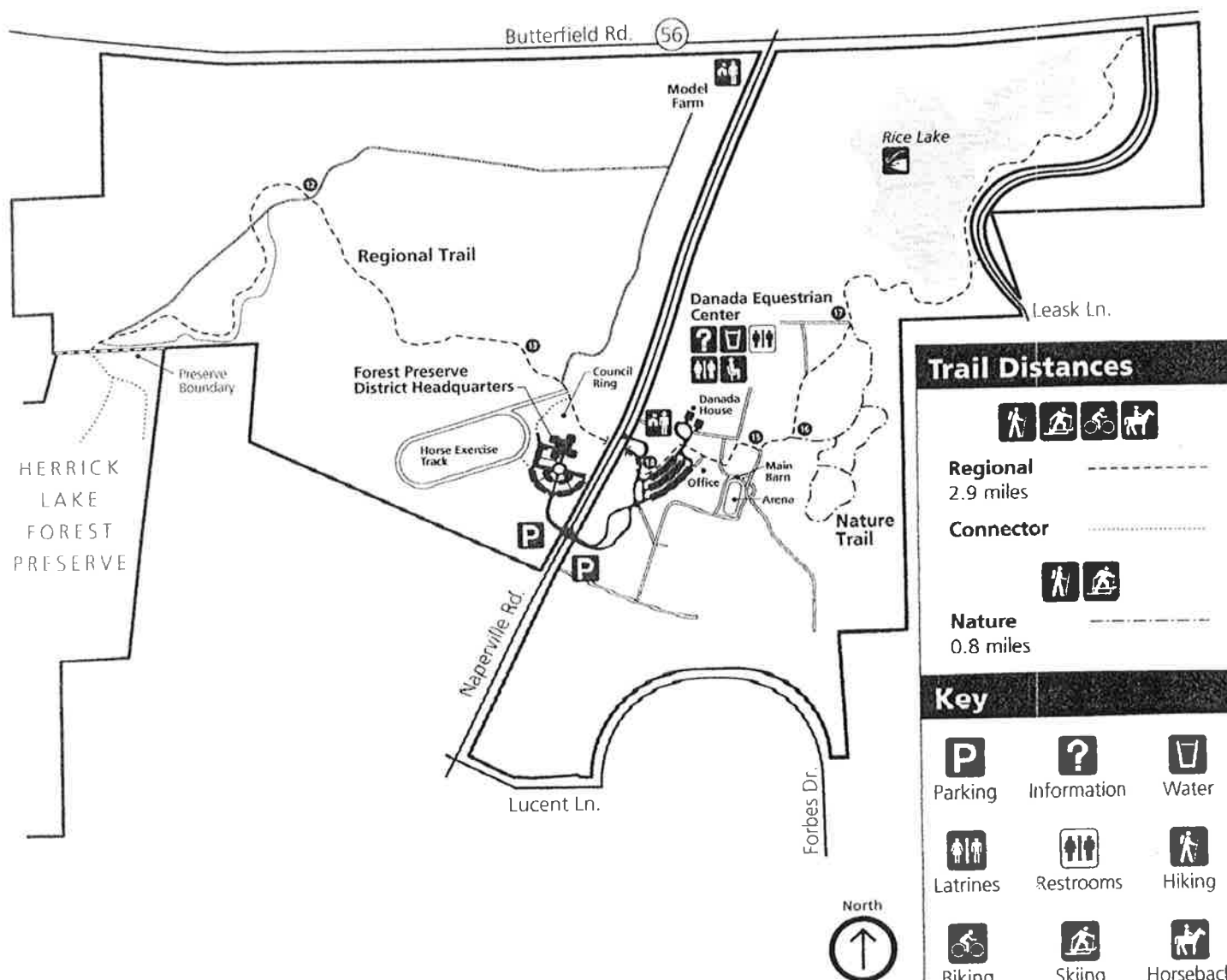
The entrance is located on the east side of Naperville Road 1 mile south of Butterfield Road (Route 56) and 0.75 mile north of I-88.

Preserve Features

- Rolling terrain
- Prairies and woodlands— waterfowl, herons, deer, foxes, coyotes, grassland birds
- Nature Trail — oak savanna, wildflowers and songbirds
- Horses grazing at Danada Equestrian Center
- Danada House, former estate of Dan and Ada Rice
- Prairie-style stone council ring and seating area west of Naperville Road
- Access to fishing along shores of Rice Lake

Please Be Aware

- Horses not allowed on Nature Trail



Trail Distances



Regional
2.9 miles

Connector



Nature
0.8 miles

Key

Parking	Information	Water
Latrines	Restrooms	Hiking
Biking	Skiing	Horseback Riding
Fishing	Bench	Guard Residence
Trail Marker		



EMERGENCY — 911

Danada House, a Facility of the Forest Preserve District of Dupage County,
 Operated by the Friends of Danada, a Not-For-Profit Organization



[View Larger Map »](#)



[Terms](#)

Here is another map courtesy of maps.yahoo.com

[Print our Map](#)

Location

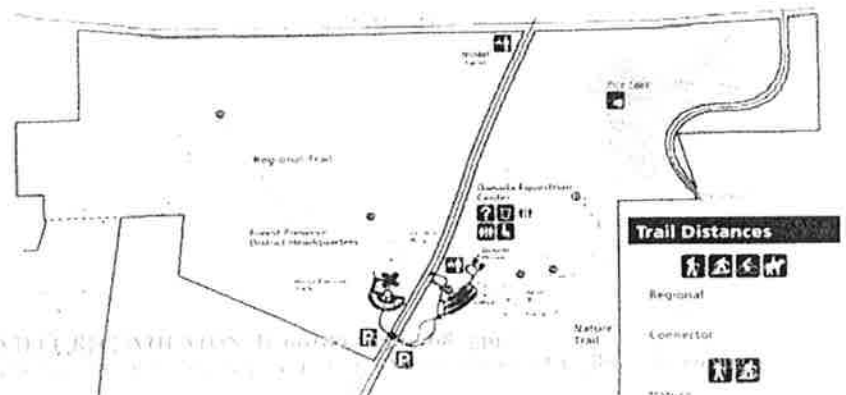
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- Horses not allowed on Nature Trail





Weekends and Holidays

8am-4pm (event 10am-3pm)

4pm–12am (event 6pm–11 pm)

12am—1am	\$125.00
----------	----------

4pm–12am (8 hours)

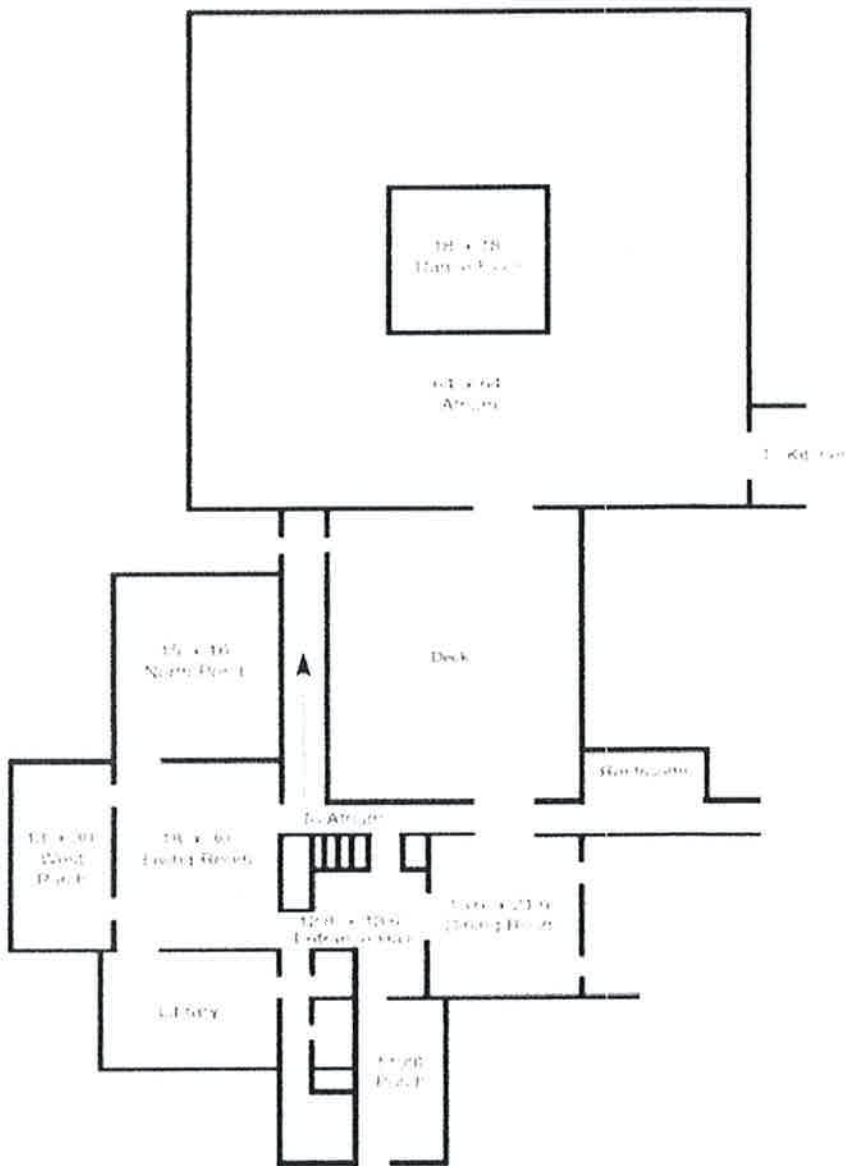
12am—1am	\$125.00
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8am-4pm (8 hours)

12am-1am	\$125.00
----------	----------

Morning Coffee Break (for up to 40 guests)

Coffee, Soda, Cookies and Fruit	\$9.50 per Person
Coat Check Attendant	\$100.00
Use of the Fireplace	\$25.00

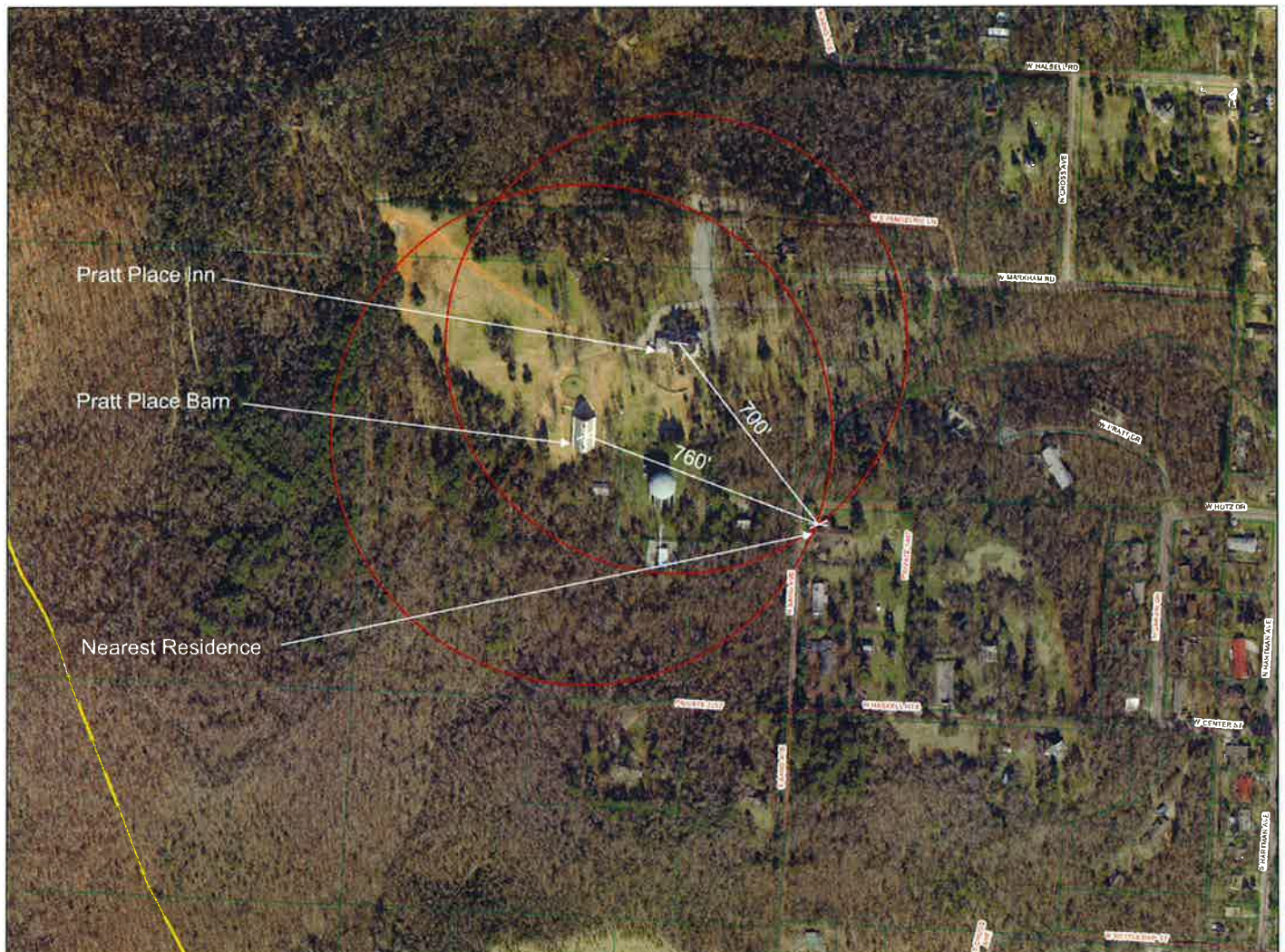


Danada House Floor Plan

A 648 feet - WADE RESIDENCE
B 1002 feet - FELDMAN RESIDENCE



13-4450 PRATT PLACE INN



ORIGINAL PZD DOCUMENTS

ORDINANCE NO. 4786

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 05-1670, PRATT PLACE INN, LOCATED AT THE WEST END OF MARKHAM ROAD, CONTAINING APPROXIMATELY 72 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

Doc ID: 009410200003 Type: REL
Recorded: 12/08/2005 at 02:08:34 PM
Fee Amt: \$14.00 Page 1 of 3
Washington County, AR
Bette Stamps Circuit Clerk
File 2005-00054544

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

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

From RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agricultural, to C-PZD 05-1670 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, development standards, statement of commitments and conditions of approval as submitted, determined appropriate and approved by the City Council.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master 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 1st day of November, 2005.



By: Sondra Smith
SONDRA SMITH, City Clerk

APPROVED:

By:

Dan Coody
DAN COODY, Mayor



C-PZD 05-1670 Pratt Place Inn

ZONING CRITERIA:

(A) Proposed Uses.

Planning Area 1

Permitted Use	Conditional Use	Type of Use
Unit 1		City-wide uses by right
Unit 2		City-wide uses by conditional use
	Unit 4	Cultural & Recreational facilities
Unit 6		Agriculture
Unit 7		Animal husbandry
Unit 8		Single Family Dwellings
Unit 13		Eating Places
Unit 14		Hotel, motel & amusement facilities
	Unit 29*	Dance halls*

* Conditional use approval by the Planning Commission required; uses shall be limited to wedding receptions, scheduled private events, etc. that are related to the overall Pratt Place Inn project.

