

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
October 4, 2016**

A meeting of the Fayetteville City Council was held on October 4, 2016 at 5:30 p.m. 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

1. Development Services Presentation - Jeremy Pate.

City Council Meeting Presentations, Reports, and Discussion Items.

Agenda Additions

A. Consent:

1. Approval of the September 20, 2016 City Council Meeting Minutes.

Approved

2. **SPRINGDALE TRACTOR CO.:** A resolution to authorize the purchase of a Kubota 60-inch pro deck mower with canopy in the amount of \$13,175.00 from Springdale

Tractor Co. of Springdale, Arkansas for use by the Transportation Services Department, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 174-16

3. **BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPARTMENT:** A resolution to award bid no. 16-54 and authorize the purchase of a Ford F550 crew cab 4x4 with Davis Dump body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$54,670.88 for use by the transportation department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 175-16

4. **BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION DEPARTMENT:** A resolution to award bid no. 16-54 and authorize the purchase of a Ford F350 crew cab 4x4 with Davis Dump Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$44,947.88 for use by the Parks and Recreation Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 176-16

5. **BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:** A resolution to award bid no. 16-54 and authorize the purchase of a Ford F550 standard cab with Davis Dump body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$48,397.88 for use by the Water and Sewer Operations Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 177-16

6. **BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:** A resolution to award bid no. 16-56 and authorize the purchase of a Ford F550 4x4 with reading utility body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$48,005.00 for use by the Water and Sewer Operations Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 178-16

7. **BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:** A resolution to award bid no. 16-57 and authorize the purchase of a Ford F550 diesel 4x4 with reading utility body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$55,243.00 for use by the Water and Sewer Operations Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 179-16

8. **BID NO. 16-60 ART THURESON INC:** A resolution to award bid no. 16-60 and authorize the purchase of a prefabricated bridge in the amount of \$31,500.00 from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 180-16

9. **GARVER, LLC AMENDMENT NO. 1:** A resolution to approve Amendment No. 1 to the contract with Garver, L L C in the amount of \$32,200.00 to add construction phase services related to the installation of a tunnel and bridges on a portion of the Cato Springs Trail within the Arkansas Highway and Transportation Department Right of Way.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 181-16

10. **WALTON ARTS CENTER COUNCIL, INC. RESTATED ARTICLES OF INCORPORATION:** A resolution to approve the restated articles of incorporation of the Walton Arts Center Council, Inc.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 182-16

B. Unfinished Business:

1. **RZN 16-5442 (2514 W. LORI RD. /RAZORBACK GOLF COURSE):** An ordinance to rezone that property described in rezoning petition RZN 16-5442 for approximately 99.10 acres located at 2514 West Lori Road from r-a, residential agricultural; rsf-1, residential single family, one unit per acre and rsf-4, residential single family, 4 units per acre to nc, neighborhood conservation; r-a, residential agricultural and ns, neighborhood services subject to the attached bill of assurance.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5909

C. New Business:

1. **BID NO. 16-53 BOULDER CONSTRUCTION, INC :** A resolution to award bid no. 16-53 and authorize a contract with Boulder Construction, Inc. in the amount of \$3,753,369.40 for construction of portions of the Cato Springs Trail from the Town Branch Trail to Kessler Mountain Regional Park, to approve change order no. 1 to reflect value engineering items and reduce the contract amount by \$880,253.40, and to approve a project contingency in the amount of \$287,311.16

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 183-16

2. **RZN 16-5543 (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING):** An ordinance to rezone that property described in rezoning petition RZN 16-5543 for approximately 21.40 acres located at 3434 North Crossover Road from r-a, residential agricultural to rt-12, residential two and three family; p-1, institutional and cs, community services.

THIS ORDINANCE WAS LEFT ON THE FIRST READING AT THE OCTOBER 4TH, 2016 CITY COUNCIL MEETING

3. **RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS):**An ordinance to rezone that property described in rezoning petition 16-5548 for approximately 0.63 acres located at

1211 West James Street from r-o, residential office to cs, community services subject to the attached bill of assurance.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5910

4. **RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):** An ordinance to rezone that property described in rezoning petition rzn 16-5550 for approximately 73.37 acres located east and west of Ruppel Road and south of Mount Comfort Road from rsf-1, residential single family, 1 unit per acre; rsf-4, residential single family, 4 units per acre and r-a, residential agricultural to cs, community services and r-a, residential agricultural.

THIS ORDINANCE WAS AMENDED AND LEFT ON THE FIRST READING AT THE OCTOBER 4TH, 2016 CITY COUNCIL MEETING

5. **RZN 16-5560 (103 N PLAINVIEW AVE./MCMAHON):** An ordinance to rezone that property described in rezoning petition rzn 16-5560 for approximately 3.34 acres located at 103 North Plainview Avenue from r-o, residential office to rt-12, residential two and three family.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5911

6. **ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT):** An ordinance to amend ordinance no. 5015 which enacted residential planned zoning district 07-2452 (the links) to allow a clubhouse and swimming pool to be constructed on a 0.4 acre parcel of the r-pzd.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5912

7. **STARTUP JUNKIE CONSULTING, LLC:** A resolution to approve a two (2) year contract with Startup Junkie Consulting, llc to provide economic development consulting services in the areas of entrepreneurship and innovation in the amount of \$300,000.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 184-16

8. **FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:** A resolution to approve a two (2) year contract with the Fayetteville Chamber of Commerce to provide economic development consulting services in the areas of business recruitment, retention, and expansion in the amount of \$360,000.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 185-16

9. **PARTNERS FOR BETTER HOUSING, INC. AGREEMENT:** An ordinance to waive competitive bidding and to approve the contractual agreement attached to the engineering department's agenda memo in the form of a cost share agreement with Partners for Better Housing, Inc. in the amount of up to one million dollars (\$1,000,000.00) pursuant to resolution no. 117-13.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5913

- 10. AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS:** An ordinance to amend chapter 6 pavement structure and materials of the minimum street standards manual to allow alleys to be constructed with gravel pavement sections in certain circumstances.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5914

City Council Agenda Session Presentations:

City Council Tour

Announcements

Adjournment: 8:28 p.m.

City Council Meeting:

September 20, 2016

October 4, 2016

Adjourn:

8:28

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

9-0

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

City Council Meeting:

Subject:	Consent				
Motion To:					
Motion By:					
Seconded:					
Consent A. 1 - A. 10 <i>Minutes Approved</i> <i>Approved</i> <i>174-16 thru 182-16</i>	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Mayor Jordan				

8-0

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

City Council Meeting:

Subject:		RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE)			
Motion To:			3rd Read	Approve	
Motion By:			City		
Seconded:			Attorney		
B. 1 Unfinished Business <u>Approved</u> 5909	Long		read	N	
	Gray		the	✓	
	Marsh		entire	✓	
	Kinion		ordinance	✓	
	Petty		so no	✓	
	Tennant		motion was	✓	
	Schoppmeyer		made to	✓	
	La Tour		go to the	✓	
	Mayor Jordan		3rd Read		

7-1

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

City Council Meeting:

Subject:		BID NO. 16-53 BOULDER CONSTRUCTION, INC.			
Motion To:			<i>* Check Vote ✓</i>		
Motion By:		<i>Approve</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Marsh</i>			
C. 1 New Business <i>Approved</i> <i>183-142</i>	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>✓</i>			
	Mayor Jordan				

8-0

Subject:		RZN 16-5543 (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING)			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:					
Seconded:					
C. 2 New Business <i>Left on</i> <i>the</i> <i>First</i> <i>Reading</i>	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Mayor Jordan				

City Council Meeting:

Subject:		RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS)			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Petty</i>	<i>Petty</i>		
Seconded:		<i>Long</i>	<i>Gray</i>		
C. 3 New Business <i>Approved</i> <i>8-0</i>	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Schoppmeyer	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)			
Motion To:		<i>Amend Title</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Marsh</i>			
C. 4 New Business <i>Amend</i> <i>Left on the first Reading</i>	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>✓</i>			
	Mayor Jordan				

8-0

City Council Meeting:

Subject: RZN 16-5560 (103 N PLAINVIEW AVE./MCMAHON)					
Motion To:		2nd Read	3rd Read	Approve	
Motion By:		Marsh	Marsh		
Seconded:		Long	Long		
C. 5 New Business <u>Approved</u> 5911	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject: ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT)					
Motion To:		2nd Read	3rd Read	Approved	
Motion By:		Long	Marsh		
Seconded:		Marsh	Gray		
C. 6 New Business <u>Approved</u> 5912	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

City Council Meeting:

Subject:	STARTUP JUNKIE CONSULTING, LLC				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Petty</i>			
C. 7 New Business <i>Need revised contract</i> <i>Approved</i> <i>184-112</i>	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>N</i>			
	Mayor Jordan				

7-1

Subject:	FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES				
Motion To:		<i>Approve</i>			
Motion By:		<i>Schoppmeyer</i>			
Seconded:		<i>Gray</i>			
C. 8 New Business <i>Approved</i> <i>185-112</i>	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>✓</i>			
	Mayor Jordan				

8-0

City Council Meeting:

Subject:		PARTNERS FOR BETTER HOUSING, INC. AGREEMENT			
Motion To:					
Motion By:					
Seconded:					
C. 9 New Business <u>Approved</u> 5913	Long	N	N	N	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	N	N	N	
Mayor Jordan					

6-2

6-2

6-2

Subject:		AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS			
Motion To:					
Motion By:					
Seconded:					
C. 10 New Business <u>Approved</u> 5914	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
Mayor Jordan					

8-0

8-0

8-0



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **October 5, 2016**

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of October 4, 2016

1. A resolution to authorize the purchase of a Kubota 60-inch pro deck mower with canopy in the amount of \$13,175.00 from Springdale Tractor Co. of Springdale, Arkansas for use by the Transportation Services Department, and to approve a budget adjustment.
2. A resolution to award Bid No. 16-54 and authorize the purchase of a Ford F550 Crew Cab 4x4 with Davis Dump Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$54,670.88 for use by the Transportation Department.
3. A resolution to award Bid No. 16-54 and authorize the purchase of a Ford F350 Crew Cab 4x4 with Davis Dump Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$44,947.88 for use by the Parks and Recreation Department.
4. A resolution to award Bid No. 16-54 and authorize the purchase of a Ford F550 Standard Cab with Davis Dump Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$48,397.88 for use by the Water and Sewer Operations Division.
5. A resolution to award Bid No. 16-56 and authorize the purchase of a Ford F550 4x4 with Reading Utility Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$48,005.00 for use by the Water and Sewer Operations Division.
6. A resolution to award Bid No. 16-57 and authorize the purchase of a Ford F550 Diesel 4x4 with Reading Utility Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$55,243.00 for use by the Water and Sewer Operations Division.
7. A resolution to award Bid No. 16-60 and authorize the purchase of a prefabricated bridge in the amount of \$31,500.00 from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

8. A resolution to approve Amendment No. 1 to the contract with Garver, LLC in the amount of \$32,200.00 to add construction phase services related to the installation of a tunnel and bridges on a portion of the Cato Springs Trail within the Arkansas Highway and Transportation Department right of way.
9. A resolution to approve the Restated Articles of Incorporation of the Walton Arts Center Council, Inc.
10. An ordinance to rezone that property described in rezoning petition RZN 16-5442 for approximately 99.10 acres located at 2514 West Lori Road from R-A, Residential Agricultural; RSF-1, Residential Single Family, One Unit Per Acre and RSF-4, Residential Single Family, 4 Units Per Acre to NC, Neighborhood Conservation; R-A, Residential Agricultural and NS, Neighborhood Services subject to the attached Bill of Assurance.
11. A resolution to award Bid No. 16-53 and authorize a contract with Boulder Construction, Inc. in the amount of \$3,753,369.40 for construction of portions of the Cato Springs Trail from the Town Branch Trail to Kessler Mountain Regional Park, to approve Change Order No. 1 to reflect value engineering items and reduce the contract amount by \$880,253.40, and to approve a project contingency in the amount of \$287,311.16.
12. An ordinance to rezone that property described in rezoning petition RZN 16-5548 for approximately 0.63 acres located at 1211 West James Street from R-O, Residential Office to CS, Community Services subject to the attached Bill of Assurance.
13. An ordinance to rezone that property described in rezoning petition RZN 16-5560 for approximately 3.34 acres located at 103 North Plainview Avenue from R-O, Residential Office to RT-12, Residential Two and Three Family.
14. An ordinance to amend Ordinance No. 5015 which enacted Residential Planned Zoning District 07-2452 (The Links) to allow a clubhouse and swimming pool to be constructed on a 0.4 acre parcel of the R-PZD.
15. A resolution to approve a two (2) year contract with Startup Junkie Consulting, LLC to provide economic development consulting services in the areas of entrepreneurship and innovation in the amount of \$300,000.00, and to approve a budget adjustment.
16. A resolution to approve a two (2) year contract with the Fayetteville Chamber of Commerce to provide economic development consulting services in the areas of business recruitment, retention, and expansion in the amount of \$360,000.00, and to approve a budget adjustment.
17. An ordinance to waive competitive bidding and to approve the Contractual Agreement attached to the Engineering Department's agenda memo in the form of a cost share agreement with Partners for Better Housing, Inc. in the amount of up to One Million Dollars (\$1,000,000.00) pursuant to Resolution No. 117-13.

18. An ordinance to amend Chapter 6 Pavement Structure and Materials of the Minimum Street Standards Manual to allow alleys to be constructed with gravel pavement sections in certain circumstances.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, October 4, 2016

5:30 PM

City Hall Room 219

City Council Meeting

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

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****1. [2016-0366](#)****DEVELOPMENT SERVICES PRESENTATION - JEREMY PATE****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:****A. 1 [2015-0656](#)**

APPROVAL OF THE SEPTEMBER 20, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0431](#)**SPRINGDALE TRACTOR CO.:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A KUBOTA 60-INCH PRO DECK MOWER WITH CANOPY IN THE AMOUNT OF \$13,175.00 FROM SPRINGDALE TRACTOR CO. OF SPRINGDALE, ARKANSAS FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SPRINGDALE TRACTOR CO.](#)
 [BA SPRINGDALE TRACTOR CO.:](#)

A. 3 [2016-0424](#)**BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPARTMENT:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$54,670.88 FOR USE BY THE TRANSPORTATION DEPARTMENT

Attachments: [BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPARTMENT](#)

A. 4 [2016-0425](#)**BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION DEPARTMENT:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F350 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$44,947.88 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments: [BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION DEPARTMENT](#)

A. 5 [2016-0426](#)**BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 STANDARD CAB WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,397.88 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: [BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION](#)

A. 6 [2016-0430](#)**BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS
DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-56 AND AUTHORIZE THE PURCHASE OF A FORD F550 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,005.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: [BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS I](#)

A. 7 [2016-0429](#)**BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS
DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-57 AND AUTHORIZE THE PURCHASE OF A FORD F550 DIESEL 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$55,243.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: [BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS I](#)

A. 8 [2016-0438](#)**BID NO. 16-60 ART THURESON INC.:**

A RESOLUTION TO AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: [BID NO. 16-60 ART THURESON INC.](#)

A. 9 [2016-0442](#)**GARVER, LLC AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH GARVER, LLC IN THE AMOUNT OF \$32,200.00 TO ADD CONSTRUCTION PHASE SERVICES RELATED TO THE INSTALLATION OF A TUNNEL AND BRIDGES ON A PORTION OF THE CATO SPRINGS TRAIL WITHIN THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT OF WAY

Attachments: [GARVER, LLC AMENDMENT NO. 1](#)

A. 10 [2016-0441](#)**WALTON ARTS CENTER COUNCIL, INC. RESTATED ARTICLES OF INCORPORATION:**

A RESOLUTION TO APPROVE THE RESTATED ARTICLES OF INCORPORATION OF THE WALTON ARTS CENTER COUNCIL, INC.

Attachments: [Agenda Packet WAC Restates Articles of Incorporation](#)

B. Unfinished Business:**B. 1** [2016-0328](#)**RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

(LEFT ON SECOND READING)

Attachments: [RZN 16-5442 \(2514 W. LORI RD./RAZORBACK GOLF COURSE\)](#)
[BILL OF ASSURANCE](#)

At the July 19, 2016 City Council meeting this ordinance was left on the first reading.

At the August 2, 2016 City Council Meeting this ordinance was left on the first reading and tabled indefinitely.

At the September 6, 2016 City Council meeting this ordinance was left on the first reading and tabled to the September 20, 2016 City Council meeting.

At the September 20, 2016 City Council Meeting this ordinance was left on the second reading.

C. New Business:

C.1 [2016-0403](#)

BID NO. 16-53 BOULDER CONSTRUCTION, INC.:

A RESOLUTION TO AWARD BID NO. 16-53 AND AUTHORIZE A CONTRACT WITH BOULDER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,753,369.40 FOR CONSTRUCTION OF PORTIONS OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE CHANGE ORDER NO. 1 TO REFLECT VALUE ENGINEERING ITEMS AND REDUCE THE CONTRACT AMOUNT BY \$880,253.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$287,311.16

Attachments: [BID NO. 16-53 BOULDER CONSTRUCTION, INC.:](#)

C.2 [2016-0433](#)

RZN 16-5543 (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5543 FOR APPROXIMATELY 21.40 ACRES LOCATED AT 3434 NORTH CROSSOVER ROAD FROM R-A, RESIDENTIAL AGRICULTURAL TO RT-12, RESIDENTIAL TWO AND THREE FAMILY; P-1, INSTITUTIONAL AND CS, COMMUNITY SERVICES

Attachments: [RZN \(3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING\)](#)

C.3 [2016-0428](#)

RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5548 FOR APPROXIMATELY 0.63 ACRES LOCATED AT 1211 WEST JAMES STREET FROM R-O, RESIDENTIAL OFFICE TO CS, COMMUNITY SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

Attachments: [RZN 16-5548 \(1211 W JAMES ST./HAVEN CAMPUS\)](#)

C. 4 [2016-0432](#)**RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 73.37 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

Attachments:[RZN 16-5550 \(2155 N. RUPPLE RD./HAZEN\)](#)[ADDITIONAL: RZN 16-5550 \(2155 N. RUPPLE RD./HAZEN\)](#)**C. 5** [2016-0434](#)**RZN 16-5560 (103 N PLAINVIEW AVE./MCMAHON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5560 FOR APPROXIMATELY 3.34 ACRES LOCATED AT 103 NORTH PLAINVIEW AVENUE FROM R-O, RESIDENTIAL OFFICE TO RT-12, RESIDENTIAL TWO AND THREE FAMILY

Attachments:[RZN 16-5560 \(103 N PLAINVIEW AVE./McMAHON\)](#)**C. 6** [2016-0436](#)**ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT):**

AN ORDINANCE TO AMEND ORDINANCE NO. 5015 WHICH ENACTED RESIDENTIAL PLANNED ZONING DISTRICT 07-2452 (THE LINKS) TO ALLOW A CLUBHOUSE AND SWIMMING POOL TO BE CONSTRUCTED ON A 0.4 ACRE PARCEL OF THE R-PZD

Attachments:[ADM 16-5564 \(1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT\)](#)

C. 7 [2016-0404](#)**STARTUP JUNKIE CONSULTING, LLC:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH STARTUP JUNKIE CONSULTING, LLC TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF ENTREPRENEURSHIP AND INNOVATION IN THE AMOUNT OF \$300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [STARTUP JUNKIE CONSULTING, LLC](#)
 [BA STARTUP JUNKIE CONSULTING, LLC](#)

C. 8 [2016-0405](#)**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF BUSINESS RECRUITMENT, RETENTION, AND EXPANSION IN THE AMOUNT OF \$360,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CON](#)
 [BA FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT](#)

C. 9 [2016-0439](#)**PARTNERS FOR BETTER HOUSING, INC. AGREEMENT:**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND TO APPROVE THE CONTRACTUAL AGREEMENT ATTACHED TO THE ENGINEERING DEPARTMENT'S AGENDA MEMO IN THE FORM OF A COST SHARE AGREEMENT WITH PARTNERS FOR BETTER HOUSING, INC. IN THE AMOUNT OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) PURSUANT TO RESOLUTION NO. 117-13

Attachments: [PARTNERS FOR BETTER HOUSING AGREEMENT](#)
 [City Attorney Memo Willow Bend](#)
 [ADDITIONAL: PARTNERS FOR BETTER HOUSING, INC. AGREEMENT](#)

C. 10 [2016-0440](#)**AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS:**

AN ORDINANCE TO AMEND **CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS** OF THE MINIMUM STREET STANDARDS MANUAL TO ALLOW ALLEYS TO BE CONSTRUCTED WITH GRAVEL PAVEMENT SECTIONS IN CERTAIN CIRCUMSTANCES

Attachments: [AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS](#)