Planning Area 2 & 3

Permitted Use	Conditional Use	Type of Use
Unit 1		City-wide uses by right
	Unit 4	Cultural & Recreational facilities
Unit 6		Agriculture

(B) Density/Intensity

Planning Area	Density (dwelling units)	Intensity (square feet nonresidential)
1	Maximum 4 dwelling units Oak Cabin (existing) 2248 W. Markham Tower House (existing) 109 N. Sang Innkeeper House (proposed) 2230 W. Markham Archer Log House (existing) 2115 W. Markham Inn, maximum 4 new rental cabins do not count toward density, as these are not to be utilized as residences	Maximum 33,340 SF Inn: 18,900 SF (proposed) Barn: 6,300 SF (existing) Two-stall barn: 340 SF English Cottage (existing): 1,800 SF Max. 4 cabins: 6,000 SF (1500 SF each proposed, with removal of existing cabins)
2	No dwelling units permitted	Any structure size permitted to be determined by Conditional Use Permit, if requested (Planning Commission)
3	No dwelling units permitted	Any structure size permitted to be determined by Conditional Use Permit, if requested (Planning Commission)

(C) Bulk and area regulations.

Planning Area	Lot width minimum	Lot area minimum	Land area per dwelling unit
1	200 feet (frontage onto a public street)	1 acres	1 acre
2	N/A	3.57 acres	No dwellings permitted
3	N/A	4.18 acres	No dwellings permitted

(D) *Setback requirements.*

Planning Area	Front	Side	Rear
1	50 feet	10 feet	20 feet
2	50 feet	10 feet	20 feet
3	50 feet	10 feet	20 feet

(E) *Height.* Maximum height for all structures.

Planning Area	
1	60 feet
2	50 feet
3	50 feet

(F) *Building area.* In any Planning Area the area occupied by all buildings shall not exceed 25% of the total lot area.

(G) *Signage.* Signage on the property shall be allowed as follows:

Planning Area	Freestanding Signage	Wall Signage
1	2'x3' freestanding sign at Sang and Markham 3'x5' freestanding sign at the end of Markham	As permitted in Commercial zones for the Inn; no other signage permitted
2	None permitted	As permitted in Residential zones
3	2'x3' freestanding sign at Cross and Markham	As permitted in Residential zones

* No pylon/pole signs shall be permitted, only monument signs. Signage location shall be permitted in accordance with setbacks and other criteria in Ch. 174 Signs, unless noted herein.

Conditions of Approval:

1. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
2. Pursuant to city ordinance, development of the property shall be approved by the Planning Commission through the large scale development review process. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.
3. A final legal description shall be approved by the GIS division prior to recordation of the ordinance, and shall accurately reflect the parcels requested for rezoning.
4. No amplified outdoor music shall be permitted at any point on the property. The property is surrounded by single family residences, and the potential for noise generation from the proposed development has been voiced as a concern.

5. Public water and sewer lines shall be extended as required by city ordinance at the time of development.
6. Street improvements at the time of development shall include the widening and repair or reconstruction of Markham Road to a minimum 20-foot width west of Cross Avenue into the subject property. Dedication of right-of-way to meet Master Street Plan requirements, appropriate drainage, lighting, sidewalk and other surrounding or adjacent street improvements as determined by the Planning Commission to be appropriate in alleviating the impact of the increase in use and traffic generation shall be determined by the Planning Commission.
7. Access to future outlying cabins will need to meet with Fire Department approval prior to building permit in order to provide adequate fire protection and emergency access in time of need. The slope, width and construction of interior drives to access future structures shall be evaluated at the time of development to ensure proper access is achieved.
8. At no time shall the proposed Inn or rental cabins be utilized for semi- or permanent residences, without City Council approval. The existing cabins on the property shall be removed prior to the issuance of building permits for the proposed cabins.
9. A Tree Preservation Plan shall be prepared at the time of development. At all times a significant tree canopy and vegetative buffer (visual and physical) shall be maintained adjacent to surrounding properties in Planning Area 1, where the non-residential activities are to occur. Other tree removal for bona fide agricultural purposes is expected to occur. Trees that meet the significant tree status as determined by the Urban Forester shall remain, unless approved for removal by the Urban Forester.
10. Pursuant to the original Bill of Assurance rezoning a portion of the subject property for agricultural purposes, the following agricultural uses shall not be permitted within the Planning Areas: commercial chicken houses, hog farms or feed lots.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Zoning and development criteria shall be enforced as noted within the staff report "Zoning Criteria" sections A-G, as noted above. Said information shall be included with any submitted development plans.
13. Future non-residential development shall comply with the minimum standards for development in the Unified Development Code. Structures proposed shall be reviewed to ensure appropriate architectural compatibility with adjoining residential uses is maintained, including the incorporation of elements such as materials, roof pitches, porches, patios, etc.

14. Planning Areas 2 & 3 shall not be utilized for permanent or temporary parking, to discourage high volumes of traffic on surrounding substandard streets. Parking shall not be allowed on surrounding substandard public streets during events held on the property, unless and until the streets are improved to a sufficient level so as to allow for on-street parking, as determined by the Transportation Division.
15. ~~Phasing: The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Inn within one year of the approval date of the associated Large Scale Development by the Planning Commission. The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Innkeeper house and cabins within three years of the same approval date. See Additional Condition #8.~~
16. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

Additional Conditions of Approval:

- 1) **Hours of operation:** Pratt Place Inn restaurant and "barn" hours as utilized for private or public events shall be from 7:00 am until 10:00 pm, Sunday through Thursday, and from 7:00 am until 12:00 am, Friday through Saturday.
- 2) **Restaurant capacity:** The proposed restaurant shall have a seating capacity of no more than 60 dining seats, including indoors, the porch and any outdoor patios/decks, as presented in the proposed Planned Zoning District.
- 3) **Number of gatherings/events for assembly:** No more than four (4) gatherings/events per month shall be permitted at the Pratt Place Barn (2255 West Markham Road), Inn, restaurant or elsewhere on the subject property. Noncompliance with this condition shall constitute a violation of the zoning ordinance established with this Planned Zoning District.
- 4) **Barn occupancy and capacity:** The barn shall be inspected by the appropriate City officials and all necessary work (electrical, ingress/egress, structural, etc.) completed to bring it into compliance for the intended assembly occupancy prior to submittal of a large scale development for the Pratt Place Inn. Capacity shall be determined by current city codes. *The applicant at this time indicates an anticipated capacity of 376 persons for the barn, though the current building code will ultimately determine that ratio.*
- 5) **Vehicular ingress/egress:** Access to the Pratt Place Inn, restaurant and barn, including guests, service vehicles, solid waste, etc., shall be from Markham Road, as indicated in the proposed PZD. At this time, access shall be restricted from Sang Avenue.
- 6) **Existing structures:** The following structures shall be demolished/removed prior to issuance of a Certificate of Occupancy for the proposed inn/restaurant:
 - 2154 Evangeline Lane (Walnut House) ...utilizes septic tank
 - 2222 Evangeline Lane (Ravine House)...utilizes septic tank
 - 2371 W. Markham Road...not on septic or sewer

- 2375 W. Markham Road...not on septic or sewer
- 2379 W. Markham Road...not on septic or sewer

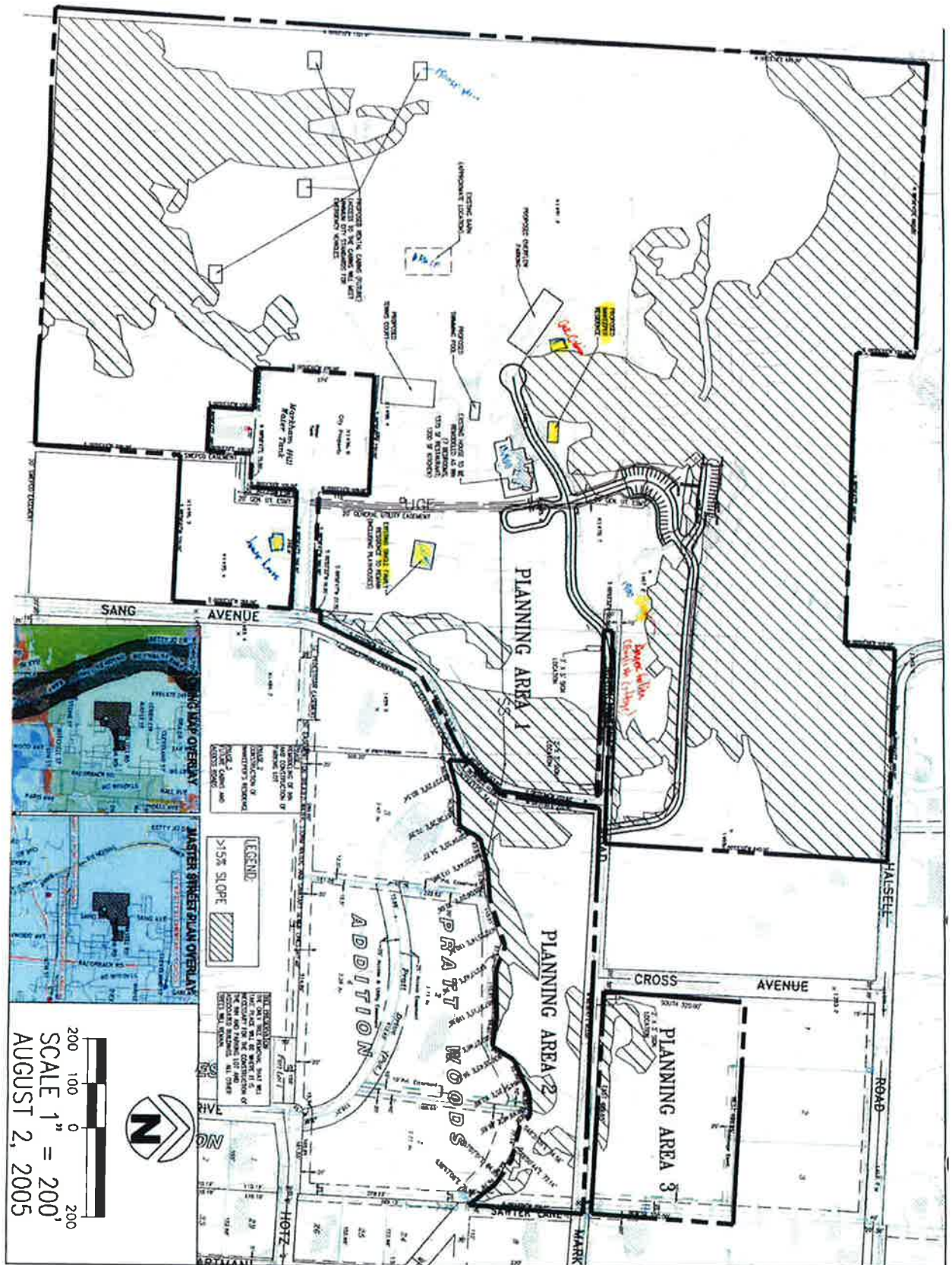
7) **Sewer connections:**

- All new buildings/structures permitted on the property shall connect to public sewer. *This includes the proposed four cabins, Inn/restaurant, pool, innkeeper residence and any other use requiring sewer.*
- Various existing buildings shall connect to public sewer when issued a building permit for expansion or replacement, and/or as required by city ordinance. This includes 2115 W. Markham (Archer log house), 2148 W. Markham (Archer cottage to become rental annex to inn), 2255 W. Markham (existing barn - *The barn shall connect to public sewer with the approval of the Inn/restaurant large scale development, prior to issuance of a certificate of occupancy, as the use of this structure is indicated to be for assembly occupancy and has the potential for large events).*

8) **Phasing: (Replace Condition #15):**

- The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Inn within one (1) year of the approval date of the associated Large Scale Development by the Planning Commission.
- The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Innkeeper house within three (3) years of the associated Large Scale Development by the Planning Commission.
- The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed log cabins within **fifteen (15)** years of the associated Large Scale Development by the Planning Commission.

- 9) **Street improvements:** Street improvements to Markham Road and any other surrounding streets shall be determined by the Planning Commission. These improvements may include the widening and repair or reconstruction of Markham Road to a minimum 20-foot width into the subject property to allow for emergency access. Dedication of right-of-way to meet Master Street Plan requirements, appropriate storm drainage, lighting, sidewalk/trail and other surrounding or adjacent street improvements as determined by the Planning Commission to be appropriate in alleviating the impact of the increase in use and traffic generation, while minimizing the impact to existing street and neighborhood character and the wooded hillside, shall be determined by the Planning Commission, and constructed at the cost of the developer.



Project No. 127 Client Fayetteville Project Name 3 Project Date AUGUST 2005	PRATT PLACE INN MIXED USE DEVELOPMENT FAYETTEVILLE, ARKANSAS	Crafton, Tull & Associates, Inc. 801 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4626 FAX 479.521.5224 www.craftontull.com Architects, Engineers & Surveyors	CERTIFICATE OF REGISTRATION STATE OF ARKANSAS No. 127 Exp. 12/31/2008
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**NOISE COMPLAINTS
2008-2013**

Fayetteville Police Department

3/11/13

Jacket Activity

ORI# . . : AR0720100
Name . . : FELDMAN, WILLIAM,,
Address . : 16 N SANG AVE
Ct/St/Zp : FAYETTEVILLE

AR 72701

PS1191815
Jacket ADM: 13-00009-1373 (An)
Phone: 479-522-4501
Cell :
Work :
SS# : 000-00-0000

Type options, press Enter.

2=Change 5=Display 10=Close 11=Delayed Close 12=Open

Opt	Date	Description	Number	Type
—	06/09/2012 19:58:41	TYPE: 33 Noise Comp CALL	2012-00050067	Caller
—	05/26/2011 20:49:37	TYPE: 33 Noise Comp CALL	2011-00045617	Caller
—	11/06/2010 21:03:17	TYPE: 33 Noise Comp CALL	2010-00101147	Caller
—	08/21/2010 23:03:24	TYPE: 33 Noise Comp CALL	2010-00076037	Caller
—	10/29/2009 22:09:29	TYPE: 33 Noise Comp CALL	2009-00097990	Caller
—	10/02/2009 23:41:11	TYPE: 33 Noise Comp CALL	2009-00089685	Caller
—	08/23/2008 21:26:02	TYPE: 33 Noise Comp CALL	2008-00078924	Caller
—	07/26/2003 09:02:42	TYPE: 16 Burglary CALL	2003-00073115	Caller

More...