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

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

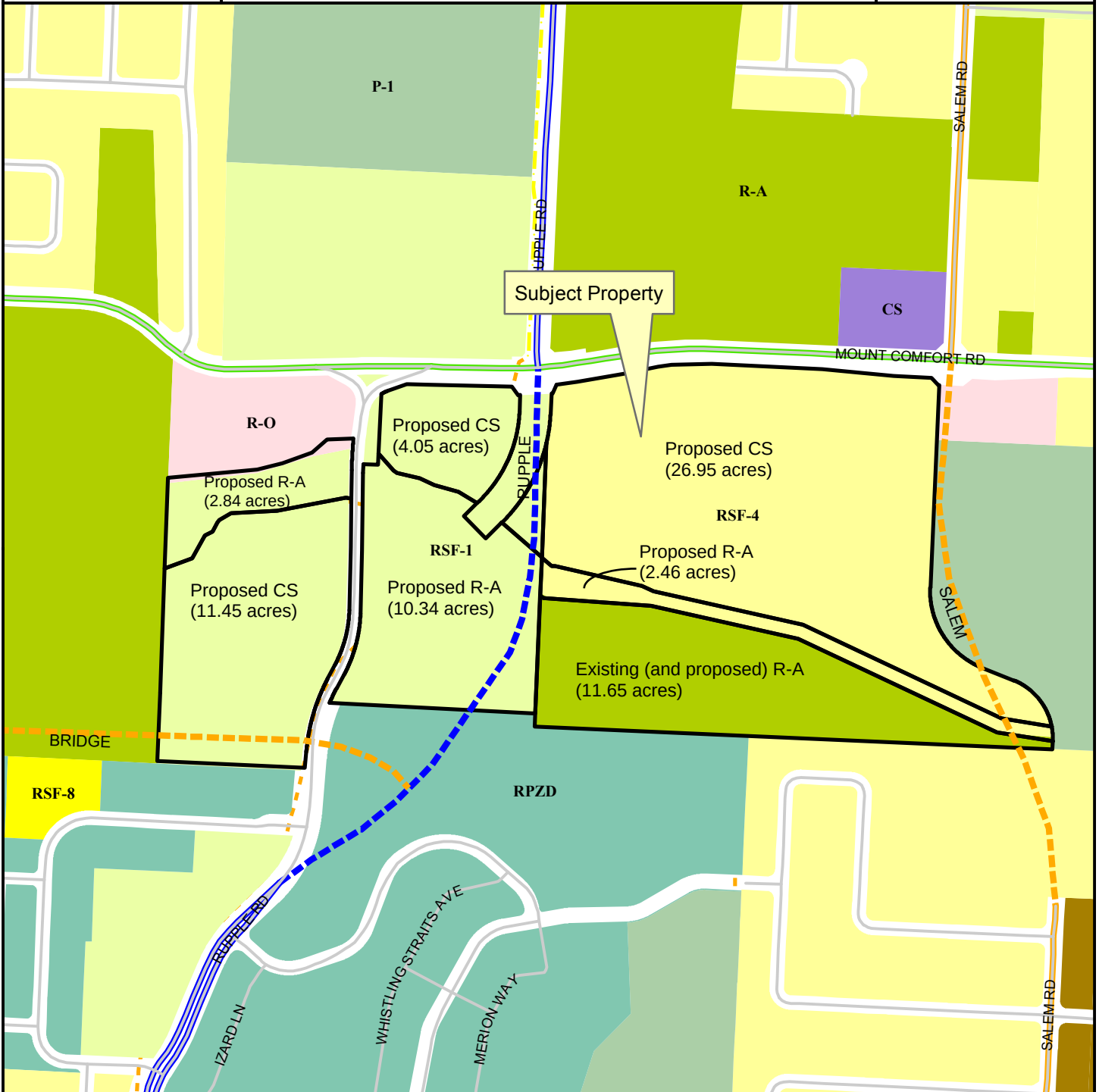
A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

EXHIBIT 'A'

RZN 16-5550

HAZEN

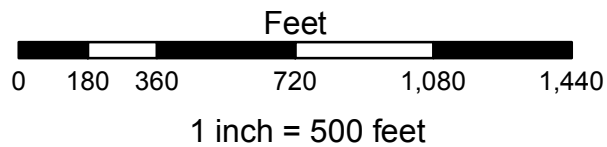
Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

Proposed Community Services (CS): 40.02 acres
Proposed Residential-Agricultural (R-A): 27.29 acres



- Residential-Agricultural
- RSF-1
- RSF-4
- RSF-8
- RT-12 Residential Two and Three-family
- Residential-Office
- Community Services
- Commercial, Industrial, Residential
- P-1

EXHIBIT 'B'
RZN 16-5550

LEGAL DESCRIPTION: (RSF-1 TO RA WEST OF RUPPLE ROAD)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said NE1/4, SE1/4, thence N00°08'03"W 425.71 feet to the POINT OF BEGINNING; thence N00°08'03"W 312.67 feet, thence N82°27'57"E 307.21 feet, thence N73°05'57"E 88.90 feet, thence N68°22'57"E 109.10 feet, thence N46°15'57"E 68.10 feet, thence N85°12'57"E 90.24 feet, thence along a non tangent curve to the left 108.50 feet, said curve having a radius of 1,225.00 feet and chord bearing and distance of S00°45'04"W 108.46 feet, thence S01°47'11"E 99.24 feet, thence N81°50'03"W 19.48 feet, thence S77°00'35"W 240.09 feet, thence S84°24'19"W 158.81 feet, thence S57°26'48"W 46.44 feet, thence S37°50'40"W 11.24 feet, thence S25°13'07"W 34.52 feet, thence S59°15'27"W 29.79 feet, thence S33°49'55"W 3.68 feet, thence S26°27'53"W 86.09 feet, thence S67°21'40"W 100.84 feet to the POINT OF BEGINNING: Containing 2.84 acres more or less.

LEGAL DESCRIPTION: (RSF-1 TO CS WEST OF RUPPLE ROAD)

A part of the NE1/4 of the SE1/4 and a part of the SE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Beginning at the SW Corner of said NE1/4, SE1/4, said point being the POINT OF BEGINNING, thence N00°08'03"W 425.71 feet, thence N67°21'40"E 100.84 feet, thence N26°27'53"E 86.09 feet, thence N33°49'55"E 3.68 feet, thence N59°15'27"E 29.79 feet, thence N25°13'07"E 34.52 feet, thence N37°50'40"E 11.24 feet, thence N57°26'48"E 46.44 feet, thence N84°24'19"E 158.81 feet, thence N77°00'35"E 240.09 feet, thence S81°50'03"E 19.48 feet, thence S01°47'11"E 166.22 feet, thence S00°48'27"E 216.75 feet, thence along a curve to the right 196.87 feet, said curve having a radius of 425.00 feet and a chord bearing and distance of S12°27'47"W 195.12 feet, thence S25°44'00"W 52.26 feet, thence along a curve to the left 264.22 feet, said curve having a radius of 645.00 feet and a chord bearing and distance of S13°59'54"W 262.37 feet, thence S02°15'47"W 55.14 feet, thence N89°41'13"W 507.37 feet, thence N00°08'03"W 235.71 feet to the POINT OF BEGINNING: Containing 11.45 acres more or less.

LEGAL DESCRIPTION: (RA TO REMAIN RA)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 87.09 feet, thence S00°10'53"E 787.74 feet to the POINT OF BEGINNING, thence S62°33'13"E 13.44 feet, thence S88°21'00"E 369.68 feet, thence S79°51'00"E 517.91 feet, thence S67°16'00"E 756.00 feet, thence S83°40'33"E 193.85 feet, thence S00°00'26"W 27.76 feet, thence N89°59'34"W 1,779.84 feet, thence N00°05'14"W 42.71 feet, thence N00°10'53"W 406.45 feet to the POINT OF BEGINNING: Containing 11.65 acres more or less.

LEGAL DESCRIPTION: (RSF-1 TO CS)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet to the POINT OF BEGINNING, thence S00°10'53"E 656.17 feet, thence N51°32'47"W 257.04 feet, thence N60°42'59"W 108.04 feet, thence N76°59'25"W 86.03 feet, thence N68°01'04"W 56.27 feet, thence N79°48'14"W 78.84 feet, thence N55°39'31"W 15.26 feet, thence N44°18'07"W 77.56 feet, thence North 205.49 feet, thence along a non tangent curve to the right 22.82 feet, said curve having a radius of 95.00 feet and chord bearing and distance of N61°17'56"E 22.76 feet, thence N68°10'46"E 112.11 feet, thence East 156.46 feet, thence North 50.67 feet, thence N88°31'47"E 135.73 feet, thence along a curve to the left 158.22 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N85°22'55"E 158.14 feet to the POINT OF BEGINNING: Containing 5.67 acres more or less subject to easements and right of way of record. Less and except future Ruppel Road right of way and Mount Comfort Road right of way and also being a part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet to the POINT OF BEGINNING, thence S00°10'53"E 262.69 feet, thence along a non tangent curve to the right 318.12 feet, said curve having a radius of 563.50 feet and chord bearing and distance of S26°44'02"W 313.91 feet, thence N51°32'47"W 75.13 feet, thence N60°42'59"W 33.12 feet, thence N43°20'43"E 10.14 feet, thence along a curve to the left 343.90 feet, said curve having a radius of 456.50 feet and a chord bearing and distance of N21°45'48"E 335.83 feet, thence N00°10'53"E 58.28 feet, thence S84°10'51"W 7.27 feet, thence N37°32'42"W 36.91 feet, thence S88°42'46"W 361.85 feet, thence N68°10'46"E 41.11 feet, thence East 156.46 feet, thence North 50.67 feet, thence N88°31'47"E 135.73 feet, thence along a curve to the left 158.22 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N85°22'55"E 158.14 feet to the POINT OF BEGINNING: Containing 1.62 acres more or less. Total acreage from RSF-1 to CS = 4.05 acres.

LEGAL DESCRIPTION: (RSF-1 TO RA)

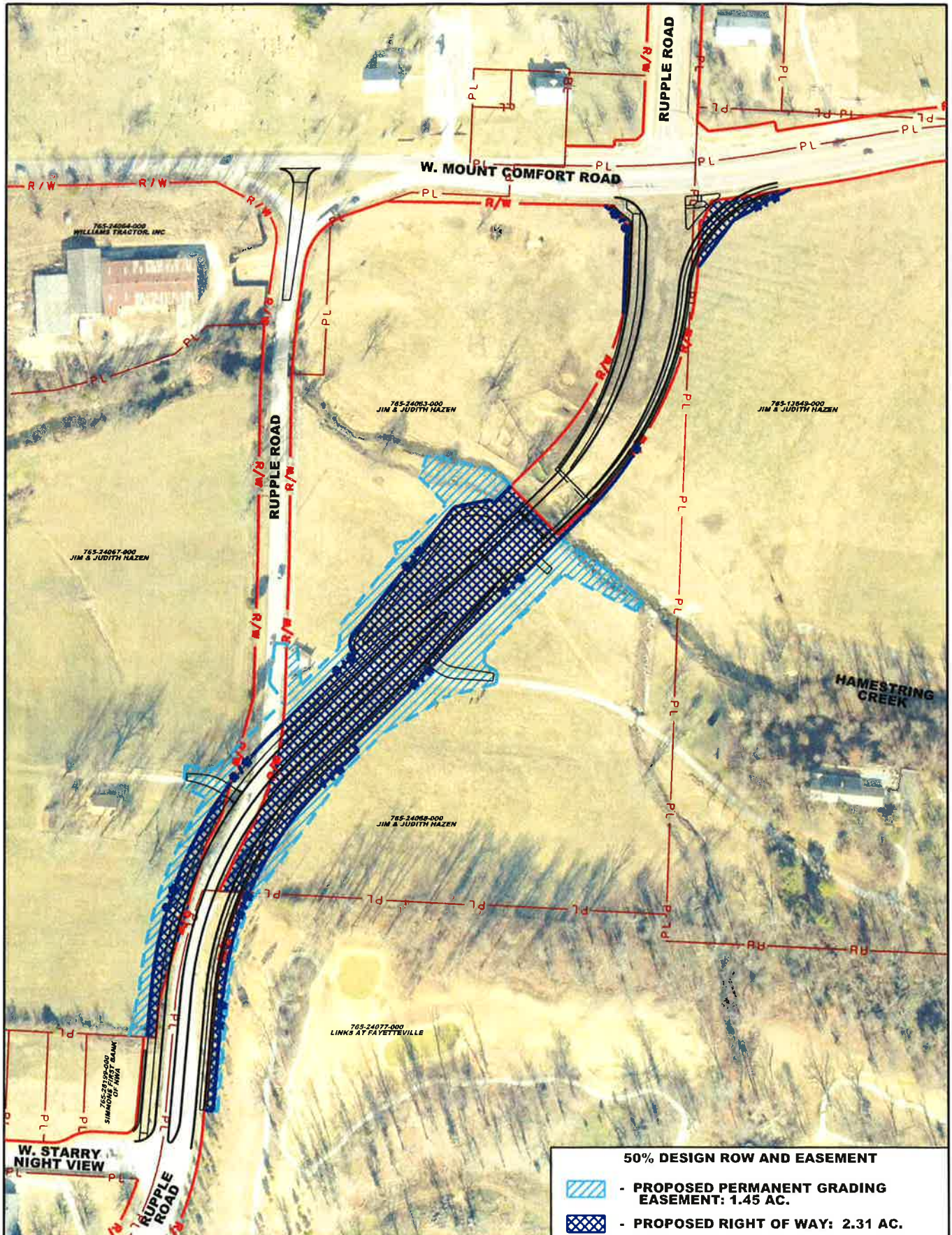
A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence N89°30'32"W 707.70 feet, thence along a non tangent curve to the right 55.81 feet, said curve having a radius of 595.00 feet and chord bearing and distance of N23°02'47"E 55.79 feet, thence N25°44'00"E 52.26 feet, thence along a curve to the left 220.03 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of N12°27'47"E 218.07 feet, thence N00°48'27"W 217.17 feet, thence N01°47'11"W 265.88 feet, thence along a curve to the right 29.98 feet, said curve having a radius of 1,175.00 feet and a chord bearing and distance of N01°03'19"W 29.98 feet, thence East 50.40 feet, thence North 38.91 feet, thence S44°18'07"E 77.56 feet, thence S55°39'31"E 15.26 feet, thence S79°48'14"E 78.84 feet, thence S68°01'04"E 56.27 feet, thence S76°59'25"E 86.03 feet, thence S60°42'59"E 74.91 feet, thence S43°20'28"W 62.96 feet, thence S46°39'17"E 107.00 feet, thence N43°20'43"E 73.10 feet, thence along a non tangent curve to the left 4.32 feet, said curve having a radius of 563.50 feet and chord bearing and distance of N43°07'34"E 4.32 feet, thence S51°32'47"E 181.91 feet to the POINT OF BEGINNING: Containing 10.34 acres more or less.

LEGAL DESCRIPTION: (RSF-4 TO CS)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 146.85 feet, thence N89°49'07"E 26.85 feet to the POINT OF BEGINNING, thence N79°39'29"E 72.67 feet, thence N77°50'56"E 155.60 feet, thence N75°46'13"E 124.30 feet, thence N79°58'10"E 48.00 feet, thence N85°56'54"E 137.61 feet, thence S89°48'56"E 381.70 feet, thence S86°59'51"E 245.81 feet, thence S89°47'44"E 130.48 feet, thence S44°13'42"E 34.31 feet, thence S89°47'44"E 2.93 feet, thence South 694.60 feet, thence along a curve to the left 350.93 feet, said curve having a radius of 285.00 feet and a chord bearing and distance of S35°16'32"E 329.18 feet, thence S70°33'04"E 116.66 feet, thence along a curve to the right 214.67 feet, said curve having a radius of 215.00 feet and a chord bearing and distance of S41°56'49"E 205.87 feet, thence N83°16'06"W 175.24 feet, thence N67°16'00"W 754.49 feet, thence N79°51'00"W 525.87 feet, thence N67°38'50"W 44.07 feet, thence N79°43'00"W 306.10 feet, thence S88°20'17"W 11.46 feet, thence N51°32'47"W 44.52 feet, thence N00°10'53"W 393.48 feet, thence along a non tangent curve to the left 102.09 feet, said curve having a radius of 563.50 feet and chord bearing and distance of N05°22'16"E 101.95 feet, thence N00°10'53"E 69.53 feet, thence N84°10'51"E 4.81 feet, thence N20°18'36"E 33.58 feet to the POINT OF BEGINNING: Containing 26.95 acres more or less.

LEGAL DESCRIPTION: (RSF-4 TO RA)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 87.09 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING, thence S51°32'47"E 44.52 feet, thence N88°20'17"E 11.46 feet, thence S79°43'00"E 306.10 feet, thence S67°38'50"E 44.07 feet, thence S79°51'00"E 525.87 feet, thence S67°16'00"E 754.49 feet, thence S83°16'06"E 175.24 feet, thence along a non tangent curve to the right 50.10 feet, said curve having a radius of 215.00 feet and chord bearing and distance of S06°40'04"E 49.98 feet, thence N83°40'33"W 193.85 feet, thence N67°16'00"W 756.00 feet, thence N79°51'00"W 517.91 feet, thence N88°21'00"W 369.68 feet, thence N62°33'13"W 13.44 feet, thence N00°10'53"W 131.57 feet to the POINT OF BEGINNING: Containing 2.46 acres more or less.



0 50' 100' 200' 300'

(IN FEET)

LEGEND

- PROPOSED RIGHT OF WAY
- PROPOSED EASEMENT
- EXISTING RIGHT OF WAY
- PL PROPERTY LINE

RUPPLE ROAD WIDENING AND RELOCATION
W. STARRY NIGHT VIEW TO W. MOUNT COMFORT ROAD

AHTD JOB NO. 040657
 WASHINGTON COUNTY, ARKANSAS



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Paul Becker, Finance Director
Jeremy Pate, Development Services Director
Peter Nierengarten, Sustainability & Resilience Director

FROM: Kit Williams, City Attorney

DATE: September 26, 2016

RE: Further Equal Protection Research and Analysis
City Investment into Willow Bend Development

Many legal issues have such unique facts and considerations that they defy absolutely clear answers so that only educated opinions may be offered. Sometimes even "educated attorneys" come to differing conclusions about the meaning and interpretation of statutes or constitutional law. Please see the Attorney General's Brief arguing Fayetteville's Uniform Civil Rights Protection Ordinance is illegal and Fayetteville's Brief that I am drafting to explain why Judge Martin was absolutely correct when he found our ordinance legal.

Thus, I cannot provide a black or white answer to the question of whether the proposed Contractual Agreement for the City's payment of One Million Dollars for its infrastructure so that this same amount of money can be used by Partners for Better Housing, Inc. to assist low income home buyers to purchase houses in Willow Bend is constitutional and legal.

I contacted the Arkansas Department Finance Authority and was informed that “ADFA is self-funded State Agency, but we do administer some Federal Programs and those funds pass through the Authority.” This sounds similar to how we pass through federal funds to our low income home owner rehabilitation assistance. As long as this is federal funding earmarked for low income home owners’ rehabilitation needs for their homes, the *Arkansas Constitution’s* limitations on the use of state and local tax dollars should not apply.

The Vice President of Housing in the Arkansas Development Finance Authority, Benjamin VanKleef, further clarified their finances.

“The majority of our funding comes from the federal government. We do, however, have smaller accounts that are classified as state funds. We have used state funds for the rehabilitation of homes. One caveat is that those funds were already earmarked for affordable housing prior to arriving at ADFA.”

If the Arkansas Development Finance can use “state funds for the rehabilitation of homes” (presumably homes owned by low income persons like those assisted in Fayetteville with our federal Community Block Grant funds), then our payment of our own infrastructure costs to assist lower income citizens attain home ownership might also be constitutional. When state statutes in the 1930’s authorizing blight clearing and rehabilitation of city neighborhood programs were challenged as violative of *Article 2 § 18* of the *Arkansas Constitution*, the Arkansas Supreme Court held that *Article 2 § 18* was not violated.

The Housing Authority of Little Rock was attempting to acquire (by condemnation if necessary) a ten block “blighted area”, redevelop this area and then resell some lots to private persons. A landowner sued the Housing Authority alleging a violation of “Article 2 § 18 of the Constitution of Arkansas in that such sale or lease grants to the citizen or class of citizens, privileges which do not equally belong to all citizens.” *Rowe v. Housing Authority of Little Rock*, 220 Ark. 698, 249 S.W. 2d 551, 552 (1952). This allegation closely follows the language of *Article 2 § 18*:

“The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.”

And yet the Arkansas Supreme Court rejected the challenge and upheld the law and program which made the "redevelopment area available for private use at a cost which may be less than the cost of acquiring and developing said redevelopment area...." *Id.* The Arkansas Supreme Court also upheld against attack the Housing Authority power to determine "the selection of purchasers and lessees of said lands, and the terms and conditions for sales and leases, including covenants and restrictions for future use of such lands...." *Id.*

A more recent Arkansas Supreme Court case *City of Piggott v. Woodard*, 261 Ark. 406, 549 S.W. 2d 278 (1977) also required an interpretation and application of *Article 2 § 18*. In that case, Piggott objected to paying a retiring police officer a retirement sum for holiday pay and sick leave. The city made the following argument to the Supreme Court:

"It is asserted that the Legislature has singled out certain type employees for special privileges, such privileges not being afforded to all employees of the city."

The Arkansas Supreme Court rejected that objection, determined the state statute requiring payment for sick leave and holiday pay was constitutional and quoted with approval from 16A C.J.S. *Constitutional Law* § 505:

"State and municipal legislation is subject to the constitution requirement that no state shall deny the equal protection of the law to any person..., and it is valid (if it)...treats alike, with equality and uniformity,...all persons **similarly situated**." *Id.* (emphasis added.)

This appears to mean that classes of persons (such as those earning below the Average Median Income) could be treated more favorably than those persons earning a greater income because the higher income persons are not "similarly situated" than their more needy neighbors.

"Legislation which meets this test satisfactorily is not invalid because it is not all-embracing but instead is limited, for example, as to persons, subjects, objects to which the legislation is to be applied, or evils or abuses to be remedied or corrected. Equal protection is not achieved through indiscriminate imposition of inequalities, but discrimination alone, irrespective of its basis or effect, is not the test of denial of equal protection of the laws by a statute. A discrimination which is merely technical and in no sense substantial or unjust does

not render a statute void. Also, **the constitutional requirement does not prevent a state or municipality from adjusting its legislation to differences in situations and making a discrimination or distinction in its legislation in respect of things that are different, provided the discrimination or distinction has a reasonable foundation or rational basis** and is not palpably, purely, and entirely arbitrary in the legislative sense, that is, outside of the wide discretion which the legislative body may exercise.” *Id.* (emphasis added).

The Arkansas Supreme Court then held:

“(W)hen classification of subjects is made by legislation, such classification must rest on some substantial difference between classes created and others to which it does not apply, but **where the statute or ordinance appears to be founded upon a reasonable basis and operates uniformly upon a class to which it applies, it cannot be said to be arbitrary.**” *Id.* at 281. (emphasis added).

Although the City of Fayetteville is not creating the class of citizens who will be eligible for soft second mortgages, we are recognizing that these potential home buyers should be helped by Partners for Better Housing, Inc. The City also realizes that they can be helped largely because the City is paying for the construction of streets, drainage structures, sidewalks, water and sewer mains that normally would be the responsibility and cost of Partners for Better Housing, Inc.