F3=Exit F9=Date/Activity Order F12=Cancel F17=Profile Sheet

INCIDENT REPORT

INCIDENT #: 2013-00017933 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER . : 479-521-4521
NATURE OF CALL: LOUD MUSIC IN THIS AREA. JLS

VENUE: Fay

DATE: TIME:
CALL . . . : 02/28/2013 23:49:10 Thursday
DISPATCH . . : 02/28/2013 23:58:13
ENROUTE . . : 02/28/2013 23:58:37
ARRIVE 1 . . : 03/01/2013 0:04:56
CLEAR . . . : 03/01/2013 0:36:13

Hours of operation limited
to 10:00pm Sun-Thurs.
11:49pm

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 259 ID # 1: CRAFTON, CAMERON, QUINN, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD STENGLE, JODI, LYNNE, FIREA A1
DISPATCH ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA A1
CLEARING ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA A1
DISPATCH SHIFT : Fire Disp
SOURCE . . . : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : No Report PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 259 03/01/2013 36:13 CRAFTON, CAMERON, QUINN,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
259	CPL	Dispatch	23:58:13			CRAFTON, CAMERON, QUI
259	CPL	En Route	23:58:37			CRAFTON, CAMERON, QUI
259	CPL	Arrive		0:04:56		CRAFTON, CAMERON, QUI
259	CPL	Check-In		0:18:55		CRAFTON, CAMERON, QUI
259	CPL	Clear Unit			0:36:13	CRAFTON, CAMERON, QUI

DOCUMENTS:

Dispatch Narrative

BEEN GOING ON FOR ABOUT AN HOUR OR TWO. JLS 23:49:26
CALLER JUST HEARS LOUD BASS MUSIC OR A BAND. JLS 23:49:40
DOES NOT HEAR ANY PEOPLE FIGHTING OR ANY OTHER SOUNDS OF 23:51:21
DISTRESS. NO VISIBLE PARTY OR PEOPLE. JLS 23:51:32
CALLER IS TOO FAR AWAY TO KNOW EXACTLY WHERE IT IS BUT 23:51:43
BELIEVES IT'S AT THE PRATT PLACE. JLS 23:51:48
UA FRATERNITY LAMDA CHI ALPHA HAVING A FUNCTION AT PRATT 0:18:47
PLACE BARN. MADE CONTACT WITH REP FROM SECURITY, CHRIS 0:18:47

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/08/2013
TIME 11:14:31

INCIDENT REPORT

B. 5
PAGE 2
ADM 13-4456 (Pratt Place Inn)
PL1 Page 47 of 62
KSTOCKER

PLEIMANN. ADVISED HIM OF THE COMPLAINT AND HE ADVISED HE	0:18:47
WOULD MAKE CONTACT WITH SOUND MANAGER AND LOWER THE VOLUME.	0:18:47
OWNER OF PROPERTY CONTACTED ME AND REQUESTED A DECIBEL	0:18:47
LEVEL READING WITH HIS DECIBEL METER. 259	0:18:47
PER PROPERTY OWNER'S REQUEST I WITNESSED HIM TAKING NOISE	0:35:37
METER READINGS AT REAR OF PRATT PLACE INN (54), AT EDGE OF	0:35:37
PROPERTY AT 117 N SANG (45), AND AT EDGE OF PROPERTY AT 15	0:35:37
N SANG (41). 259	0:35:37

NAMES:

Caller : FELDMAN, WILLIAM,,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:37

B. 5
ADM 13-400 (Pratt Place Inn)
PAGE 1
PL11 Page 48 of 62
KKEY

INCIDENT #: 2012-00108400 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD VENUE: Fay
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 479-521-4521
NATURE OF CALL: CALLER ADV THAT A LOT OF MUSIC IS COMING

	DATE:	TIME:	
CALL	12/08/2012	0:11:13	Saturday 12:11pm / hrs. of op. limited to 12pm
DISPATCH . . .	12/08/2012	0:11:53	
ARRIVE 1 . . .	12/08/2012	0:16:48	
CLEAR	12/08/2012	0:20:02	

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 341 ID # 1: CAUDLE, MICHAEL, ANDREW, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD	SANASAC, MIKAEL, WARREN,	FIREA_A1
DISPATCH ORI/ID/TERM : FPD	DENTON, ELLAURA, LEE,	POLICEA_D1
CLEARING ORI/ID/TERM : FPD	DENTON, ELLAURA, LEE,	POLICEA_D1
DISPATCH SHIFT : Fire Disp		
SOURCE : Telephone	REPORT REQUIRED: NO	MUTUAL AID:
DISPOSITION . . : No Report	PRIORITY . . . : 3	

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 341 12/08/2012 20:02 CAUDLE, MICHAEL, ANDREW,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
341	PTL	Dispatch	0:11:53			CAUDLE, MICHAEL, ANDR
#####		Hazards		0:12:07		
UNIT NOTE: Hazards accessed for this Incident by 6077 in AR0720100						
341	PTL	Arrive		0:16:48		CAUDLE, MICHAEL, ANDR
341	PTL	Clear Unit			0:20:02	CAUDLE, MICHAEL, ANDR

DOCUMENTS:

Dispatch Narrative
FROM THIS LOC.MWS 0:11:15
CANT ADV ANYTHING FURTHER.MWS 0:11:18

NAMES:

Caller : FELDMAN, WILLIAM, ,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:25

B. 5
ADM 13-2450 (Pratt Place Inn)
PL1119 Page 49 of 62
KKEY

INCIDENT #: 2012-00090170 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 479-521-4521
NATURE OF CALL: LOUD MUSIC...MRS

VENUE: Fay

CALL . . . : DATE: 10/11/2012 TIME: 23:30:16 Thursday 11:30pm | this stop limited to 10 pm
DISPATCH . . : 10/11/2012 23:32:40
ENROUTE . . . : 10/11/2012 23:32:43
ARRIVE 1 . . : 10/11/2012 23:43:17
CLEAR . . . : 10/11/2012 23:55:52

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 340 ID # 1: MAUTE, KRISTIN, LEE ANN, ID # 2:
UNIT 2 #: 349 ID # 3: TOWNSEND, MATTHEW, CHARL ID # 4:

RECEIVED ORI/ID/TERM : FPD SOTO-MEDINA, MICHELLE, RENEE, FIREA_A1
DISPATCH ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA_A1
CLEARING ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA_D1
DISPATCH SHIFT : Fire Disp
SOURCE . . . : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : Warning Is PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
Warning Is 340 10/11/2012 23:55:52 MAUTE, KRISTIN, LEE ANN,
No Report 349 10/11/2012 23:55:51 TOWNSEND, MATTHEW, CHARLES,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
340	PTL	Dispatch	23:32:40			MAUTE, KRISTIN, LEE A
340	PTL	En Route	23:32:43			MAUTE, KRISTIN, LEE A
340	PTL	Arrive		23:43:17		MAUTE, KRISTIN, LEE A
349	PTL	Arrive		23:51:12		TOWNSEND, MATTHEW, CH
340	PTL	Check-In		23:51:16		MAUTE, KRISTIN, LEE A
349	PTL	Check-In		23:51:16		TOWNSEND, MATTHEW, CH
349	PTL	Clear Unit			23:55:51	TOWNSEND, MATTHEW, CH
340	PTL	Clear Unit			23:55:52	MAUTE, KRISTIN, LEE A

DOCUMENTS:

Dispatch Narrative

POSS A PARTY GOING ON, BUT CALLER ISNT CERTAIN...MRS 23:30:27
THIS HAS BEEN GOING ON FOR OVER AN HOUR...MRS 23:31:01
HE WAS TOLD THERE ARENT ANY EVENTS ALLOWED AT THIS LOC 23:31:27
DURING THE WEEK...MRS 23:31:29

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:25
INCIDENT REPORT

B. 5
ADM 13-4 PAGE 1
PL1150
KKEY
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HE IS TOO FAR AWAY TO GIVE ANY FURTHER INFO, HE CANT HEAR	23:31:51
TALKING OR YELLING, JUST THE MUSIC...MRS	23:31:56
340 ADV WILL BE BEHIND A BIG RED BARN, APPROX 30 SUBJS.BP	23:44:12

NAMES:

Caller : FELDMAN, WILLIAM, ,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:11

B. 5
ADM 13-1450 Pratt Place Inn)
PL111940 Page 51 of 62
KKEY

INCIDENT #: 2012-00079088 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 999-999-9999
NATURE OF CALL: LOUD MUSIC. ES

VENUE: Fay

CALL . . . : DATE: 09/08/2012 TIME: 22:21:28 Saturday 10:24pm
DISPATCH . . : 09/08/2012 22:21:48
ENROUTE . . : 09/08/2012 22:21:53
ARRIVE 1 . . : 09/08/2012 22:27:07
CLEAR . . . : 09/08/2012 22:30:17

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 313 ID # 1: YOUNKIN, STACY, LEANN, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD SHARP, ERIN, LEIGH, FIREB_D1
DISPATCH ORI/ID/TERM : FPD SANASAC, MIKAEL, WARREN, POLICEA_D1
CLEARING ORI/ID/TERM : FPD SANASAC, MIKAEL, WARREN, POLICEA_A1
DISPATCH SHIFT : NS4T
SOURCE . . . : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : No Report PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 313 09/08/2012 22:30:17 YOUNKIN, STACY, LEANN,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
313	PTL	Dispatch	22:21:48			YOUNKIN, STACY, LEANN
313	PTL	En Route	22:21:53			YOUNKIN, STACY, LEANN
313	PTL	Arrive		22:27:07		YOUNKIN, STACY, LEANN
313	PTL	Clear Unit			22:30:17	YOUNKIN, STACY, LEANN

DOCUMENTS:

Dispatch Narrative

NO MUSIC IS PLAYING. THERE ARE STILL SEVERAL PEOPLE OUTSIDE 22:29:32
TALKING. WEDDING COORDINATOR STATED WEDDING WILL BE OVER AT 22:29:32
11 P.M. NO NOISE ORDINANCE VIOLATION OBSERVED. SLY 22:29:32

NAMES:

Caller : ANONYMOUS, , ,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:01

B. 5
ADM 13-400 (Pratt Place Inn)
PAGE 1
PL110 Page 52 of 62
KKEY

INCIDENT #: 2012-00056945 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . . : 2231 W MARKHAM RD VENUE: Fay
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 479-521-4521
NATURE OF CALL: POSB COMING FROM PRATT PLACE BARN, LOUD MUSIC

DATE: TIME:
CALL . . . : 06/30/2012 20:11:40 Saturday 2:11 pm
DISPATCH . . : 06/30/2012 20:42:45
ENROUTE . . . : 06/30/2012 20:42:54
ARRIVE 1 . . : 06/30/2012 20:58:32
CLEAR . . . : 06/30/2012 20:58:53

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 313 ID # 1: YOUNKIN, STACY, LEANN, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE FIREB_A1
DISPATCH ORI/ID/TERM : FPD BROWN, JESSICA, LYNN, POLICEA_D1
CLEARING ORI/ID/TERM : FPD BROWN, JESSICA, LYNN, POLICEA_D1
DISPATCH SHIFT : AS4T
SOURCE . . . : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : No Report PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 16 N SANG AVE VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 313 06/30/2012 20:58:53 YOUNKIN, STACY, LEANN,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
313	PTL	Dispatch	20:42:45			YOUNKIN, STACY, LEANN
313	PTL	En Route	20:42:54			YOUNKIN, STACY, LEANN
313	PTL	Arrive		20:58:32		YOUNKIN, STACY, LEANN
313	PTL	Clear Unit			20:58:53	YOUNKIN, STACY, LEANN

DOCUMENTS:

Dispatch Narrative

PLAYING.BP	20:11:46
UNK C2S.BP	20:11:52
UNK C1S.BP	20:11:55
CALLER DOESNT KNOW WHAT EXACTLY IS GOING ON, BELIEVES ITS A	20:12:06
PARTY.BP	20:12:07
UNK HOW MANY PEOPLE THERE ARE.BP	20:12:44
CALLER CANT SEE THEM FROM HIS LOCATION.BP	20:12:49
CALLER WOULD LIKE CONTACT FROM AN OFFICER.BP	20:13:00
THE WEDDING HAS A VARIANCE SIGNED BY THE MAYOR THAT STATES	20:58:40

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:01

INCIDENT REPORT

B. 5
PAGE 2
ADM 13-400 (Pratt Place Inn)
PL1100 Page 53 of 62
KKEY

THEY CAN HAVE MUSIC PLAYING UNTIL 11:30 P.M. WITH 60 DB.
THEY ARE NOT IN VIOLATION OF THE VARIANCE. SLY

20:58:40
20:58:40

NAMES:

Caller : FELDMAN, WILLIAM,,

Fayetteville Police Department
10/16/12 Incident Maintenance
ORI #: AR0720100 FPD

B. 5
ADM 13-4450 (Pratt Place Inn)
PL102023 Page 54 of 62
Inquiry
2012-00090170

Call Date/Time . : 10/11/2012 23:30:16 Thursday
Dispatch Date/Time: 10/11/2012 23:32:40
Arrive Date/Time : 10/11/2012 23:43:17
Clear Date Time . : 10/11/2012 23:55:52

Disposition: Warning Is

Location . . : 2231 W MARKHAM RD
Cross Street :
Nature Of Call: LOUD MUSIC...MRS
Caller . . . : FELDMAN, WILLIAM,,
Complainant . : ,,,
Incident Type : 33 P Noise Comp
Report Req'd . : NO
Unit 1 # . . : 340
Unit 2 # . . : 349
Area: 8 Area 8

Type: S
Venue: 1 Fay

Phone Number: 4795214521

Priority . : 3

ID # 1 : MAUTE, KRISTIN, LEE ID # 2:

ID # 3 : TOWNSEND, MATTHEW, ID # 4:

Section: E Section E Grid :

F3=Exit F7=Prior F8=Next F9=Cases F10=FI'S F12=Cancel
F14=Status/Dispos F15=Suspect Vehicles F16=Names F17=Times F18=Radio Log
F19=Dispatch F20=Plates F22=Additional F24=Documents

Fayetteville Police Department

10/16/12

Incident Maintenance

ORI #: AR0720100 FPD

2012-00090170

AU2346S1

-Free Form Document-

C	Dispatch Narrative	20121011.A02	More: +
D	POSS A PARTY GOING ON, BUT CALLER ISNT CERTAIN...MRS		23:30:27
A	THIS HAS BEEN GOING ON FOR OVER AN HOUR...MRS		23:31:01
C	HE WAS TOLD THERE ARENT ANY EVENTS ALLOWED AT THIS LOC		23:31:27
	DURING THE WEEK...MRS		23:31:29
L	HE IS TOO FAR AWAY TO GIVE ANY FURTHER INFO, HE CANT HEAR		23:31:51
C	TALKING OR YELLING, JUST THE MUSIC...MRS		23:31:56
N	340 ADV WILL BE BEHIND A BIG RED BARN, APPROX 30 SUBJS.BP		23:44:12
C			
C			
I			
R			
U			
U			
A			
F			
F			
F			

-F3=Exit F6=Print F12=Cancel-

From: "Harter, James" <jharter@fayetteville-ar.gov>
To: "Fulcher, Jesse" <jfulcher@fayetteville-ar.gov>
Date: 11/1/2013 2:08 PM
Subject: Query UpdatesPratt Place
Attachments: Pratt Place.pdf

Jesse, Courtesy of Sgt. Stout's Cpl. Kevin Phillips below and attached:

From: Phillips, Kevin
Sent: Friday, November 01, 2013 2:06 PM
To: Harter, James
Subject: Pratt Place

Here is what we've had at the Inn and barn since 3/1/13 thru 10/31/13. No loud music calls. Just some PD business, alarms and such. The attachment shows when and why we were there. There were no calls to the barn. Can you forward this on to whoever else needs the information?