This infrastructure investment is probably still constitutional (even if it is arguably linked to assisting home purchases earning somewhat less than 100% of the Average Median Income) because that “distinction has a reasonable foundation or rational basis and is not...outside the wide discretion which the legislative body may exercise.” *Id.* Partners for Better Housing, Inc. needs to ensure that its proposed soft mortgage program “operates uniformly upon a class to which it applies....” *Id.* There are provisions within the proposed Contractual Agreement to attempt to ensure such fair and uniform treatment for eligible home purchasers.

CONCLUSION

There is still some danger in moving forward with the City Council's stated intention to assist Partners for Better Housing by paying up to One Million Dollars for infrastructure that is normally the developer's sole responsibility in order to free up the developer's resources to help lower income families become home owners. It is always safer not to push, but stay well within, the limits of your constitutional and statutory power. Thus, as Fayetteville City Attorney, I take the cautious approach and cannot recommend you go forward with this contract and payment.

One concern I have with the cases I have been able to find is that they are many decades old with little or no recent cases to establish their doctrines are still "good law," and will be adhered to by the 2017 Arkansas Supreme Court. Additionally, these cases involve state statutes directly authorizing the blight removal and rent assistance challenged unsuccessfully as unconstitutional. I am aware of only general "police power" statutory authority to support the City Council's intention to assist lower income citizens to buy affordable houses. However, we do have clear authority to build or pay a contractor to build our streets, sidewalks, water and sewer mains.

The City Council is the guardian and the custodian of the City's treasury. The City Council is the policy maker. The City Council determines how best to spend the taxpayer revenue, but must always remain within constitutional limits. The risk you might take in this decision is much less than what you would have risked if you had not rezoned the Van Ashe land to traditional commercial zones as called for in our contract with the landowner. That could have been financially devastating. I have warned you of several other much more dangerous risks (from a monetary point of view), and I am grateful you have always wisely refused to take unreasonable gambles with the taxpayer's treasury.

The risk to go forward with the proposed agreement and payment for City infrastructure built in Willow Bend is not nearly so great. The downside if the gamble fails is not insignificant, but is much less than most other times I have cautioned the City Council. So more than anything, your decision is a policy decision. Is this the right thing to do for Fayetteville? Is it still right even though there remains some risk of litigation? That's the call; that's the decision for every Alderman.

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
September 20, 2016**

A meeting of the Fayetteville City Council was held on September 20, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Alderman Adella Gray was absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Nominating Committee Report

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted. He stated there was an incredible talent pool of applicants interviewed. He thanked everyone who applied.

A copy of the report is attached.

Alderman Kinion moved to approve the Nominating Committee report. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Gray was absent.

Agenda Additions: None

Consent:

Approval of the September 6, 2016 City Council Meeting Minutes.

Approved

Bid No. 16-51 Multi-Craft Contractors, Inc.: A resolution to award Bid No. 16-51 and authorize a contract with Multi-Craft Contractors, Inc. for plumbing services on an on-call basis for a period of one year with an automatic option to renew for four additional years.

Resolution 163-16 as recorded in the office of the City Clerk

Bid No. 16-52 Aracrebs II, LLC d/b/a Elite Building Solutions: A resolution to award Bid No. 16-52 and authorize a contract with Aracrebs II, LLC d/b/a Elite Building Solutions for HVAC services on an on-call basis for a period of one year with an automatic option to renew for four additional years.

Resolution 164-16 as recorded in the office of the City Clerk

WEX Bank: A resolution to approve a contract with WEX Bank, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, to enable the city to participate in a fuel card program.

Resolution 165-16 as recorded in the office of the City Clerk

2016-2017 Selective Traffic Enforcement Program Grant: A resolution to authorize acceptance of a 2016-2017 Selective Traffic Enforcement Program grant in the amount of \$116,000.00, and to approve a budget adjustment.

Resolution 166-16 as recorded in the office of the City Clerk

Fayetteville Public Schools Joint Lease Agreement: A resolution to approve a joint lease agreement with the Fayetteville School District for portions of Jefferson Elementary School, Holcomb Elementary School and Lake Fayetteville.

Resolution 167-16 as recorded in the office of the City Clerk

GameTime c/o Cunningham Recreation: A resolution to approve the purchase of playground equipment from GameTime c/o Cunningham Recreation for the Ellen Smith Head Start Center located at 2052 South Garland Avenue in the amount of \$32,061.63, including the cost of installation, pursuant to a U.S. Communities National Cooperative Purchasing Program contract.

Resolution 168-16 as recorded in the office of the City Clerk

TriMark Strategic Equipment and Supply Corporation: A resolution to authorize the purchase of kitchen equipment for the Fayetteville Senior Center from TriMark Strategic Equipment and Supply Corporation in an amount not to exceed \$95,000.00, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, contingent upon approval by the U.S. Department of Housing and Urban Development.

Resolution 169-16 as recorded in the office of the City Clerk

Bid No. 16-49 Goodwin & Goodwin, Inc.: A resolution to award Bid No. 16-49 and authorize a contract with Goodwin & Goodwin, Inc. in the amount of \$3,286,735.00 for the water and sewer relocations associated with Arkansas Highway and Transportation Department project BB0414 - Porter Road-Highway 112/71B Widening and Interchange Improvements, to approve a project contingency in the amount of \$328,673.50, and to approve a budget adjustment.

Resolution 170 -16 as recorded in the office of the City Clerk

Garver, LLC Amendment No. 2: A resolution to approve Amendment No. 2 to the contract with Garver, LLC in the amount of \$196,800.00 to add construction phase services for the water and sewer relocations associated with Arkansas Highway and Transportation Department project BB0414 - Porter Road-Highway 112/71B Widening and Interchange Improvements, and to approve a budget adjustment.

Resolution 171-16 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman La Tour abstained. Alderman Gray was absent.

Unfinished Business:

RZN 16-5442 (2514 W. Lori Rd./Razorback Golf Course): An ordinance to rezone that property described in rezoning petition RZN 16-5442 for approximately 99.10 acres located at 2514 West Lori road from R-A, Residential Agricultural; RSF-1, Residential Single Family, one unit per acre and RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation; R-A, Residential Agricultural and NS, Neighborhood Services. *At the July 19, 2016 City Council meeting this ordinance was left on the first reading. At the August 2, 2016 City Council meeting this ordinance was left on the first reading and tabled indefinitely. At the September 6, 2016 City Council meeting this ordinance was left on the first reading and tabled to the September 20, 2016 City Council meeting.*

City Attorney Kit Williams: At the last meeting the item was removed from the table and we were provided a Bill of Assurance. I drafted a new ordinance reflecting the Bill of Assurance and attached it as an exhibit to the ordinance. Rather than reading the old ordinance without the Bill of Assurance, I ask that the City Council amend the current ordinance to the one I supplied to you on September 7, 2016.

Alderman Marsh moved to amend the ordinance to reflect the attachment of a Bill of Assurance. Alderman La Tour seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the entire amended ordinance. Therefore, no motion was made to suspend the rules and go to the Second Reading.

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

City Attorney Kit Williams: At Agenda Session, Alderman Gray requested this to be left on the Second Reading. This afternoon we heard from the applicant that he was not going to be able to attend the meeting. There are some questions I would like to ask him to make sure I understand what his Bill of Assurance is intended to mean. I don't think we should go to the third and final reading without him being here to be able to answer those questions.

Alderman Marsh: I have some concerns about the lack of clarity in the Bill of Assurance. If the landowner does intend to limit this to just 400 single family homes, I suggest he say that those zones will be limited to single family homes with the maximum number of 400. As it is written now it would limit us to 400 single family homes, but an unlimited number of multi-family homes.

City Attorney Kit Williams: I agree it is a vague Bill of Assurance. It would be helpful to have the drafter here so he can tell us clearly what the intent is.

Alderman Marsh: After seeing the ambiguities in the Terminella land agreement, we need to be careful on these so we don't run into that same situation again.

Alderman La Tour: I understand if we need to wait for questions to be answered for more clarity in any agreement we enter into as a city. I am hoping this isn't just another delay technique. This has been in the works for about a year and a half. We need to move this project to completion appropriately.

Alderman Long: We will be able to discuss this next Monday night at the Ward 4 meeting. It will be good to hold it until the next Council meeting.

This ordinance was left on the Second Reading

RZN 16-5500 (335 E. 7th St./Niederman) Appeal: An ordinance to rezone that property described in rezoning petition RZN 16-5500 for approximately 0.23 acres located at 335 East 7th

Street from NC, Neighborhood Conservation to DG, Downtown General. *At the September 6, 2016 City Council meeting this ordinance was left on the first reading.*

City Attorney Kit Williams: During the interim from last meeting to this meeting, the applicant has submitted a Bill of Assurance. I have redrafted the ordinance to reflect the Bill of Assurance and provided a copy to you all. I ask that the ordinance be amended to reflect a Bill of Assurance has been offered.

Alderman Petty: The applicant is a business partner of mine on some other projects, but I am not involved with this project. I will be recusing from the discussion.

Alderman Long moved to amend the ordinance to reflect the attachment of a Bill of Assurance. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty recused. Alderman Gray was absent.

City Attorney Kit Williams read the amended ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Mayor Jordan: Is staff good with the Bill of Assurance?

Jeremy Pate: Yes, sir.

Zara Niederman, Applicant stated he spoke with Jeremy Pate and Quin Thompson in the Planning Department and came to a reasonable agreement.

Alderman Marsh: I like what the developer has proposed. He has limited it to what it was previously designed to handle, but made some accommodations to deliver some accessory dwelling units on non-owner occupied lots. This is going to give us appropriate infill in that area as well as provide some affordable housing options. I support this.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: This is a creative thing this developer is doing in an area that will benefit from it greatly.

Alderman Kinion: I endorse the way this was handled. We didn't have an appropriate category to meet the needs of the developer to fit in the neighborhood with the appropriate infill, size and scale. Thank you to the developer for willing to work with our staff to come up with a creative solution. This will move us forward in looking at a new zoning category.

Alderman La Tour: I am supporting this rezoning because I support development and growth in our city. I don't think the correct criteria is what I prefer or don't prefer. What is important is that we grow our city within the regulations we have established for that growth.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty recused. Alderman Gray was absent.

Ordinance 5902 as Recorded in the office of the City Clerk

Public Hearing:

Condemnation and Possession for Water and Sewer Relocations: A resolution to authorize the City Attorney to seek condemnation and possession of certain lands owned by Drake St Property, LLC, 1155 properties, RPM1 properties - Fayetteville, LLC a/k/a RPM1 Properties, LLC, and Nelms, LLLP for the water and sewer relocations associated with Arkansas Highway and Transportation Department project BB0414 - Interstate 49 and Highway 112 Interchange, and to approve a budget adjustment.

Mayor Jordan opened the Public Hearing.

City Attorney Kit Williams: We have been able to settle with Nelms, LLLP for a very small easement we needed on the north side of the road, so we do not need to seek condemnation there. We are continuing to seek condemnation for the south side of the road over fairly long easements because we need to obtain legal possession of this easement. We need to move our water and sewer lines out of the way of the Highway Department who are about to begin the multi-million dollar improvement to that intersection. They are on a short time frame and asked us to move quickly. I have been in contact with the owner and his attorney. They realize why we are doing this and we are going to continue negotiating in the future with them. I don't anticipate a trial, but in order to get possession legally, we have to seek this condemnation. I ask you to amend the current resolution.

Alderman Marsh moved to amend the ordinance by removing Nelms, LLLP from the condemnation. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

There was no public comment.

Mayor Jordan closed the Public Hearing.

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

Resolution 172-16 as recorded in the office of the City Clerk

New Business:

Library Improvement Bonds: An ordinance authorizing the issuance and sale of the City's Public Library Improvement Bonds for the purpose of financing a portion of the costs of Capital Improvements to the Fayetteville Public Library; authorizing the execution and delivery of a Trust Indenture pursuant to which the bonds will be issued and secured; authorizing the execution and delivery of an Official Statement pursuant to which the bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

City Attorney Kit Williams read the ordinance.

Paul Becker, Chief Financial Officer gave a brief description of the ordinance.

Alderman La Tour: At the beginning of this project, there was a cloud hanging over the old City Hospital property. There was a lawsuit. There was a question as to whether or not ownership would revert back to the family or if the city library could buy it. Has that been ruled on?

Paul Becker, Chief Financial Officer: That has not been ruled on and Kit has been carefully following that. We should have a ruling by the end of the year. We have every reason to believe the heir contention will be turned down, but we don't know that for sure. Improvements will be made to the library whether it is on that property or other property. This would pay for the bond issue for those improvements. The architecture work will start once we know for sure where the location will be.

Alderman La Tour: We are going to sell the bonds now, raise the \$26 million, and we aren't sure we have the property yet to build on. The director of the library assures me they will spend the \$26 million whether we have the property to build on or not, right?

Paul Becker, Chief Financial Officer: That is not exactly what I said. This authorizes the issuance of the bond. The issuance of the bond we expect to be early next year. By that point we will have a ruling by the court. We won't issue the bonds until we know where the location is going to be and at that point move ahead with the project. We won't issue the bonds until that has been cleared up. The architectural plans would be contingent on precisely where it is. This authorizes the issuance of the bonds. It doesn't issue the bonds at this point.

Alderman La Tour: The voters approved this. Do you remember what the vote count was?

Paul Becker, Chief Financial Officer: I do not have that off the top of my head.

Alderman La Tour: I think it was around 3,000 people of the 20,000 registered voters in Fayetteville.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5903 as Recorded in the office of the City Clerk

2016 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2016 fixing the rate thereof at 2.3 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund, 2.5 mills for Fayetteville Public Library Operations, and 1.2 mills for the Fayetteville Public Library expansion; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Paul Becker, Chief Financial Officer gave a brief description of the ordinance.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5904 as Recorded in the office of the City Clerk

RZN 16-5521 (SE of South St. & S. College Ave./Fayetteville Rentals): An ordinance to rezone that property described in rezoning petition RZN 16-5521 for approximately 0.67 acres located Southeast of South Street and South College Avenue from NC, Neighborhood Conservation to RSF-18, Residential Single Family, 18 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 7-0 in favor of the rezoning. Staff is in favor of the request.

Alderman Petty: I am recusing because I brought the application forward.

Alderman Marsh: I have received no public comment on this proposed rezoning. It seems to be consistent with the viewpoints I'm hearing from the neighborhood.

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

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 6-0. Alderman Petty recused. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty recused. Alderman Gray was absent.

Ordinance 5905 as Recorded in the office of the City Clerk

RZN 16-5535 (East End of Borick Dr./City Fire Training Center): An ordinance to rezone that property described in rezoning petition RZN 16-5535 for approximately 14.20 acres located at the east end of Borick Drive from I-2, General Industrial and R-A, Residential Agricultural to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor. Staff recommends approval.

David Dayringer, Fire Chief: This is the training grounds you all designated for us to use last year. It has two different types of zoning right now. We would like to have one zoning so we can build a pad to put the training simulator on. I believe it is the appropriate zoning of the property for the way we are going to be using it.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5906 as Recorded in the office of the City Clerk

VAC 16-5536 (S. End of Marks Mill Ln./Summit Place S/D): An ordinance to approve VAC 16-5536 submitted by Mike Baumann for property located at the south end of Marks Mill Lane to vacate portions of a utility, drainage and access easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor of the request. Staff supports the request.

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

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 7-0. Alderman Gray 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 Gray was absent.

Ordinance 5907 as Recorded in the office of the City Clerk

ADM 16-5538 (2180 W. Moore Ln./Springwoods C-PZD Modification): An ordinance to amend the Springwoods Commercial Planned Zoning District to allow single family dwellings as a use by right on tracts 2, 3, and 4 of lot 2.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams: I would like to ask the applicant a question. I'm sure you have read the requirements that were included in Exhibit C to the Planning Department's agenda memo. Are you in agreement with these new requirements that have been added?

Applicant: Yes, sir.

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

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 7-0. Alderman Gray 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 Gray was absent.

Ordinance 5908 as Recorded in the office of the City Clerk

Arkansas State Highway and Transportation Commission Cost-Share Agreement: A resolution to approve a cost-share agreement with the Arkansas State Highway and Transportation Commission to add a pedestrian and bicycle shared use path to the Wedington Drive bridge over Interstate 49 with the city's portion of the cost not to exceed \$415,000.00.

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

Alderman La Tour: Ward 4 thanks you and I would like to thank the state too. We are excited about the changes coming.

Alderman Long: Thank you to Chris and the rest of the staff. You have worked hard on this as well as the Transportation Committee. Thank you Alderman Petty for your work. It will be a very important connection. People are excited to see this happen.

Alderman Tennant: I don't think there is a way to overstate the importance of pedestrian access from one side to the other. The commercial development that could be built would benefit greatly if there was a way to those commercial developments other than getting in traffic and sitting at stoplights. I appreciate this and it will be very good for the area.

Alderman Petty: I read some emails that went back and forth between city staff and the Highway Department. I was impressed with the way the issue was handled. I don't think anything differently could have been done about this situation. I'll support it because it is a need. I'm disappointed with the way our state agency has handled it. If the agency is relying on the guidance set by the American Association of State Highway and Transportation Officials, I want to remind them that at the very beginning of those guidance documents there's a section on how they are able to do things that are different than the tables and diagrams would suggest. When you have 20,000 people who live west of the interstate whether out of necessity or preference and would like to walk or ride their bike, they deserve a safe way to do that. I don't think there is anybody who studies this issue anywhere that thinks the side path we are proposing and asking for is less safe than the Highway Department's proposal for bike lanes. I want to appeal to their better nature and ask them to please use their engineering judgment and do what is right for the people of Fayetteville and for the people of the State of Arkansas. As a taxpayer I expect them to be more judicious with our tax dollars.

Mayor Jordan: My job is to make sure that people stay safe in the city. Putting an overpass in and striping off a line where bicyclist can practically clean a mirror on a car as they go by, I didn't feel was safe. We have spent a lot of time negotiating and this is the best I can do. One way or the other we need to put the side path in to keep everyone safe.

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

Resolution 173-16 as recorded in the office of the City Clerk

Announcements:

Jeremy Pate: Bikes, Blues & Barbeque starts on Wednesday, September 21, 2016 and goes through the rest of the week. Be aware of a lot of visitors in our town and be safe.

Alderman Long: There will be a Ward 4 meeting on September 26, 2016 at 6:00 p.m. in Room 111 at City Hall. We will be discussing the Razorback Golf Course and the Mt. Comfort Road rezonings.

Susan Norton, Communications & Marketing Director: Fayetteville congratulates Miss America, Savvy Shields. Thank you to Alderman Tennant for hooking us up with the parade organizers. Save the date for the parade welcoming Savvy on October 22, 2016. It will begin at 4:00 p.m. at Central United Methodist and conclude at the Greek Theatre.

Our second of four Fall Bulky Waste Cleanups will be on October 1, 2016. Details are on the city website.

The Business License renewal project that began September 1, 2016 continues until October 31, 2016. Information is on the city website.

September 24, 2016 will be the Yvonne Richardson Community Center annual fundraiser from 6:00 p.m. to 10:00 p.m. The theme is 'Tailgating With The Andersons' at Mike Anderson's home. It is \$75.00 a ticket.

On the city website will be information about free parking for the Bikes, Blues & Barbeque event. Please be safe and allow extra time to plan your route.

City Council Agenda Session Presentations:

Agenda Session Presentation - 2017 General Fund Budget Discussion

City Council Tour: None

Adjournment: 7:05 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Sondra Smith, City Clerk
Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Kit Williams, City Attorney

DATE: October 4, 2016

RE: Clarification of Alderman Petty's proposed gravel alley amendment of
the Minimum Street Standards

When I received Alderman Petty's draft ordinance for his gravel alley proposal, I simply put it in proper form and placed it in Legistar. Since the City Clerk's Office has expressed some confusion about how to interpret this ordinance, I thought I should clarify what passing Alderman Petty's proposed ordinance would accomplish. Currently, public and private alleys must be paved to public street standards, an expensive proposition. Alderman Petty's proposal would add a new section named **Alleys** immediately following **Standard Pavement Section**. The current sections following **Alleys** will be renumbered.

The **Alleys** section would exempt existing alley rights of way with less than a 5% slope from all requirements of Chapter 6 – **Pavement Structure and Materials** except for the requirements within the **Alleys** section itself. These requirements are set forth in the ordinance and can be explained by Alderman Petty or City Engineer Chris Brown.

CityClerk

From: Paul Gayer <gayerproperties@gmail.com>
Sent: Tuesday, October 04, 2016 5:04 PM
To: CityClerk
Subject: gravel alley ordinance

Good afternoon,

My name is Travis Garton, and I'm with Paul Gayer Properties. I have been trying for over a year to get the city to maintain the alley behind our property on Lafayette St. It runs between St. Charles, and Thompson, and is a clearly marked alley. The city has made no effort to maintain this for quite some time, despite repeated requests. With this being said, it has caused the people on the south side of the alley to have run off issues, and they've basically built a levee in the middle of the alley, making it impassible.