Display Report

ADM 13-4450 (Pratt Place Inn)

Page 57 of 62

Position to line Report width :
 Shift to column

Line	Incident #	TYPE ABBV	CALL DATE	CALL TIME	STR #	STR .	STR NAM
000001	201300066225	PD BUSN	20130803	22:10:07	2231	W	MAR
000002	201300070776	OffDty Asn	20130819	17:12:53	2231	W	MAR
000003	201300074809	Parking	20130831	11:15:33	2231	W	MAR
000004	201300079112	PD BUSN	20130913	18:02:28	2231	W	MAR
000005	201300006002	Alarm	20130920	14:45:43	2231	W	MAR
000006							
000007	FINAL TOTALS						
000008	COUNT 5						
***** ***** End of report *****							

F3=Exit

F12=Cancel

F19=Left

F20=Right

F21=Split

Bottom

Select Records

B. 5
ADM 13-4450 (Pratt Place Inn)
Page 58 of 62

Type comparisons, press Enter. Specify OR to start each new group.

Tests: EQ, NE, LE, GE, LT, GT, RANGE, LIST, LIKE, IS, ISNOT...

AND/OR	Field	Test	Value (Field, Number, 'Characters', or ...)
	GASNAM	EQ	'MARKHAM'
AND	INCALD	RANGE	20130301 20131031
AND	GASDIR	EQ	' W'
AND	GASTR#	EQ	' 2255'

Bottom

Field	Text	Len	Dec
T01.ININC#	Incident #	12	
T02.ITABBV	TYPE ABBV	10	
T01.INCALD	Call Date	8	0
T01.INCALT	Call Time	6	0
T03.GASTR#	Street Number	8	

More...

F3=Exit	F5=Report	F9=Insert	F11=Display names only
F12=Cancel	F13=Layout	F20=Reorganize	F24=More keys

Display Report

ADM 13-4450 (Pratt Place Inn)

Page 59 of 62

Position to line Report width :
 Line 1 2 3 4 5 6 7
 Incident # TYPE ABBV CALL CALL STR STR
 DATE TIME # NAM
 ***** End of report *****

F3=Exit F12=Cancel
 No records in query report.

F19=Left

F20=Right

F21=Split

Bottom



ORDINANCE NO.

AN ORDINANCE AMENDING A COMMERCIAL PLANNED ZONING DISTRICT ENTITLED C-PZD 05-1670 PRATT PLACE INN, TO REVISE THE HOURS OF OPERATION AS LISTED IN SECTION 1.

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

Section 1: That the City Council of the City of Fayetteville hereby amends C-PZD 05-1670 Pratt Place Inn is to reflect the following hours of operation:

- 1) Monday through Saturday from 7:00 a.m. until midnight and from 7:00 a.m. until 10:00 p.m. on Sunday; and
- 2) A maximum of 1 event ~~per calendar year~~ allowed until 1:00 a.m. *on New Year's Eve each year*

Amended is Legistar. JP

Section 2: That the new hours are granted for a trial period of two years from the date of City Council approval. One year from this approval date, the City Council shall review any valid complaints and/or violations and determine at that time if the new operating hours should be extended beyond the two year period.

Section 3: That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

*Amended by City Attorney
in Legistar.
[Signature]*

City of Fayetteville Item Review Form

2013-0180

Legistar File Number

December 3, 2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

Submitted By

Parks & Recreation

Department

Action Required:

An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of \$215,175 to provide public recreation services and facilities for the youth and citizens of Fayetteville for 2014. This is contingent on the approval of the 2014 Proposed Budget by City Council.

Does this item have a cost? ☒ Yes

\$215,175.00

Cost of this request

\$215,175.00

Category or Project Budget

Transfer to Outside Agency

Program or Project Name

1010.6600.5718.00

Account Number

\$0.00

Funds Used to Date

Transfer to Boys and Girls Club

Program or Project Category

40901 - 4002

Project Number

\$0.00

Remaining Balance

General Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution # 5553

Original Contract Number:

11-15-13 P03:19 RCVD
dm

Comments:

Pending on City Council approval of the 2014 Proposed Budget.

Paul A. Barker 11/15-13
Paul A. Barker 11-18-2013

ENTERED
11/18/13 BKP

Alan Mann 11-18-13
Frank Jordan 11/19/13



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Connie Edmonston, Parks and Recreation Director

Date: November 14, 2013

Subject: Annual contract with the Fayetteville Youth Center, Inc., for 2014

PROPOSAL:

The 2014 budget includes a total of \$215,175 to be transferred to the Fayetteville Youth Center from the General Fund. A resolution of contractual services, as well as an ordinance to waive competitive bidding is required. The contract outlines the services the Fayetteville Youth Center is providing to the City and the citizens of Fayetteville. Please note the Fayetteville Youth Center refers to the operations of the Fayetteville Boys and Girls Club throughout this contractual agreement. A waiver of competitive bids is being requested to secure the continuity of services provided and because the Fayetteville Youth Center has adequately served our citizens since it was created.

The City of Fayetteville has provided financial support for the Fayetteville Youth Center since 1967. Each year, Parks and Recreation and Youth Center Staffs evaluate operations to determine if we are meeting the needs of the citizens of Fayetteville in the most efficient possible manner. The attached "Working Agreement" helps avoid duplication or competition of programs between the two organizations. It is the intent of both agencies to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Youth Center was not providing recreational services for our youth as well as citizens, the City of Fayetteville would need to assume the responsibility.

The agreement for 2014 is similar to the 2013 agreement with a few changes in the programs offered. The Fayetteville Boys and Girls Club building is designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens.

RECOMMENDATION:

Fayetteville Parks and Recreation Staff recommends approving the contract with Fayetteville Youth Center, Inc. to provide public recreation services for the citizens of Fayetteville and waive competitive bid for services.

BUDGET IMPACT:

The 2014 budget includes a total of \$215,175 for this request. This is a funding increase of 4.8% over last year. The request is contingent upon City Council approval of the 2014 proposed budget. If you have any questions regarding the Agenda Request or the Working Agreement, please call me at 444-3473, or email cedmonston@ci.fayetteville.ar.us.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF \$215,175.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2014, CONTINGENT ON APPROVAL OF THE 2014 ANNUAL CITY BUDGET AND WORK PROGRAM

WHEREAS, providing quality recreational opportunities to the youth and citizens of our community is of mutual interest to the City of Fayetteville and Fayetteville Youth Center, Inc., and;

WHEREAS, Fayetteville Youth Center, Inc. and the City of Fayetteville have had a close working relationship for many years, and;

WHEREAS, this relationship allows for a continuity of services vital to the efficient provision of recreational opportunities, and;

WHEREAS, were it not for the services offered by Fayetteville Youth Center, Inc. the City of Fayetteville would be required to assume the duty of providing staff, programming, promotion and development for youth recreational services.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds the above circumstances make competitive bidding not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program. A copy of said contract marked Exhibit "A" is attached hereto and made a part hereof.

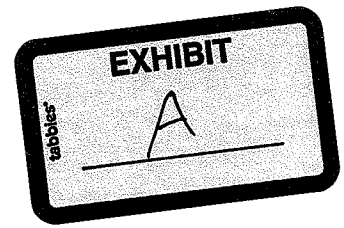
PASSED and APPROVED this 3rd day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



CONTRACT

*Between The City of Fayetteville
And
Fayetteville Youth Center, Inc.*

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation to the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$17,931.25 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2014 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

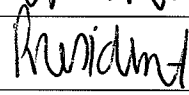
- A. The Fayetteville Youth Center, Inc. shall be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on Ruppel Road. The Fayetteville Youth Center, Inc. agrees to use funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. shall make a substantial portion of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall not be denied access solely because they do not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville Citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.
- C. The Fayetteville Youth Center, Inc. shall provide their facility as an emergency shelter when deemed necessary by the City of Fayetteville.

- D. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which is attached as Exhibit A, and made a part hereof.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

BY:  _____
 _____
Title

ATTEST:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE FAYETTEVILLE YOUTH CENTER, INC.

This agreement is made and entered into between the City of Fayetteville Parks and Recreation Department (Parks and Recreation) and the Fayetteville Youth Center, Inc., d/b/a Donald W. Reynolds Boys & Girls Club (hereinafter FYC).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Director of Parks and Recreation and the Executive Director of the FYC; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, the FYC facility located on Ruppel Road has been designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens; and

WHEREAS, increased communication and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and FYC would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and FYC, the following set of detailed operating procedures and responsibilities are hereby established.

1. FYC shall be responsible for working with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the Boys and Girls Club. FYC will be responsible for the hiring, evaluating, and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums during the basketball seasons, after school programs and summer day camp programs.

2. Parks and Recreation shall be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city parks, including the following facilities which are utilized for sport programming; Lake Fayetteville Softball Complex, Gary Hampton Softball Complex, Lewis Street Soccer Complex, Walker Baseball/Soccer Complex, White River Baseball Complex, and the Wilson Park Softball Field. Parks and Recreation shall be responsible for outdoor facilities owned or leased by the City of Fayetteville, excluding the property leased to FYC pursuant to written agreements.
3. FYC shall be responsible for providing or approving the management, staffing, promotion, and development of the following programs and activities. FYC shall coordinate with the Fayetteville School System for use of their facilities. FYC shall be responsible for the majority of sports and activities held at indoor recreation facilities, including but not limited to the following:
 - Basketball
 - Baton
 - Camps
 - Cheerleading
 - Dance
 - Fishing Rodeo
 - Flag Football (Youth)
 - Golf
 - Gymnastics
 - Karate
 - Ping Pong
 - School Kids Connection
 - Swim Lessons
 - Youth Volleyball
 - Tackle Football
 - Track
 - Special Events
 - Summer / School Break Programs
 - Educational Programs
 - Arts and Crafts
 - FYC shall not compete/duplicate with those services listed in paragraph 4, unless agreed upon by the FYC Executive Director and the Parks and Recreation Director.
4. Parks and Recreation shall be responsible for providing or approving the management, staffing, promotion, and development of the following programs and activities. Parks and Recreation shall be responsible for the majority of sports and activities held at outdoor recreation facilities, including but not limited to the following:
 - Baseball
 - Kickball

- Softball
 - Flag Football (Adult)
 - Special Interest Groups
 - Sand Volleyball
 - Indoor Volleyball
 - Soccer
 - Special Events
 - Swim Lessons
 - Tennis
 - Youth Activity Camps
 - Yvonne Richardson Community Center Activities
 - i. Arts and Crafts
 - ii. Educational Programs
 - iii. Summer / School Break Programs
 - iv. Wrestling
 - v. Volleyball (Adult)
 - vi. Other Recreational Programs
5. FYC agrees not to establish a program that competes/duplicates with an established program provided by Parks and Recreation. Moreover, FYC agrees to provide Parks and Recreation with information relating to any of its programs including rosters of players and coaches, rules of the league, and similar relevant data upon request by Parks and Recreation. It is the intent of both parties to work together for the common good of the citizens of Fayetteville by not providing public funding for duplicate program offerings. It is understood that FYC and Parks and Recreation both currently provide swim lessons, aquatic programs, and summer/school break programs, and that both parties agree to work together for the common good of both parties.
6. In the event the FYC wishes to offer programs which fall in the general description of paragraph 5 above, which it does not believe competes with current Parks and Recreation program, FYC shall provide advance notice of intent to start the program to Parks and Recreation with time to determine whether it is a competing program or not. In the event that FYC offers a program that the Parks and Recreation believes is a duplicate program within the meaning of this document, Parks and Recreation Staff shall give FYC written notices of its assessment. FYC shall either cease operating such program within 30 days of such notice or shall provide a written response to Parks and Recreation that disputes whether such program is in fact a competing program. If FYC fails to cease such program or respond to the assessment from Parks and Recreation, the City may discontinue funding for FYC on the 31st day after such notice. If FYC files a dispute, the issue shall be resolved by City Council and finding of City Council shall be final and not subject to appeal. If FYC fails to cease operation of such a program within 30 days of a decision requiring such cessation by City Council, then the City may stop annual funding to FYC.
7. The FYC Executive Director and Parks and Recreation Director will work jointly in opening the FYC as an emergency shelter as deemed necessary by

the Washington County Emergency Operations Center. The Club will utilize funds appropriated by the City of Fayetteville for operational costs as necessary for the emergency shelter.

8. The FYC Executive Director and Parks and Recreation Director shall have periodic meetings to ensure communication between the two entities.
9. It is understood and agreed that the City's annual purchase of services shall be negotiated on a yearly basis.
10. The FYC Board of Directors is responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds.
11. As part of the annual funding, FYC agrees to make its facilities available to residents of the City of Fayetteville for a nominal daily fee without the need to purchase a membership to the club.
12. FYC shall schedule a meeting and submit an annual financial report to the City of Fayetteville on or before July 31 of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation and accomplishment of performance measures as stated below in number 14.
13. FYC shall comply with schedules and procedures established by the Budget and Research Division of the City of Fayetteville for annual funding requests.
14. FYC shall provide transportation for the Yvonne Richardson Community Center as needed for the following activities including, but not limited to:
 - A. Throughout the Summer Fun4Kids Program provide bus transportation each day for the Owl Creek School free lunch program. This should include transportation for up to 50 children from the YRCC to Owl Creek School and back to the YRCC after lunch.
 - B. Throughout the Summer Fun4Kids Program provide bus transportation on pre-scheduled afternoons from the YRCC to FYC. Participants in the Summer Fun4Kids program will also have free admittance to the FYC facilities on pre-scheduled afternoons and transportation back to the YRCC at the conclusion of the program day.
 - C. Throughout the academic school year provide transportation on designated dates previously agreed upon by both parties as part of the YRCC after school program.
 - D. FYC will also provide transportation for YRCC patrons as deemed necessary by FYC Staff and the YRCC Director, provided that these arrangements have been done in a timely matter and are agreed upon by both parties prior to the requested date and time.
 - E. The transportation schedule outlined above is subject to change upon agreement by the Fayetteville Parks and Recreation Director and the Executive Director of the FYC.

15. Quarterly reports shall be submitted to the Parks and Recreation Director on the following dates: April 15, July 15, October 15, and January 15 (2015). These reports will detail the following performance measures:
- A. Provide a minimum of 30 open recreation hours per week at the FYC club facilities.
 - B. Provide a minimum of 10 youth instructional/educational programs.
 - C. Provide a minimum of three youth sports programs.
 - D. Provide a minimum of two free community-wide events at the FYC club facilities.
 - E. Provide marketing materials to Fayetteville school children for major sport programs.
 - F. Implement three customer service surveys for FYC programs.
 - G. Apply for 10 grants/major corporate sponsorships to provide additional funding to operate the FYC facilities and programs.
 - H. Include Parks and Recreation logo on organizational web site and acknowledge the City of Fayetteville on sponsor wall located in the FYC facilities on Ruppel Road.

The working procedures and responsibilities contained herein shall become effective January 1, 2014.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

Attest:

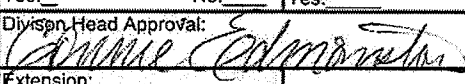
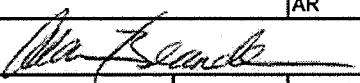
BY: _____
Sondra E. Smith, City Clerk / Treasurer

FAYETTEVILLE YOUTH CENTER, INC.