It has come to my attention that there is an ordinance being presented to the city council to address alley issues such as this. I would like to see what I need to do to support this issue, and try to get the alley I mentioned included on these repairs. As I said, I've made multiple requests to the city to fix this alley (a clearly marked city alley), and alleviate this problem. The only solution they have even presented, was to vacate the alley, which would eliminate my rear access to the property. By the grossly over sized sidewalks I see going in everywhere, I feel that there is probably plenty of room in the budget, and I would encourage the city to take care of their existing property before they keep adding additional things to not maintain. Please let me know what I can do to help get this matter taken care of, as I feel like I've been banging my head against a wall with city planning. We pay a lot of property taxes, and it is pretty frustrating for the city to basically just blow me off when I bring it to their attention that their property is in disrepair. If my grass isn't cut somewhere, or if someone dumps furniture on my property, they are very quick to send me a letter demanding that I maintain my property. Shouldn't a similar standard be in place for the city when they don't maintain their property?

thank,
Travis Garton
Paul Gayer Properties
[479.841.7492](tel:479.841.7492)

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, September 27, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. [2016-0366](#)

DEVELOPMENT SERVICES PRESENTATION - JEREMY PATE

Agenda Additions

A. Consent:

A. 1 [2015-0656](#)

APPROVAL OF THE SEPTEMBER 20, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0431](#)

SPRINGDALE TRACTOR CO.:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A KUBOTA 60-INCH PRO DECK MOWER WITH CANOPY IN THE AMOUNT OF \$13,175.00 FROM SPRINGDALE TRACTOR CO. OF SPRINGDALE, ARKANSAS FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SPRINGDALE TRACTOR CO.](#)

[BA SPRINGDALE TRACTOR CO.:](#)

A. 3 [2016-0424](#)**BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPARTMENT:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$54,670.88 FOR USE BY THE TRANSPORTATION DEPARTMENT

Attachments: [BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPART](#)

A. 4 [2016-0425](#)**BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION DEPARTMENT:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F350 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$44,947.88 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments: [BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION D](#)

A. 5 [2016-0426](#)**BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 STANDARD CAB WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,397.88 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: [BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERA](#)

A. 6 [2016-0430](#)**BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-56 AND AUTHORIZE THE PURCHASE OF A FORD F550 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,005.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: [BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERA](#)

A. 7 [2016-0429](#)**BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-57 AND AUTHORIZE THE PURCHASE OF A FORD F550 DIESEL 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$55,243.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: [BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERA](#)

A. 8 [2016-0438](#)**BID NO. 16-60 ART THURESON INC.:**

A RESOLUTION TO AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: [BID NO. 16-60 ART THURESON INC.](#)

A. 9 [2016-0442](#)**GARVER, LLC AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH GARVER, LLC IN THE AMOUNT OF \$32,200.00 TO ADD CONSTRUCTION PHASE SERVICES RELATED TO THE INSTALLATION OF A TUNNEL AND BRIDGES ON A PORTION OF THE CATO SPRINGS TRAIL WITHIN THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT OF WAY

Attachments: [GARVER, LLC AMENDMENT NO. 1](#)

A. 10 [2016-0441](#)**WALTON ARTS CENTER COUNCIL, INC. RESTATED ARTICLES OF INCORPORATION:**

A RESOLUTION TO APPROVE THE RESTATED ARTICLES OF INCORPORATION OF THE WALTON ARTS CENTER COUNCIL, INC.

Attachments: [Agenda Packet WAC Restates Articles of Incorporation](#)

B. Unfinished Business:**B. 1** [2016-0328](#)**RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

(LEFT ON SECOND READING)

Attachments: [RZN 16-5442 \(2514 W. LORI RD./RAZORBACK GOLF COURSE\)](#)
[BILL OF ASSURANCE](#)

At the July 19, 2016 City Council meeting this ordinance was left on the first reading. At the August 2, 2016 City Council Meeting this ordinance was left on the first reading and tabled indefinitely. At the September 6, 2016 City Council meeting this ordinance was left on the first reading and tabled to the September 20, 2016 City Council meeting.

At the September 20, 2016 City Council Meeting this ordinance was left on the second reading.

C. New Business:

C. 1 [2016-0403](#)

BID NO. 16-53 BOULDER CONSTRUCTION, INC.:

A RESOLUTION TO AWARD BID NO. 16-53 AND AUTHORIZE A CONTRACT WITH BOULDER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,753,369.40 FOR CONSTRUCTION OF PORTIONS OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE CHANGE ORDER NO. 1 TO REFLECT VALUE ENGINEERING ITEMS AND REDUCE THE CONTRACT AMOUNT BY \$880,253.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$287,311.16

Attachments: [BID NO. 16-53 BOULDER CONSTRUCTION, INC.:](#)

C. 2 [2016-0433](#)

RZN 16-5543 (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5543 FOR APPROXIMATELY 21.40 ACRES LOCATED AT 3434 NORTH CROSSOVER ROAD FROM R-A, RESIDENTIAL AGRICULTURAL TO RT-12, RESIDENTIAL TWO AND THREE FAMILY; P-1, INSTITUTIONAL AND CS, COMMUNITY SERVICES

Attachments: [RZN \(3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING\)](#)

C. 3 [2016-0428](#)

RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5548 FOR APPROXIMATELY 0.63 ACRES LOCATED AT 1211 WEST JAMES STREET FROM R-O, RESIDENTIAL OFFICE TO CS, COMMUNITY SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

Attachments: [RZN 16-5548 \(1211 W JAMES ST./HAVEN CAMPUS\)](#)

C. 4 [2016-0432](#)**RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 73.37 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

Attachments: [RZN 16-5550 \(2155 N. RUPPLE RD./HAZEN\)](#)

C. 5 [2016-0434](#)**RZN 16-5560 (103 N PLAINVIEW AVE./MCMAHON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5560 FOR APPROXIMATELY 3.34 ACRES LOCATED AT 103 NORTH PLAINVIEW AVENUE FROM R-O, RESIDENTIAL OFFICE TO RT-12, RESIDENTIAL TWO AND THREE FAMILY

Attachments: [RZN 16-5560 \(103 N PLAINVIEW AVE./McMAHON\)](#)

C. 6 [2016-0436](#)**ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT):**

AN ORDINANCE TO AMEND ORDINANCE NO. 5015 WHICH ENACTED RESIDENTIAL PLANNED ZONING DISTRICT 07-2452 (THE LINKS) TO ALLOW A CLUBHOUSE AND SWIMMING POOL TO BE CONSTRUCTED ON A 0.4 ACRE PARCEL OF THE R-PZD

Attachments: [ADM 16-5564 \(1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT\)](#)

C. 7 [2016-0404](#)**STARTUP JUNKIE CONSULTING, LLC:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH STARTUP JUNKIE CONSULTING, LLC TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF ENTREPRENEURSHIP AND INNOVATION IN THE AMOUNT OF \$300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [STARTUP JUNKIE CONSULTING, LLC](#)
 [BA_STARTUP JUNKIE CONSULTING, LLC](#)

C. 8 [2016-0405](#)**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF BUSINESS RECRUITMENT, RETENTION, AND EXPANSION IN THE AMOUNT OF \$360,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMI](#)
 [BA_FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELO](#)

C. 9 [2016-0439](#)**PARTNERS FOR BETTER HOUSING, INC. AGREEMENT:**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND TO APPROVE THE CONTRACTUAL AGREEMENT ATTACHED TO THE ENGINEERING DEPARTMENT'S AGENDA MEMO IN THE FORM OF A COST SHARE AGREEMENT WITH PARTNERS FOR BETTER HOUSING, INC. IN THE AMOUNT OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) PURSUANT TO RESOLUTION NO. 117-13

Attachments: [PARTNERS FOR BETTER HOUSING AGREEMENT](#)
 [City Attorney Memo Willow Bend](#)

C. 10 [2016-0440](#)**AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS:**

AN ORDINANCE TO AMEND **CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS** OF THE MINIMUM STREET STANDARDS MANUAL TO ALLOW ALLEYS TO BE CONSTRUCTED WITH GRAVEL PAVEMENT SECTIONS IN CERTAIN CIRCUMSTANCES

Attachments: [AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS](#)

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

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0366

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: 1.

DEVELOPMENT SERVICES PRESENTATION - JEREMY PATE



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0656

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE SEPTEMBER 20, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0431

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

SPRINGDALE TRACTOR CO.:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A KUBOTA 60-INCH PRO DECK MOWER WITH CANOPY IN THE AMOUNT OF \$13,175.00 FROM SPRINGDALE TRACTOR CO. OF SPRINGDALE, ARKANSAS FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a Kubota 60-inch Pro Deck mower with canopy in the amount of \$13,175.00 from Springdale Tractor Co. of Springdale, Arkansas for use by the Transportation Services Department.

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.

City of Fayetteville Staff Review Form

2016-0431

Legistar File ID

10/4/2016

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

Jesse Beeks/Sara Glenn

9/14/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Kubota 60" Pro Deck with Canopy in the amount of \$13,175 available through Springdale Tractor Co. of Springdale, Arkansas for use by the Transportation Department and to approve a budget adjustment.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02083.2016

Tractors/Mowers

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 56,713.03

Funds Obligated \$ -

Current Balance \$ 56,713.03

Does item have a cost? Yes

Item Cost \$ 13,175.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 11,496.00

Remaining Budget \$ 55,034.03

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: September 14, 2016

SUBJECT: Purchase of one Mower for Transportation

RECOMMENDATION:

That City Council approve the purchase of one Kubota 60" Pro Deck with Canopy in the amount of \$13,175 available through Springdale Tractor Co. of Springdale, Arkansas for use by the Transportation Department and to approve a budget adjustment.

BACKGROUND:

Unit 5051 is a 2014 Hustler Trimstar that was originally purchased for the medians on Garland Ave, however the medians ended up smaller than expected. This unit no longer fits the needs of Transportation and was transferred to Parks because they could use it.

Transportation needs a different mower that better fits the increased number medians and right of way throughout the city that is now their responsibility.

DISCUSSION:

Fleet recommends the purchase of one Kubota 60" Pro Deck with Canopy in the amount of \$13,175 available through Springdale Tractor Co. of Springdale, Arkansas for use by the Transportation Department and to approve a budget adjustment.

BUDGET/STAFF IMPACT:

This purchase was approved by the Equipment Committee on September 13, 2016.

Attachments:

BA- Budget Adjustment



City of Fayetteville, Arkansas
Purchasing Department
Request and Quotations Form - Revised 8/25/2005

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

Quote Number: _____ GL Account Number: 9700.770.1920-5802.00 02083.2016
Your records only

Date: 09/06/16 Purchase Order Number: _____
Please use a P-Card if possible. Only order after request is approved (P-Cards) or after obtaining a PO Number first.

Date Needed: / / Department: Fleet

Taken By: Winston McGowan

Description of Item (s):
Riding mower with 60" deck

Quantity: 1

Vendor List	Unit Price	Total Price	Terms/Remarks
Springdale Tractor Co. 6160 W Sunset Ave Springdale, AR 72762 479-361-2518		\$13,175.00	Kubota 60" Pro Deck with canopy
William's Tractor Fayetteville, AR		\$13,357.00	Hustler Z 60" with canopy
Country Side Farm & Lawn 907 W Henri De Tonti Blvd Springdale, AR 72762		\$18,256.70	John Deere Z997R 60" with canopy

Comments:

Budget Year	Division	Adjustment Number
2016	FLEET OPERATIONS (770)	
	/Org2	
	Requestor: Sara Glenn	

Transportation has excess funds from selling unit 5051 to Parks for \$4,999, along with a portion of the funds from the sale of unit 669 on GovDeals. These funds are being requested to purchase a replacement mower for 5051 (TRAN F011) which will be unit 5071.

	COUNCIL DATE:	10/4/2016
	LEGISTAR FILE ID#:	2016-0431
	<i>Barbara Fell</i> 9/15/2016 10:43 AM	
	Budget Director	Date
	TYPE:	
DESCRIPTION:		
GLDATE:		
POSTED:	/	
RESOLUTION/ORDINANCE		

v.20160722



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0424

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPARTMENT:

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$54,670.88 FOR USE BY THE TRANSPORTATION 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 awards Bid No. 16-54 and authorizes the purchase of a Ford F550 Crew Cab 4x4 with Davis Dump Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$54,670.88 for use by the Transportation Department.