BY:  _____
President
Title

Attest:

BY: _____

City Of Fayetteville - Purchase Order (PO) Request						Requisition No.:		Date:	
(Not a Purchase Order)						P.O Number:		11/14/2013	
All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)								Expected Delivery Date:	
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us									
Vendor #:		Vendor Name:		Mail		Yes:		No:	
10485		Donald W. Reynolds - Fayetteville Boys & Girls Club							
Address:				Fob Point:		Taxable		Quotes Attached	
560 N. Ruppel Road						Yes:		No:	
City:		State:		Zip Code:		Ship to code:		Division Head Approval:	
Fayetteville		AR		72704-6016					
Requester:				Requester's Employee #:		Extension:			
Alan Bearden 				3664		3406			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Contract Payment for Public Recreation per Ordinance	12	MO	17,931.25	\$215,175.00	1010.6600.5718.00	40901.4002		
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: <u>\$215,175.00</u>			
This a 2014 Purchase Order. _____						Tax: <u>\$0.00</u>			
						Total: <u>\$215,175.00</u>			
Approvals:									
Mayor: _____			Department Director: 			Purchasing Manager: _____			
Finance & Internal Services Director: _____			Budget Manager: _____			IT Manager: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: _____			

City of Fayetteville Item Review Form

2013-0181

Legistar File Number

December 3, 2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

Submitted By

Parks & Recreation

Department

Action Required:

An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314 to provide public recreation services for senior citizens of Fayetteville for 2014. This is contingent on the approval of the 2014 Proposed Budget by City Council.

Does this item have a cost?

☐

\$74,314.00

Cost of this request

\$74,314.00

Category or Project Budget

Transfer to Outside Services

Program or Project Name

1010.6600.5718.01

Account Number

\$0.00

Funds Used to Date

Transfer to Council on Aging

Program or Project Category

409014004

Project Number

\$0.00

Remaining Balance

General Fund

Fund Name

Budgeted Item? Yes

Budget Adjustment Attached?

☐

V20130812

Previous Ordinance or Resolution # 5554

Original Contract Number:

11-15-13 P03:20 RCVD

Comments:

Pending on City Council approval of the 2014 Proposed Budget.

dm

Dr. Kelly 11-15-13
Paul A. Becher 11-18-2013

Don Wynn 11-18-13
David Jones 11/19/13





THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Connie Edmonston, Parks and Recreation Director

Date: November 14, 2013

Subject: Annual contract with the Northwest AR Economic Development District – Sr. Adult Centers

PROPOSAL:

The City of Fayetteville began providing financial support for the Council on Aging, Inc. in 1972 for recreation services to senior citizens at the Hillcrest Towers and the Fayetteville Senior Center. This was the beginning of a very successful agreement that continued when the NWAEDD assumed the responsibilities of the Council on Aging in 2005.

The NWAEDD provides recreational programs, meeting the needs of our senior citizen residents at Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Tower. It is the intent of NWAEDD and the Parks and Recreation Department to work in cooperation to enhance the recreation facilities and programs in our City, while not duplicating services in an effort to spend taxpayers' money as effectively as possible. If the NWAEDD were not serving our senior citizen population, the City would need to assume responsibility.

The 2014 budget includes a total of \$74,314 to be transferred to the NWAEDD from the General Fund. A resolution of contractual services, as well as an ordinance to waive competitive bidding is required. The contract outlines the services the NWAEDD is providing to the City and the citizens of Fayetteville. We are requesting a waiver of competitive bids to secure the continuity of services provided and because NWAEDD has adequately served our citizens for the past nine years. The agreement for 2014 is similar to the 2013 agreement with a few changes in programming. The Walker Park's Senior Activity and Wellness Center's building is designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens.

RECOMMENDATION:

Fayetteville Parks and Recreation Staff recommends approving the contract with Northwest Arkansas Economic Development District (NWAEDD) to provide public recreation services for the citizens of Fayetteville and waive competitive bid for services.

BUDGET IMPACT:

The 2014 budget includes a total of \$74,314 for this request. This is a funding increase of 39.3% over last year. This request is contingent upon City Council approval of the 2014 proposed budget. If you have any questions regarding the Agenda Request or the Working Agreement, please call me at 444-3473, or email cedmonston@ci.fayetteville.ar.us.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT IN THE AMOUNT OF \$74,314.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2014 CONTINGENT ON APPROVAL OF THE 2014 ANNUAL CITY BUDGET AND WORK PROGRAM

WHEREAS, providing quality recreational opportunities to the senior citizens of our community is of mutual interest to the City of Fayetteville and the Northwest Arkansas Economic Development District, and;

WHEREAS, the Northwest Arkansas Economic Development District is uniquely qualified to provide the continuity of services vital to the efficient provision of recreational opportunities to the senior citizens of Fayetteville, and;

WHEREAS, were it not for the services offered by the Northwest Arkansas Economic Development District, the City of Fayetteville would be required to assume the duty of providing staff, programming, promotion, and development for senior citizen recreational services.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds the above circumstances make competitive bidding not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314.00 to provide public recreation services for the senior citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program. A copy of said contract marked Exhibit "A" is attached hereto and made a part hereof.

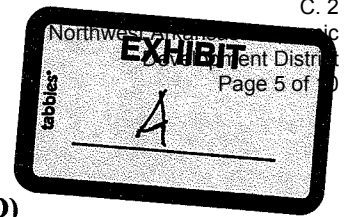
PASSED and APPROVED this 3rd day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



CONTRACT
Between The City of Fayetteville and the
Northwest Arkansas Economic Development District (NWAEDD)

WHEREAS, the Northwest Arkansas Economic Development District (NWAEDD) is uniquely qualified to provide the full range of public recreation opportunities to the senior citizens of Fayetteville; and,

WHEREAS, it is in the best interest of the City of Fayetteville and its citizens to provide operating revenues to the NWAEDD in consideration for the substantial recreational programs provided by the NWAEDD to the senior citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$6,192.83 monthly to the NWAEDD throughout the year of 2014 in consideration of the following duties and obligations to be preformed by the NWAEDD:

- A. The NWAEDD shall be responsible for providing staff, programming, promotion, and development for Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers Community Center. NWAEDD agrees to use funding from the City to pay for recreational programs designed specifically for senior citizens.
- B. NWAEDD shall make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for the needy senior citizens. NWAEDD shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs.
- C. NWAEDD shall provide Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter when deemed necessary by the City of Fayetteville.
- D. The NWAEDD shall follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and the NWAEDD which is attached as Exhibit A, and is made a part hereof, as if set forth word for word in its entirety.

CITY OF FAYETTEVILLE

BY: _____

LIONELD JORDAN, Mayor

NORTHWEST ARKANSAS ECONOMIC
DEVELOPMENT DISTRICT

BY: _____

J. MICHAEL NORTON
Executive Director

ATTEST:

BY: _____

Sondra E. Smith, City Clerk / Treasurer

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT

This agreement is made and entered into between the City of Fayetteville Parks and Recreation Department (Parks and Recreation) and the Northwest Arkansas Economic Development District (hereinafter referred to as NWAEDD).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Parks and Recreation Director and the Executive Director of the NWAEDD; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, Walker Park's Fayetteville Senior Activity and Wellness Center has been designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens; and

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and NWAEDD would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and NWAEDD, the following set of detailed operating procedures and responsibilities are hereby established.

1. NWAEDD shall be responsible for providing staffing, programming and promotion, and development of recreational programs for senior citizens including but not limited to, recreational trips, arts and crafts, music and games.
2. Parks and Recreation shall be responsible for providing or approving the staffing, programming, maintenance, promotion and development of the parks system within the city and the recreational events occurring within the city for all ages.

3. The NWAEDD Executive Director and Parks and Recreation Director shall have periodic meetings to ensure communication between the two entities.
4. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis.
5. The NWAEDD Board of Directors is responsible for the management and operation of annual funding allocation to NWAEDD from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds.
6. The Fayetteville Senior Activity and Wellness Center Director and Parks and Recreation Director will work jointly in opening Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter as deemed necessary by the City of Fayetteville. NWAEDD will utilize funds appropriated by the City of Fayetteville for operational costs as necessary for the emergency shelter.
7. NWAEDD shall schedule a meeting and submit an annual financial report to the Parks and Recreation Director no more than thirty (30) days after the end of the NWAEDD fiscal year, which ends on June 30, 2014. Such report shall detail NWAEDD's use of the City of Fayetteville's funding allocation and accomplishment of performance measures as stated below in number 9.
8. NWAEDD shall comply with the schedules and procedures established by the Budget & Research Division of the City of Fayetteville for annual funding requests.
9. Quarterly reports shall be submitted to the Parks and Recreation Director on, or before, the following dates: April 15, July 15, October 15, and January 15 (2015). These reports shall detail the following performance measures:
 - A. Operation of a full service senior center at Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers locations to include socialization (recreation) by hosting daily social activities such as bingo, table games, exercise classes, and wellness programs. During the course of the year, an estimated 700 elderly citizens will participate at the two locations.
 - B. Recreation opportunities at the Walker Park location will continue to provide such wellness recreational activities as Tai Chi. Formal exercise classes and Use It or Lose It classes will be provided on a weekly basis. L.I.F.T Classes will be provided on a bi-weekly basis. Dances and music activities will be provided weekly at the Walker Park location.
 - C. Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Tower locations will seek partnerships with outside

organizations or community groups to assist in a variety of recreation programs and wellness classes.

D. Transportation will be provided at both the Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers for recreational trips and special interest trips, as well as transporting seniors for necessary appointments as scheduled through the Fayetteville Senior Activity and Wellness Center.

E. NWAEDD shall acknowledge the City of Fayetteville's contribution on general marketing flyers, brochures and other general marketing materials.

10. The working procedures and responsibilities contained herein shall become effective January 1, 2014.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

Attest:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

NORTHWEST ARKANSAS ECONOMIC
DEVELOPMENT DISTRICT

BY: _____
J. MICHAEL NORTON
Executive Director

Attest:

BY: _____
Kaye Taylor, Director Senior Services

City Of Fayetteville - Purchase Order (PO) Request (Not a Purchase Order)						Requisition No.:		Date:		
All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions) All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us						P.O Number:		Expected Delivery Date:		
Vendor #: 19400		Vendor Name: NWA Economic Dev Dist Inc				Mail Yes: _____ No: _____				
Address: 818 Hwy 62-65-412 North / P.O. Box 190					Fob Point:		Taxable Yes: _____ No: _____		Quotes Attached Yes: _____ No: _____	
City: Harrison		State: AR		Zip Code: 72602-0190		Ship to code:		Division Head Approval: <i>Connie Edmonston</i>		
Requester: Alan Bearden <i>Alan Bearden</i>					Requester's Employee #: 3664		Extension: 3406			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #	
1	Contract Payment for Public Recreation per Ordinance	12	MO	6,192.83	\$74,314.00	1010.6600.5718.01	40901.4004			
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: This a 2014 Purchase Order. _____						Subtotal: <u>\$74,314.00</u>				
						Tax: <u>\$0.00</u>				
						Total: <u>\$74,314.00</u>				
Approvals:										
Mayor: _____		Department Director: <i>Connie Edmonston</i>				Purchasing Manager: _____				
Finance & Internal Services Director: _____		Budget Manager: _____				IT Manager: _____				
Dispatch Manager: _____		Utilities Manager: _____				Other: _____				

City of Fayetteville Item Review Form

2013-0114

Legistar File Number

12/03/2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4520: Rezone (S. OF MARTIN LUTHER KING BLVD. AND EAST OF S. BEECHWOOD/EATON, 560): Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF MARTIN LUTHER KING BOULEVARD AND EAST OF SOUTH BEECHWOOD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 16.57 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Does this item have a cost?

No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Paul A. Beck





11-13-13 P03:37 REVD 



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Andrew Garner, Director of Planning

From: Quin Thompson, Current Planner

Date: November 13, 2013

Subject: RZN 13-4520: Rezone (S. OF MARTIN LUTHER KING BLVD. AND EAST OF S. BEECHWOOD/EATON)

RECOMMENDATION: The Planning Commission recommends approval of an ordinance to rezone the property to CS, Community Services. Planning Division staff recommends approval of the request.

BACKGROUND: The subject property is located south of Martin Luther King Boulevard and east of Beechwood Avenue. The property is within the I-1 zoning district and contains multiple lots totaling approximately 16.57 acres. The properties are developed with warehouses and other businesses.

CITY PLAN 2030 FUTURE LAND USE MAP: *City Plan 2030 Future Land Use Plan designates this site as Industrial Area.* Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.

COMPATIBILITY: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as Industrial. This designation is often used to protect existing industrial uses and to safeguard existing businesses that may create noise or odor that are not compatible with other uses.

The CS zoning district is a significant downzone from I-1, and will provide opportunity for re-development that is more compatible with recent residential development than the current zoning allows. As discussed, with the recent rezoning and re-development of the adjacent property to the east from I-1 to CS, the rail line spur in this immediate vicinity has not been used for many years and market demand for industrial use in this neighborhood is not anticipated.

DISCUSSION: On November 12, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4520, FOR APPROXIMATELY 16.57 ACRES LOCATED SOUTH OF MARTIN LUTHER KING BOULEVARD AND EAST OF SOUTH BEECHWOOD FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO CS, COMMUNITY SERVICES

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 I-1, Heavy Commercial and Light Industrial to CS, Community Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "B"
RZN 13-4520

Parcel # 765-12169-000:

Part of the NW1/4 of the NE1/4 of Section 20, Township 16, Range 30, being described more particularly as follows; commencing at the SW corner of said 40, thence S89°20'51"E 25.00 feet, thence N00°23'31"E 25.00 feet to the POB, thence N00°23'31"E 170.00 feet, thence S87°22'37"E 57.40 feet, thence S86°10'24"E 227.34 feet, thence S01°54'03"W 155.47 feet, thence N89°20'51"W 280.20 feet to the POB, containing 1.06 acres more or less subject to any easements and/or rights-of-way of or not of record.

Parcel # 765-12170-002:

All of Block Numbered Five (5), LESS AND EXCEPT: the South 465 feet of equal and uniform width thereof, in the replat of Blocks 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16 and 17 of the Westwood Addition to the City of Fayetteville, Arkansas, as per plat on file in Plat Book 3 at Page 322 in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Parcel # 765-12170-000:

A part of Block Numbered Five (5) of the replat of Westwood Addition in the City of Fayetteville, Arkansas, more particularly described as follows: Beginning at a point which is 25 feet East and 285 feet North of the Southwest corner of the West Half (W ½) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty (20), Township Sixteen (16) North, Range Thirty (30) West, thence North 180.00 feet, thence East 599.50 feet or the East line of said Block 5; thence South 180 feet to a point due east of the point of beginning; thence West 599.50 feet to the point of beginning, containing 2.48 acres, more or less.

continued

Parcel # 765-14838-000 & 765-14839-000:

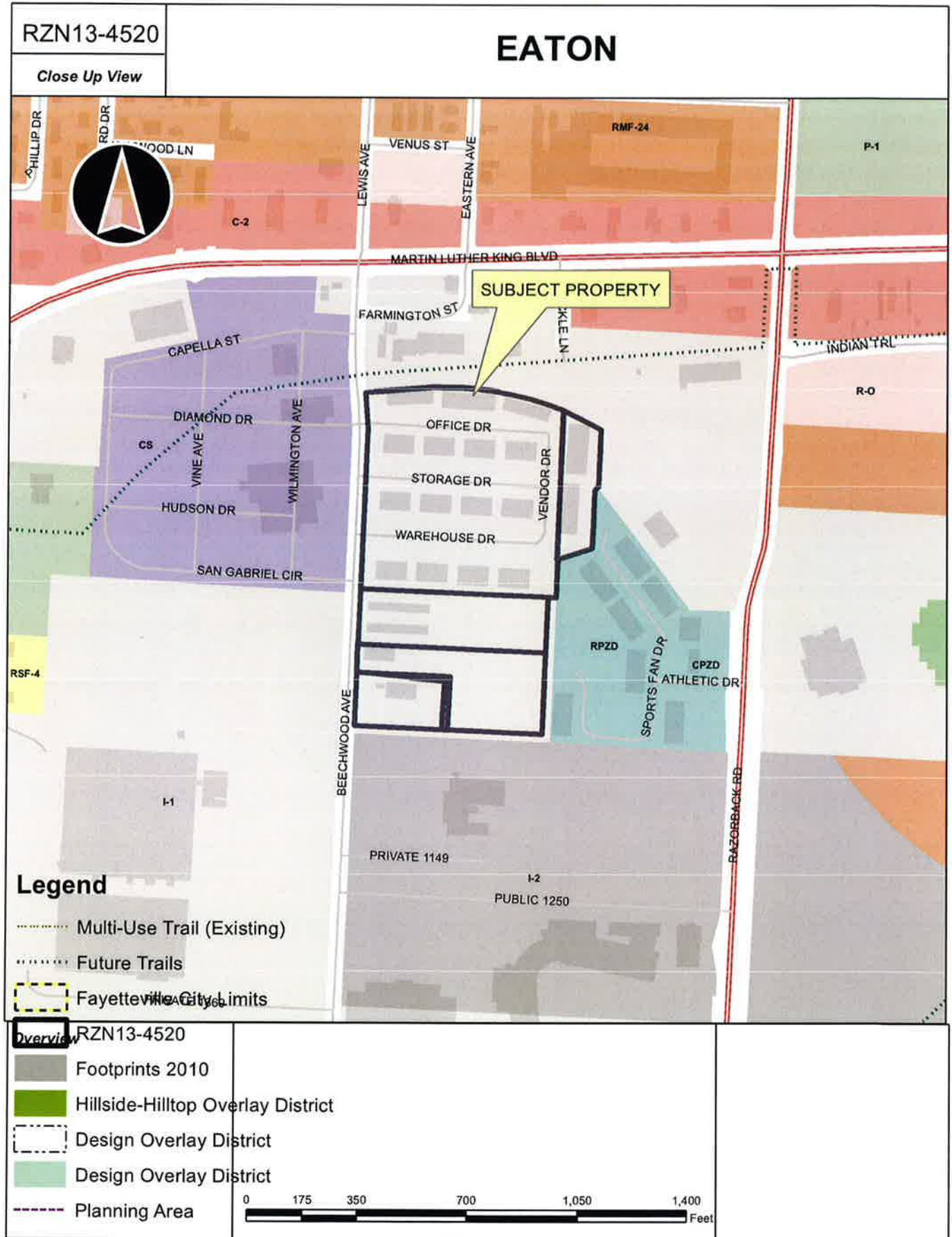
Tract B of Tract Split/Revised Easement Plat for Lazenby Residential Planned Zoning District and Lazenby Storage Units Large Scale Development, as shown on plat record 2006 at page 17842, records of Washington County, Arkansas, more particularly described as:

Part of the W1/2, NE1/4 of Section 20, Township 16 North, Range 30 West of the Fifth Principal Meridian in Washington County, Arkansas and being more particularly described as follows: Commencing at the NE corner of said W1/2, NE1/4 thence South 878.30 feet; thence West 119.80 feet; thence S00°16'03"E 451.25 feet; thence N88°48'23"W 113.84 feet; thence N88°19'47"W 457.98 feet; thence N00°48'44"E 583.39 feet to the Point of Beginning; thence North 479.17 feet to the South Right-of-way line of the "Old" Ozark and Cherokee Central Railroad, now known as the St. Louis & San Francisco Railroad; thence along said right-of-way the following bearings and distances: S64°49'33"E 98.36 feet; S63°36'17"E 36.92 feet; thence leaving said right-of-way and S00°28'00"W 181.81 feet; thence S43°27'11"W 15.91 feet; thence S00°03'08"W 187.19 feet; thence S69°45'17"W 116.70 feet to the Point of Beginning. Containing 1.14 acres more or less.

Parcel # 765-12170-001:

A part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE ¼) of Section Twenty (20), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Commencing at the Southwest corner of said 40 acre tract, said point being an existing cotton spindle in Beechwood Avenue; thence S89°20'51"E 25.00 feet to a point; thence N00°23'31"E 195.00 feet to a chiseled "X" in a concrete sidewalk for the true point of beginning, said point being on the East right-of-way of Beechwood Avenue; thence N00°23'31"E 90.00 feet to a point; thence S89°20'51"E 599.50 feet to a point; thence S00°23'31"E 260.00 feet to a point; thence N89°20'51"W 319.30 feet to a set ½" iron rebar; thence N01°54'03"E along and in line with an existing chain linked fence; 155.47 feet to a set ½" iron rebar, thence N86°10'24"W 227.34 feet in line with and along an existing chain linked fence to a steel fence corner post; thence leaving said fence, N87°22'37"W 57.40 feet to the Point of Beginning, containing 2.52 acres, more or less, Fayetteville, Washington County, Arkansas.

EXHIBIT "A"





PC Meeting of November 12, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~November 05, 2013~~ UPDATED November 13, 2013

RZN 13-4520: Rezone (S. OF MARTIN LUTHER KING BLVD. AND EAST OF S. BEECHWOOD/EATON, 560): Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF MARTIN LUTHER KING BOULEVARD AND EAST OF SOUTH BEECHWOOD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 16.57 acres. The request is rezone the property to CS, COMMUNITY SERVICES. Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located south of Martin Luther King Boulevard and east of Beechwood Avenue. The property is within the I-1 zoning district and contains multiple lots totaling approximately 16.57 acres. The properties are developed with warehouses and other businesses. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Rail road ROW & Custom Powder Coating	I-1, Heavy Commercial and Light Industrial
South	Tyson Company	I-2, General Industrial
East	Residential Multi-family/Commercial	I-1, Heavy Commercial and Light Industrial/ Residential Planned Zoning Development
West	Multi-Family Residential/Surface parking	CS, Community Services/ I-1, Heavy Commercial and Light Industrial

Request: The request is to rezone the property from I-1, Heavy Commercial and Light Industrial, to CS, Community Services.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4520 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 12, 2013</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOSKINS Second: CHESSER Vote: 6-0-0			
CITY COUNCIL ACTION:		Required	<u>YES</u>
☐ Approved		☐ Denied	
Date:			

INFRASTRUCTURE:

Streets: The site has access to Beechwood Ave. Beechwood Ave. is a fully improved two lane city street in this location. Street improvements will be evaluated at the time of redevelopment.

Water: Public water is available to the property. There is an 8" water main along Beechwood Ave. on the west side of this property and also 8" and 6" lines within the property.

Sewer: Sanitary sewer is available to the site. There is an 8" sewer main in the center of this property.

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

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

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Industrial Area**. Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.*

FINDINGS OF THE STAFF

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

Finding: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood, has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as Industrial. This designation is often used to protect existing industrial uses and to safeguard businesses that may create noise or odor that are not compatible with other uses.

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 due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and light commercial uses, which are compatible with the changing neighborhood.

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

Finding: The site access has access to Beechwood Avenue, a fully improved two lane street. The proposed zoning would allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased. Street improvements will be assessed at the time of development.

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

Finding: Rezoning the property from industrial to mixed use will allow for the development of residential and commercial uses, however development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

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

Finding: N/A

161.27 District I-1, Heavy Commercial and Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 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 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

161.19 Community Services

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional uses.*

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

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum. None*

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

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

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

C. 3
RZN 13-4520 (S. of Martin Luther King
Blvd. and East of S. Beechwood Eaton)
Page 15 of 22

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

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

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-12170-002 & 765-12170-000: Eaton Properties, LLC
 - b. 765-14838-000 & 765-14839-000: Razorback Road Stadium Complex
 - c. 765-12170-001: Beechwood Enterprises, LLC
 - d. 765-12169-000: Danny Bunting
- B. Currently this property is zoned I-1. The reason for the requested *Community Service* zoning is to allow this property to be more marketable to allow for more varieties of potential uses.
- C. The property due west is zoned Community Services and has Student Housing. The property to the north and south is zoned I-1 and a portion of the eastern side has a PRZD zoning. With the addition of the Domain Student Housing development to the west an evaluation of compatibility of Community Services was undertaken and found to be an appropriate zoning, with this finding, we feel that this property would be compatible as well with the requested zoning.
- D. Existing water and sewer are already at this site (8" Water and Sewer run along Beechwood).
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development in the future as to be consistent with the recent rezoning of the Domain property to the west from Industrial to Community Services.
- F. The trend of re-utilizing land in this area is an effort to maximize and diversify use and has found to be successful.
- G. With the development of the Domain Student Housing project to the west, improvements to the intersection of Beechwood and Martin Luther King Junior Blvd have decreased traffic danger and congestion.
- H. The potential to increase the population density in this area as a result of this rezoning would aid in supplying a demand to existing commercial uses along Martin Luther King Junior Blvd and would not undesirably increase load on public services.
- I. Industrial zoning limits the use of this land as compared to the mixed available uses found under the Community Services Zoning.

Sincerely;

Blake E. Jorgensen, P.E.



765-41311-001

765-41334-000

765-41334-000

765-41313-004

765-41313-000

765-41334-000

765-41333-000

765-42170-002

Fayetteville

765-42170-000

765-42170-001

765-42169-000

765-41313-002

PARCEL MAP

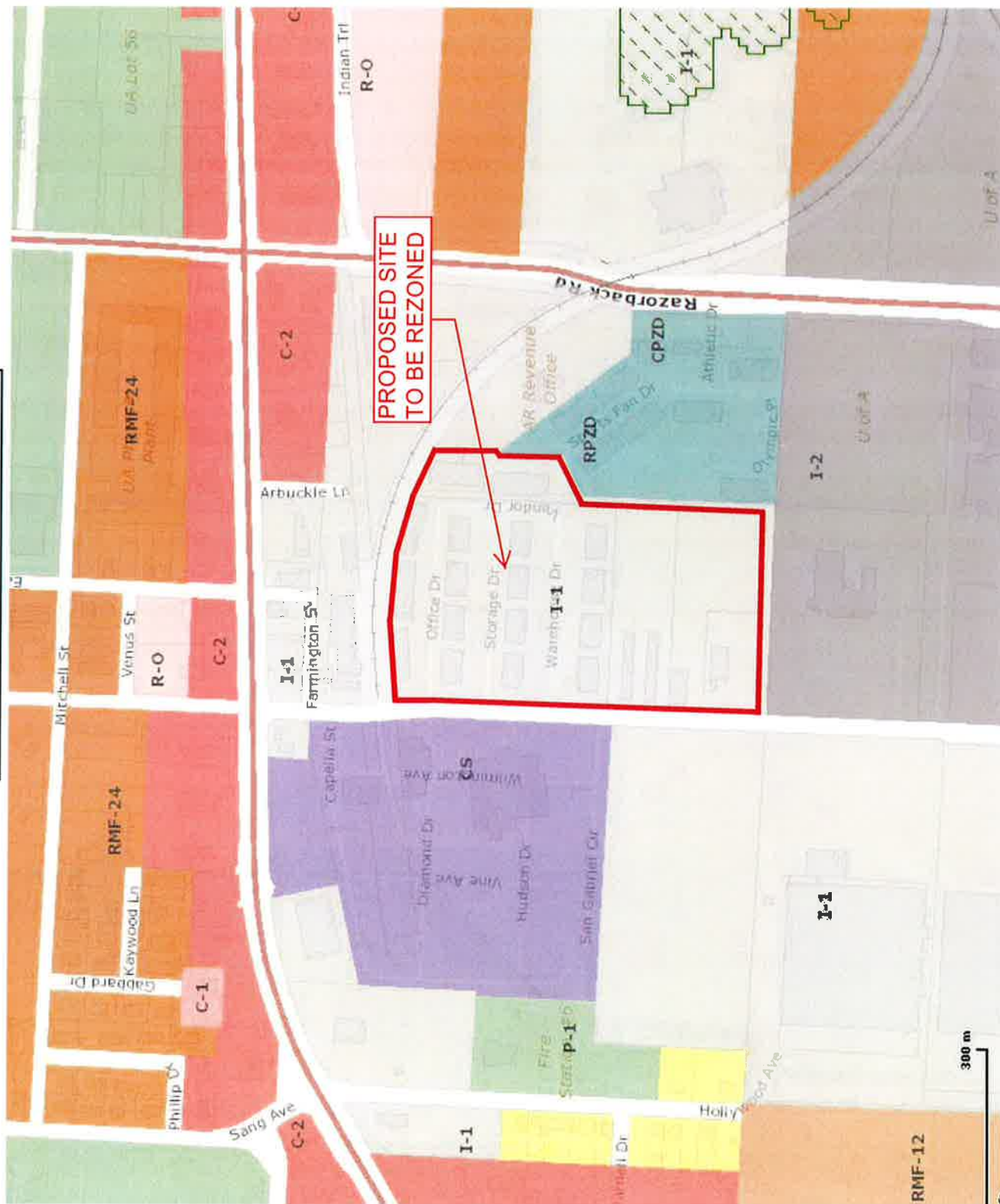
765-41313-001

765-42168-000

765-42173-001

765-41313-000

CURRENT ZONING MAP



One Mile View



 RZN13-4520
 Design Overlay District
 Planning Area
 Fayetteville

RZN13-4520

EATON

Close Up View



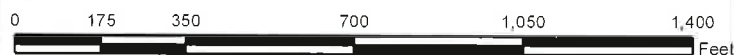
Legend

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

Overview

RZN13-4520

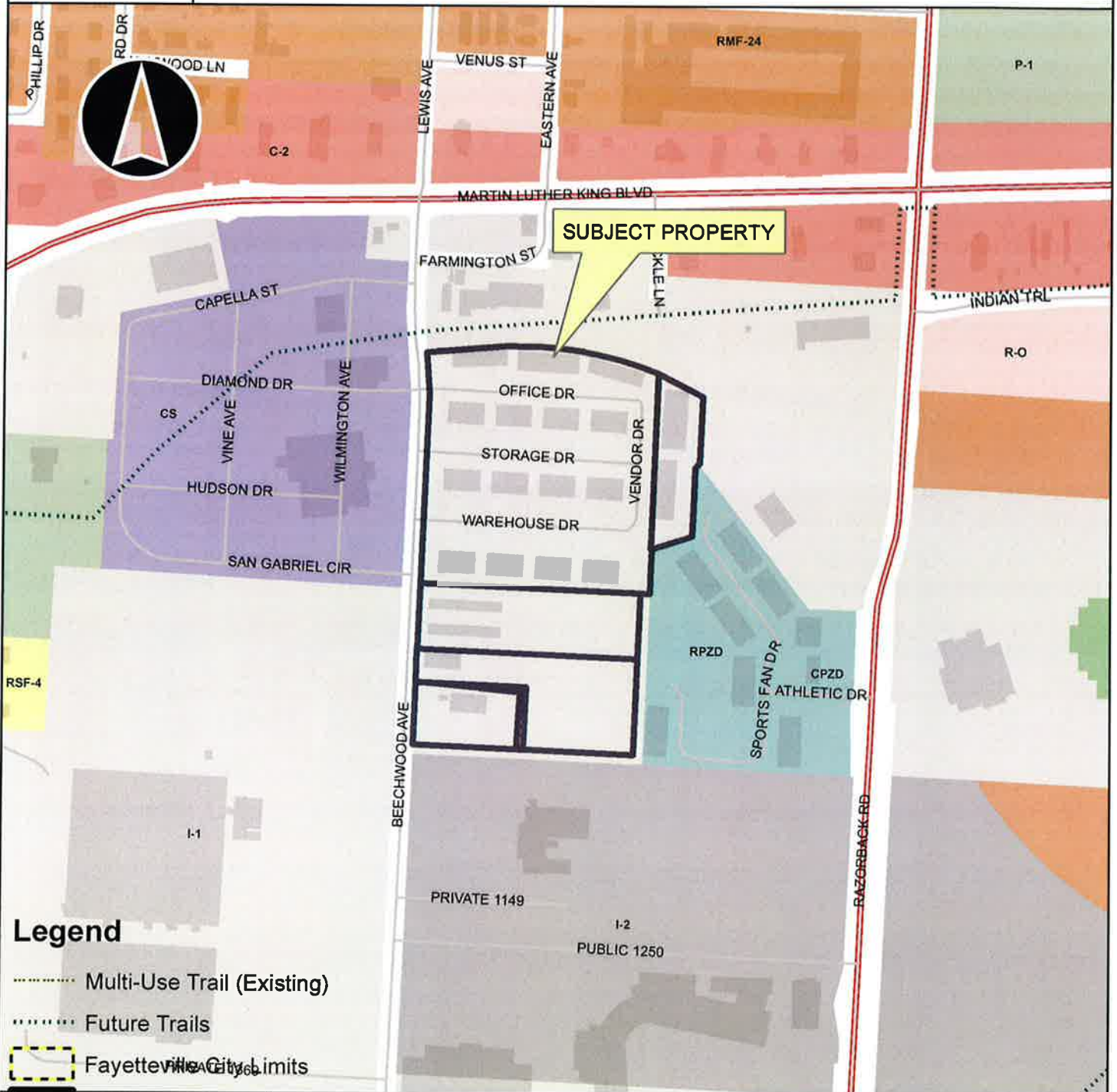
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4520

EATON

Close Up View

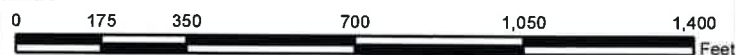


Legend

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

Overview RZN13-4520

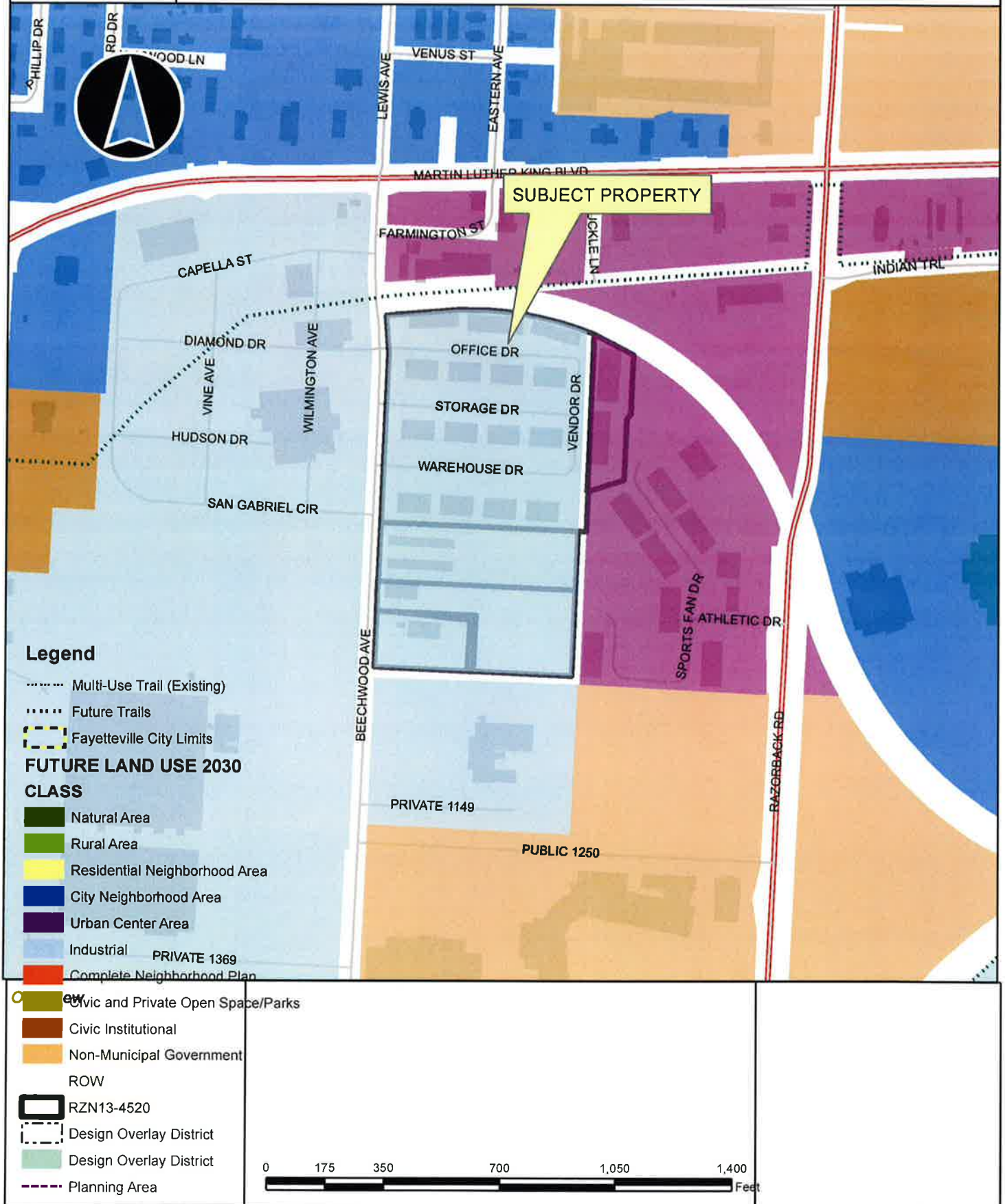
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- - - - - Planning Area



RZN13-4520

EATON

Future Land Use



City of Fayetteville Item Review Form

2013-0183

Legistar File Number

12/03/2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

ADM 13-4510 Administrative Item (CHAPTER 166.08 ACCESS MANAGEMENT). Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 166.08. The proposal is to amend block layout and connectivity requirements.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

K. [Signature] Nov 18, 2013

Paul A. [Signature] 11-19-2013

Jim [Signature] 11-19-13

[Signature] 11/20/13

11-15-13 12:21 RCVD

[Red Stamp]

ENTERED
11/19/13 BRP

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Senior Planner

Date: November 14, 2013

Subject: ADM 13-4510 (CHAPTER 166.08 ACCESS MANAGEMENT)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the block layout and connectivity requirements in Chapter 166.08.

BACKGROUND

Chapter 166.08, Street Design and Access Management Standards, were adopted by the City Council on August 5, 2008 by Ordinance No. 5156. These standards were created to ensure that new development provides safe and efficient movements for vehicular and pedestrian traffic and greater connectivity and openness.

Over the last several years these standards have improved public safety and roadway efficiency by limiting the number of curb-cuts and conflicting turning movements, especially along busy roadways and near congested intersections. Further, the ordinance provides clear development standards, in most cases. In a few areas, further clarification would be helpful, which is the primary purpose of this ordinance update.

Staff's proposal is to amend Chapter 166.08 to restate and/or revise several existing regulations and add one new section, as follows:

(C) Applicability. The section regarding private street design is being removed. Private streets may only be permitted through a Planned Zoning District application and are subject to the development standards of 166.05.

(D)(4) Tangents. Tangent requirements are already a part of the Minimum Street Design Standards Manual.

(E) Block Layout/Connectivity. The code currently has two different block lengths for local and residential streets, 800 and 600 feet respectively. This is a very clear standard. However, deciding when to utilize a local street or residential street is not a clear requirement. Often the decision is based on the need for on-street parking, or number of houses per block. Changes to the street width or block length create obvious challenges for the designer and developer, and often these issues continue into the Subdivision Committee and Planning Commission meetings. To address this, staff is recommending that the maximum block length be the same for both street types, 600 feet. This will create greater certainty for a developer during the design phase.

(E)(2) Double-frontage lots. With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.

(F) Access Management. A statement has been added for instances when a lot has frontage on two streets of the same classification.

(F)(1) Curb cut separation. A statement has been added to clarify that a 5 foot separation is required between a curb cut and an adjacent property.

(F)(2) Separation for two-family, three—family, multi-family and nonresidential development. This is a new title to clarify that the separation requirements are specific to these types of developments. A separate section has been created for single-family homes. The existing tables are being removed, since this information is already stated and they have been found to be confusing.

(F)(3)(a) Separation for single-family homes. The separation requirements for a driveway serving a single-family dwelling were 5 feet from the property line and 10 feet from another driveway even before the adoption of the Access Management Ordinance. However, the section title, "Residential Subdivisions" together with other management standards were confusing. The intent is to create a clear standard for single-family homes.

(F)(3)(b) Arterial and Collector Streets. This section was a part of the original Access Management Ordinance and applied to all development along arterial streets. It has been restated here to cover the development of single-family subdivisions along arterial roads.

DISCUSSION

On October 14, 2013 the Planning Commission tabled the request to allow time for Planning staff and the City Attorney to create variance requirements for double-frontage lots. On October 28, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND § 166.08 STREET DESIGN AND ACCESS
MANAGEMENT STANDARDS OF THE UNIFIED DEVELOPMENT CODE
TO CLARIFY OR ALTER SEVERAL DESIGN REGULATIONS**

WHEREAS, the City Council has determined that access management standards are necessary for the public health and safety; and

WHEREAS, prohibiting double-street frontage lots where possible should reduce both a developer's cost and the City's maintenance costs.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.08 **Street Design and Access Management Standards** of the Unified Development Code in its entirety and enacts a replacement § 166.08 **Street Design and Access Management Standards** as shown as Exhibit A attached hereto and made a part hereof.

PASSED and APPROVED this 3rd day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

CHAPTER 166: DEVELOPMENT

166.08 Street Design And Access Management Standards

- (A) Intent. These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.
- (B) Fitness for development. Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.
- (C) Applicability. The standards set forth herein shall apply to land which is proposed to be developed or redeveloped where the creation of public streets are required, or proposed, or in which new or existing access is created or modified.
- (D) Street design principles.
 - (1) Extensions. All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.
 - (2) Substandard widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.
 - (3) Street names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.
 - (4) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
 - (5) Street standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.
- (E) Block Layout / Connectivity.
 - (1) Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.
 - (b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.
 - (c) Local and residential. Intersections shall occur at a minimum of one every 800 660 feet.
 - (d) Variances. Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.
 - (2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.
 - (3) Connectivity. Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.
 - (4) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.
 - (5) Dead-end streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or

EXHIBIT "A"
Fayetteville Code of Ordinances

existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) Access Management. Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public streets shall place a higher priority on accessing the street with the lowest functional classification, ex. Local and Collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(1) Curb cut *separation*. For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of five (5') feet from the adjoining property line, unless shared.

(2) Separation for two-family, three-family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for single-family homes.

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5 foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots.

(4) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.

(5) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-conforming Access Features.

(1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion or improvements greater than 50% of the assessed

EXHIBIT "A"
TITLE XV UNIFIED DEVELOPMENT CODE

property value or gross floor area or
volume;

(c) As roadway improvements allow.

(H) Easements. Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

(Code 1965, App. C., Art. IV, §§C, D, F--H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51--159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4757, 9-6-05; Ord. 4919, 9-05-06; Ord. 5156, 8-5-08; Ord. 5296, 12-15-09; Ord. No. 5546, 12-04-12)

Cross reference(s)--Bonds and Guarantees, Ch. 158; Variances, Ch. 156; Notification and Public Hearings, Ch. 157.



PC Meeting of October 28, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~October 24, 2013~~ Updated November 14, 2013

ADM 13-4510 Administrative Item (CHAPTER 166.08 ACCESS MANAGEMENT).

Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 166.08. The proposal is to amend block layout and connectivity requirements.

Planning Staff: Jesse Fulcher

BACKGROUND

Chapter 166.08, Street Design and Access Management Standards, were adopted by the City Council on August 5, 2008 by Ordinance No. 5156. These standards were created to ensure that new development provides safe and efficient movements for vehicular and pedestrian traffic and greater connectivity and openness.

Over the last several years these standards have improved public safety and roadway efficiency by limiting the number of curb-cuts and conflicting turning movements, especially along busy roadways and near congested intersections. Further, the ordinance provides clear development standards, in most cases. In a few areas, further clarification would be helpful, which is the primary purpose of this ordinance update.

PROPOSAL

Staff's proposal is to amend Chapter 166.08 to restate and/or revise several existing regulations and add one new section, as follows:

(C) Applicability. The section regarding private street design is being removed. Private streets may only be permitted through a Planned Zoning District application and are subject to the development standards of 166.05.

(D)(4) Tangents. Tangent requirements are already a part of the Minimum Street Design Standards Manual.

(E) Block Layout/Connectivity. The code currently has two different block lengths for local and residential streets, 800 and 600 feet respectively. This is a very clear standard. However, deciding when to utilize a local street or residential street is not a clear requirement. Often the decision is based on the need for on-street parking, or number of houses per block. Changes to the street width or block length create obvious challenges for the designer and developer,

and often these issues continue into the Subdivision Committee and Planning Commission meetings. To address this, staff is recommending that the maximum block length be the same for both street types, 600 feet. This will create greater certainty for a developer during the design phase.

(E)(2) Double-frontage lots. With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.

(F) Access Management. A statement has been added for instances when a lot has frontage on two streets of the same classification.

(F)(1) Curb cut separation. A statement has been added to clarify that a 5 foot separation is required between a curb cut and an adjacent property.

(F)(2) Separation for two-family, three—family, multi-family and nonresidential development. This is a new title to clarify that the separation requirements are specific to these types of developments. A separate section has been created for single-family homes. The existing tables are being removed, since this information is already stated and they have been found to be confusing.

(F)(3)(a) Separation for single-family homes. The separation requirements for a driveway serving a single-family dwelling were 5 feet from the property line and 10 feet from another driveway even before the adoption of the Access Management Ordinance. However, the section title, "Residential Subdivisions" together with other management standards were confusing. The intent is to create a clear standard for single-family homes.

(F)(3)(b) Arterial and Collector Streets. This section was a part of the original Access Management Ordinance and applied to all development along arterial streets. It has been restated here to cover the development of single-family subdivisions along arterial roads.

The proposed changes are shown in strikeout/highlight in the attached document.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 13-4410** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Motion: Pennington

Second: Chesser

Vote: 8-0-0

Meeting Date: October 28, 2013

CHAPTER 166: DEVELOPMENT

166.08 Street Design And Access Management Standards

- (A) Intent. These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.
- (B) Fitness for development. Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.
- (C) Applicability. The standards set forth herein shall apply to land which is proposed to be developed or redeveloped where the creation of public streets are required, or proposed, or in which new or existing access is created or modified. ~~Developments that create private streets shall utilize these standards as guidelines.~~
- (D) Street design principles.
- (1) Extensions. All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.
 - (2) Substandard widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.
 - (3) Street names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.
 - (4) Tangents. ~~A straight tangent at least 100 feet long shall separate reverse curves for Collector and Arterial streets.~~
 - (5) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
- (6) Street standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.
- (E) Block Layout / Connectivity.
- (1) Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.
 - (b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.
 - (c) Locals and residential. Intersections shall occur at a minimum of one every 800 660 feet.
 - ~~(d) Residential. Intersections shall occur at a minimum of one every 600 feet.~~
 - (d) Variances. Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.
 - (2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.
 - (3) Connectivity. Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

- (4) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

- (5) Dead-end streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

- (F) Access Management. Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto **two more than one** public streets shall place a higher priority on accessing the street with the **lower lowest** functional classification, ex. Local and Collector. **In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.**

- (1) Curb cut **separation. minimum distance from intersection or driveway** For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. **In all cases curb cuts shall be a minimum of five (5') feet from the adjoining property line, unless shared.**

- (2) Separation for two-family, three-family, multi-family and nonresidential development.

- (a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the

arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-500 ft.	1
501-1000 ft.	2
1001-1500 ft.	3
More than 1500 ft.	4

- (b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-100 ft.	1
101-250 ft.	2
251-500 ft.	3
More than 500 ft.	4

- (c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection. ~~Curb cuts shall be a minimum of fifteen (15') feet from the adjoining property line, unless shared.~~

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-50 ft.	1
51-125 ft.	2
126-250 ft.	3
More than 250 ft.	4

- ~~(d) Residential Subdivisions. In the case of residential subdivisions, curb cuts shall be discouraged along arterial and collector streets. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. Curb cuts along all streets shall be located a minimum of five feet (5') from the adjoining property line, unless shared.~~

- (3) Separation for single-family homes.

- (a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as

far from the street intersection as possible while still meeting a 5 foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(Code 1965, App. C., Art. IV, §§C, D, F--H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51--159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4757, 9-6-05; Ord. 4919, 9-05-06; Ord. 5156, 8-5-08; Ord. 5296, 12-15-09; Ord. No. 5546, 12-04-12)

Cross reference(s)--Bonds and Guarantees, Ch. 158; Variances, Ch. 156; Notification and Public Hearings, Ch. 157.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots.

(4) ~~(a)~~ Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.

(5) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-conforming Access Features.

(1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion or improvements greater than 50% of the assessed property value or gross floor area or volume;

(c) As roadway improvements allow.

(H) Easements. Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

CHAPTER 166: DEVELOPMENT

166.08 Street Design And Access Management Standards

- (A) Intent. These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.
- (B) Fitness for development. Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.
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 - (3) Street names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.
 - (4) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
 - (5) Street standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.
- (E) Block Layout / Connectivity.
 - (1) Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.
 - (b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.
 - (c) Local and residential. Intersections shall occur at a minimum of one every 800-660 feet.
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existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

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(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

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- (H) Easements. Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

(Code 1965, App. C., Art. IV, §§C, D, F--H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51--159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4757, 9-6-05; Ord. 4919, 9-05-06; Ord. 5156, 8-5-08; Ord. 5296, 12-15-09; Ord. No. 5546, 12-04-12)

Cross reference(s)--Bonds and Guarantees, Ch. 158; Variances, Ch. 156; Notification and Public Hearings, Ch. 157.



City of Fayetteville Item Review Form

2013-0176

Legistar File Number

December 3, 2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Marsha Hertweck

Submitted By

Finance

Department

Action Required:

Request City Council approval to appropriate the proceeds of the 2013 Sales and Use Tax Bonds for Street Projects. This is the third phase of bond funding for the Streets program.

Does this item have a cost? ☒ No

\$0.00

Cost of this request

\$0.00

Category or Project Budget

Trans. Bond Street Imp.

Program or Project Name

4520-9555-5809-00

Account Number

Street Improvements

Program or Project Category

06035

Project Number

\$0.00

Remaining Balance

Sales Tax Construction

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Baker 11-15-13
Paul A. Baker 11-18-2013
Jim Man 11-18-13
David Jordan 11/19/13

11-14-13 04:51 RCVD





DEPARTMENTAL CORRESPONDENCE

TO: Mayor Lioneld Jordan and Fayetteville City Council

Thru: Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director

DATE: November 15, 2013

SUBJECT: Appropriation Authority for 2013 Sales and Use Tax Bond Issue Proceeds

Background:

Pursuant to the passage of Ordinance 5619 on September 17, 2013, the Sales and Use Tax Capital Improvement Bonds, Series 2013 have been sold. To proceed with the identified transportation projects it is necessary to create a new program in the Sales Tax Construction Fund and appropriate the proceeds in accordance with the attached budget amendment.

Recommendation:

It is recommended that the attached budget amendment be approved so that planned work can commence in the fiscal year 2013.

Budget Impact:

The attached budget amendment will fund capital projects in the Sales Tax Construction Fund in the amount of \$22,311,675.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$22,750,000.00 TO APPROPRIATE PROCEEDS FROM THE 2013 SALES AND USE TAX BONDS FOR STREET PROJECTS

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 as Exhibit "A", in the total amount of \$22,750,000.00 to appropriate proceeds from the 2013 Sales and Use Tax Bonds for street projects.

PASSED and APPROVED this 3rd day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

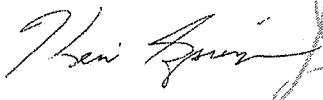
**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 5
2013 Sales and Use Tax
Bond Issue Proceeds
Legistar Page 4 of 4

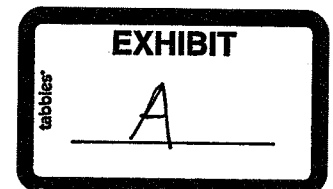
Budget Year 2013	Division: Accounting & Audit Department: Finance Director	Request Date 12/3/2013	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

To recognize the proceeds from the 2013 Sales and Use Tax Bond Issue and the corresponding expenditures for the street program.

CITY\kspringer 11/14/2013 3:20 PM Prepared By Division Head  Budget Director	Legistar# / Date: 2013-0176 / 11/19/2013 Legistar Title: 2013_SALES_TAX_BOND_PROCEEDS Budget & Information Management Use Only Type: A B C D E P General Ledger Date Posted to General Ledger Checked / Verified
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TOTAL BUDGET ADJUSTMENT		22,750,000	22,750,000	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
ADDStreet improvements	4520.9555.5809.00	22,311,675		06035 . 1
ADDBond Issuance Cost	4520.9555.7506.00	433,625		06035 . 1
ADDBond Discount	4520.9555.7507.00	4,700		06035 . 1
Proceeds from bond sales	4520.0952.6884.00		22,750,000	06035 . 1



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
December 03, 2013**

A meeting of the Fayetteville City Council will be held on December 03, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Quarterly Financial Report – 3rd Quarter of 2013**, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

1. Approval of the November 19, 2013 City Council meeting minutes.
2. **General Construction Solutions, Inc.:** A resolution approving Change Order No. 1 to the contract with General Construction Solutions, Inc. in the amount of \$34,037.14 for the completion of construction on FEMA Project, Location 22 Sanitary Sewer near the entrance to the Cliffs Apartments related to Spring 2011 flooding, and approving a budget adjustment.

3. **Grubbs, Hoskyn, Barton & Wyatt, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for the additional amount of \$8,000.00 for additional geotechnical evaluations of Tract 14 of the Fayetteville Industrial Park, approving a project contingency of \$2,000.00 and approving a budget adjustment.
4. **Continental Flooring Company:** A resolution authorizing the purchase and installation of vinyl plank flooring from Continental Flooring Company for the Transportation Division office in the amount of \$38,843.00 plus any applicable bonding fees and tax pursuant to an NJPA cooperative purchasing agreement.
5. **Landers Toyota of Little Rock:** A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of \$55,910.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer Division, and approving a budget adjustment in the amount of \$28,500.00.
6. **Bid #13-20 Shipley Motor Company of Lowell:** A resolution authorizing the purchase of one (1) Mack LE613 truck with Wayne Titan body in the amount of \$245,060.00, pursuant to Bid #13-20, from Shipley Motor Company of Lowell for use by the Solid Waste Division.
7. **Assistance to Firefighters Grant:** A resolution authorizing application for an 80/20 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$380,000.00 for the purchase of a front line fire pumper apparatus for the Fire Department.

Need
New
Resolution
and
Memo.

B. Unfinished Business:

1. **Amend UDC Height and Setback Regulations:** An ordinance to Amend §§161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 to change setbacks and stepbacks for adjoining property and height limitations for several districts and to amend §164.11 Height and Setback Regulations; Exceptions to reduce or eliminate setbacks in certain circumstances, to require wider sidewalks for buildings higher than 36 feet and to provide a building height variance for buildings receiving LEED Gold Certification and meeting other requirements, and to amend §156.02 (F) to authorize a requirement for a height variance applicant to provide a Viewshed Analysis or Sun/Shadow Study. *This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent the Ordinance Review Committee for review.*

Left on the Third Reading

Need to
do a Public
Hearing -
Need to
Publish Notice

2. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance approving VAC 13-4516 submitted by Development Consultants, Incorporated for property located west of Razorback Road and north of Center Street to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a thirty foot wide alley off of Hotz Drive. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

Left on the Second Reading

3. **ADM 13-4512 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Two, reducing the number of dwelling units from 100 units to 72 units and removing the requirement for vertical mixed-use buildings. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

Left on the Second Reading

4. **ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Five, reducing the number of dwelling units from 60 units to 31 units and amending the housing type from townhouses to detached single-family houses. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

Left on the Second Reading

5. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting.*

Left on the First Reading

C. New Business:

1. **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.
2. **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314.00 to provide public recreation services for the senior citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.

3. **RZN 13-4520 (S. of Martin Luther King Blvd. and East of S. Beechwood/Eaton):** An ordinance rezoning that property described in rezoning petition RZN 13-4520, for approximately 16.57 acres located south of Martin Luther King Boulevard and east of South Beechwood from I-1, Heavy Commercial and Light Industrial to CS, Community Services.

4. **Amend §166.08 Street Design and Access Management Standards:** An ordinance to amend §166.08 Street Design and Access Management Standards of the Unified Development Code to clarify or alter several design regulations.

- Consent 5. **2013 Sales and Use Tax Bond Issue Proceeds:** A resolution approving a budget adjustment in the total amount of \$22,750,000.00 to appropriate proceeds from the 2013 Sales and Use Tax Bonds for street projects.

D. City Council Agenda Session Presentations:

E. City Council Tour:

1. **December 2, 2103 – 4:00 PM – Mt. Kessler**

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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.

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Pre Agenda Meeting 11/20/13

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
December 03, 2013**

A meeting of the Fayetteville City Council will be held on December 03, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Quarterly Financial Report – 3rd Quarter of 2013**, Paul Becker, Finance Director

Agenda Additions:

A. Consent:

1. Approval of the November 19, 2013 City Council meeting minutes.
2. **General Construction Solutions, Inc.:** A resolution approving Change Order No. 1 to the contract with General Construction Solutions, Inc. in the amount of \$34,037.14 for the completion of construction on FEMA Project, Location 22 Sanitary Sewer near the entrance to the Cliffs Apartments related to Spring 2011 flooding, and approving a budget adjustment.

3. **Grubbs, Hoskyn, Barton & Wyatt, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for the additional amount of \$8,000.00 for additional geotechnical evaluations of Tract 14 of the Fayetteville Industrial Park, approving a project contingency of \$2,000.00 and approving a budget adjustment.
4. **Continental Flooring Company:** A resolution authorizing the purchase and installation of vinyl plank flooring from Continental Flooring Company for the Transportation Division office in the amount of \$38,843.00 plus any applicable bonding fees and tax pursuant to an NJPA Cooperative Purchasing Agreement.
5. **Landers Toyota of Little Rock:** A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of \$55,910.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer Division, and approving a budget adjustment in the amount of \$28,500.00.
6. **Bid #13-20 Shipley Motor Company of Lowell:** A resolution authorizing the purchase of one (1) Mack LE613 truck with Wayne Titan body in the amount of \$245,060.00, pursuant to Bid #13-20, from Shipley Motor Company of Lowell for use by the Solid Waste Division.
7. **Assistance to Firefighters Grant:** A resolution authorizing application for an 80/20 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$380,000.00 for the purchase of a front line fire pumper apparatus for the Fire Department

B. Unfinished Business:

1. **Amend UDC Height and Setback Regulations:** An ordinance to Amend §§161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 to change setbacks and setbacks for adjoining property and height limitations for several districts and to amend §164.11 Height and Setback Regulations; Exceptions to reduce or eliminate setbacks in certain circumstances, to require wider sidewalks for buildings higher than 36 feet and to provide a building height variance for buildings receiving LEED Gold Certification and meeting other requirements, and to amend §156.02 (F) to authorize a requirement for a height variance applicant to provide a Viewshed Analysis or Sun/Shadow Study. *This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent the Ordinance Review Committee for review.*

Left on the Third Reading

- ✓ 2. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance approving VAC 13-4516 submitted by Development Consultants, Incorporated for property located west of Razorback Road and north of Center Street to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a thirty foot wide alley off of Hotz Drive. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

✓ **Left on the Second Reading**

- ✓ 3. **ADM 13-4512 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Two, reducing the number of dwelling units from 100 units to 72 units and removing the requirement for vertical mixed-use buildings. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

✓ **Left on the Second Reading**

- ✓ 4. **ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Five, reducing the number of dwelling units from 60 units to 31 units and amending the housing type from townhouses to detached single-family houses. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.*

Left on the Second Reading

- ✓ 5. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting.*

Left on the First Reading

C. New Business:

- ✓ 1. **RZN 13-4520 (S. of Martin Luther King Blvd. and East of S. Beechwood/Eaton):** An ordinance rezoning that property described in rezoning petition RZN 13-4520, for approximately 16.57 acres located south of Martin Luther King Boulevard and east of South Beechwood from I-1, Heavy Commercial and Light Industrial to CS, Community Services.
- ✓ 2. **Amend §166.08 Street Design and Access Management Standards:** An ordinance to amend §166.08 Street Design and Access Management Standards of the Unified Development Code to clarify or alter several design regulations
- ✓ 3. **2013 Sales and Use Tax Bond Issue Proceeds:** A resolution approving a budget adjustment in the total amount of \$22,750,000.00 to appropriate proceeds from the 2013 Sales and Use Tax Bonds for street projects.

Move to
NB #1 & 2

- ④ **Fayetteville Youth Center, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.
- ② **Northwest Arkansas Economic Development District:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314.00 to provide public recreation services for the senior citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.

D. City Council Agenda Session Presentations:

E. City Council Tour:

1. **December 2, 2103 – 4:00 PM – Mt. Kessler**

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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.

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