City of Fayetteville Staff Review Form

2016-0424

Legistar File ID

10/4/2016

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

Jesse Beeks/Sara Glenn

9/14/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Ford F550 Crew Cab 4x4 with Davis Dump Body per bid Bid 16-54 (items 1 and 4) in the amount of \$54,670.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Transportation Department.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02078.2016

Light/Medium Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 746,401.09

Funds Obligated \$ -

Current Balance \$ 746,401.09

Does item have a cost? Yes

Item Cost \$ 54,670.88

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 691,730.21

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: September 14, 2016

SUBJECT: Purchase of one 1.5 ton Truck with Dump Body for Transportation

RECOMMENDATION:

That City Council approve the purchase of one Ford F550 Crew Cab 4x4 with Davis Dump Body per bid Bid 16-54 (items 1 and 4) in the amount of \$54,670.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Transportation Department.

BACKGROUND:

Unit 358 is a 2007 Ford F550 with a dump body and 4 wheel drive. This unit has now reached 90% of the original purchase price in life to date maintenance cost. This unit was put into service in January 2007 and is near its 10 year life expectancy.

DISCUSSION:

Fleet recommends the purchase of one Ford F550 Crew Cab 4x4 with Davis Dump Body per bid Bid 16-54 (items 1 and 4) in the amount of \$54,670.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Transportation Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This purchase was approved by the Equipment Committee on September 13, 2016.

Attachments:



Bid: 16-54
09.07.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-54, Heavy Duty Dump Body Trucks

****Official Bid Tabulation****

Item	Description	Units	Grand Truck Equipment Co		Landers Ford		Lewis Ford Sales Inc, Option 1		Lewis Ford Sales Inc, Option 2		Superior Automotive Group	
			Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Cab and Chassis, Crew Cab 4x4, 1.5 Ton	1	\$ 41,400.00	\$ 41,400.00	\$ 41,590.00	\$ 41,590.00	\$ 40,890.88	\$ 40,890.88	\$ 40,890.88	\$ 40,890.88	\$ 38,614.00	\$ 38,614.00
			Make: Ford Model: 2017 F-550 W5H		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Dodge Ram Model: 2017 5500	
2	Cab and Chassis, Crew Cab 4x4, 1 Ton	1	\$ 31,600.00	\$ 31,600.00	\$ 31,974.00	\$ 31,974.00	\$ 31,167.88	\$ 31,167.88	\$ 31,167.88	\$ 31,167.88	\$ 31,475.00	\$ 31,475.00
			Make: Ford Model: 2017 F-350 W3H		Make: Ford Model: 2017 F-350		Make: Ford Model: 2017 F-350		Make: Ford Model: 2017 F-350		Make: Dodge Ram Model: 2017 3500	
3	Cab and Chassis, Standard Cab 4x2, 1.5 Ton	1	\$ 35,000.00	\$ 35,000.00	\$ 35,317.00	\$ 35,317.00	\$ 34,617.88	\$ 34,617.88	\$ 34,617.88	\$ 34,617.88	\$ 32,108.00	\$ 32,108.00
			Make: Ford Model: 2017 F-550 F5G		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Dodge Ram Model: 2017 5500	
4	Dump Body	3	\$ 14,945.00	\$ 44,835.00	\$ 13,097.00	\$ 39,291.00	\$ 13,490.00	\$ 40,470.00	\$ 13,780.00	\$ 41,340.00	\$ 10,954.00	\$ 32,862.00
			Make: Henderson Model: Mark III		Make: Hilbitt Model: 9' XPC		Make: R+R/ Godwin Model: 9' Long, 93" wide		Make: Davis Model: 108" x 93" x 16" Sides		Make: Rugby Model: DU-9-4	
TOTAL BID BASED ON ESTIMATE				\$ 152,835.00		\$ 148,172.00		\$ 147,146.64		\$ 148,016.64		\$ 135,059.00

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

Date

9/8/16



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0425

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION DEPARTMENT:

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F350 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$44,947.88 FOR USE BY THE PARKS AND RECREATION 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 awards Bid No. 16-54 and authorizes the purchase of a Ford F350 Crew Cab 4x4 with Davis Dump Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$44,947.88 for use by the Parks and Recreation Department.

City of Fayetteville Staff Review Form

2016-0425

Legistar File ID

10/4/2016

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

Jesse Beeks/Sara Glenn

9/14/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Ford F350 Crew Cab 4x4 with Davis Dump Body per bid Bid 16-54 (items 2 and 4) in the amount of \$44,947.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Parks Department.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02078.2016

Light/Medium Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 691,730.21

Funds Obligated \$ -

Current Balance \$ 691,730.21

Does item have a cost? Yes

Item Cost \$ 44,947.88

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 646,782.33

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: September 14, 2016

SUBJECT: Purchase of one 1 ton Truck with Dump Body for Parks Department

RECOMMENDATION:

That City Council approve the purchase of one Ford F350 Crew Cab 4x4 with Davis Dump Body per bid Bid 16-54 (items 2 and 4) in the amount of \$44,947.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Parks Department.

BACKGROUND:

Unit 2082 is a 2005 Ford F250 4x4 and has reached 102% of the original purchase price in life to date maintenance costs. This unit was put into service in April 2005 and has exceeded its 10 year life expectancy. The current unit does not have a dump body, however it will be much more functional and efficient for them to transport materials.

DISCUSSION:

Fleet recommends the purchase of one Ford F350 Crew Cab 4x4 with Davis Dump Body per bid Bid 16-54 (items 2 and 4) in the amount of \$44,947.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Parks Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted for this purchase. The shortfall in collection is due to not budgeting for a dump body, however it should be made up with the sale of the old unit.

This purchase was approved by the Equipment Committee on September 13, 2016.

Attachments:



Bid: 16-54
09.07.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-54, Heavy Duty Dump Body Trucks

****Official Bid Tabulation****

Item	Description	Units	Grand Truck Equipment Co		Landers Ford		Lewis Ford Sales Inc, Option 1		Lewis Ford Sales Inc, Option 2		Superior Automotive Group	
			Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Cab and Chassis, Crew Cab 4x4, 1.5 Ton	1	\$ 41,400.00	\$ 41,400.00	\$ 41,590.00	\$ 41,590.00	\$ 40,890.88	\$ 40,890.88	\$ 40,890.88	\$ 40,890.88	\$ 38,614.00	\$ 38,614.00
			Make: Ford Model: 2017 F-550 W5H		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Dodge Ram Model: 2017 5500	
2	Cab and Chassis, Crew Cab 4x4, 1 Ton	1	\$ 31,600.00	\$ 31,600.00	\$ 31,974.00	\$ 31,974.00	\$ 31,167.88	\$ 31,167.88	\$ 31,167.88	\$ 31,167.88	\$ 31,475.00	\$ 31,475.00
			Make: Ford Model: 2017 F-350 W3H		Make: Ford Model: 2017 F-350		Make: Ford Model: 2017 F-350		Make: Ford Model: 2017 F-350		Make: Dodge Ram Model: 2017 3500	
3	Cab and Chassis, Standard Cab 4x2, 1.5 Ton	1	\$ 35,000.00	\$ 35,000.00	\$ 35,317.00	\$ 35,317.00	\$ 34,617.88	\$ 34,617.88	\$ 34,617.88	\$ 34,617.88	\$ 32,108.00	\$ 32,108.00
			Make: Ford Model: 2017 F-550 F5G		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Dodge Ram Model: 2017 5500	
4	Dump Body	3	\$ 14,945.00	\$ 44,835.00	\$ 13,097.00	\$ 39,291.00	\$ 13,490.00	\$ 40,470.00	\$ 13,780.00	\$ 41,340.00	\$ 10,954.00	\$ 32,862.00
			Make: Henderson Model: Mark III		Make: Hilbitt Model: 9' XPC		Make: R+R/ Godwin Model: 9' Long, 93" wide		Make: Davis Model: 108" x 93" x 16" Sides		Make: Rugby Model: DU-9-4	
TOTAL BID BASED ON ESTIMATE				\$ 152,835.00		\$ 148,172.00		\$ 147,146.64		\$ 148,016.64		\$ 135,059.00

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

Date

9/8/16



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0426

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 STANDARD CAB WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,397.88 FOR USE BY THE WATER AND SEWER OPERATIONS 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 awards Bid No. 16-54 and authorizes the purchase of a Ford F550 Standard Cab with Davis Dump Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$48,397.88 for use by the Water and Sewer Operations Division.

City of Fayetteville Staff Review Form

2016-0426

Legistar File ID

10/4/2016

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

Jesse Beeks/Sara Glenn

9/14/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Ford F550 Standard Cab with Davis Dump Body per bid Bid 16-54 (items 3 and 4) in the amount of \$48,397.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02078.2016

Light/Medium Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 646,782.33

Funds Obligated \$ -

Current Balance \$ 646,782.33

Does item have a cost? Yes

Item Cost \$ 48,397.88

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 598,384.45

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: September 14, 2016

SUBJECT: Purchase of one 1.5 ton Truck with Dump Body for Water & Sewer

RECOMMENDATION:

That City Council approve the purchase of one Ford F550 Standard Cab with Davis Dump Body per bid Bid 16-54 (items 3 and 4) in the amount of \$48,397.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

BACKGROUND:

Unit 353 is a 2006 Ford F550 with a dump body. This unit has now reached 125% of the original purchase price in life to date maintenance cost. This unit was put into service in January 2006 and has exceeded its 10 year life expectancy.

DISCUSSION:

Fleet recommends the purchase of one Ford F550 Standard Cab with Davis Dump Body per bid Bid 16-54 (items 3 and 4) in the amount of \$48,397.88 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This purchase was approved by the Equipment Committee on September 13, 2016.

Attachments:



Bid: 16-54
09.07.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-54, Heavy Duty Dump Body Trucks

****Official Bid Tabulation****

Item	Description	Units	Grand Truck Equipment Co		Landers Ford		Lewis Ford Sales Inc, Option 1		Lewis Ford Sales Inc, Option 2		Superior Automotive Group	
			Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Cab and Chassis, Crew Cab 4x4, 1.5 Ton	1	\$ 41,400.00	\$ 41,400.00	\$ 41,590.00	\$ 41,590.00	\$ 40,890.88	\$ 40,890.88	\$ 40,890.88	\$ 40,890.88	\$ 38,614.00	\$ 38,614.00
			Make: Ford Model: 2017 F-550 W5H		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Dodge Ram Model: 2017 5500	
2	Cab and Chassis, Crew Cab 4x4, 1 Ton	1	\$ 31,600.00	\$ 31,600.00	\$ 31,974.00	\$ 31,974.00	\$ 31,167.88	\$ 31,167.88	\$ 31,167.88	\$ 31,167.88	\$ 31,475.00	\$ 31,475.00
			Make: Ford Model: 2017 F-350 W3H		Make: Ford Model: 2017 F-350		Make: Ford Model: 2017 F-350		Make: Ford Model: 2017 F-350		Make: Dodge Ram Model: 2017 3500	
3	Cab and Chassis, Standard Cab 4x2, 1.5 Ton	1	\$ 35,000.00	\$ 35,000.00	\$ 35,317.00	\$ 35,317.00	\$ 34,617.88	\$ 34,617.88	\$ 34,617.88	\$ 34,617.88	\$ 32,108.00	\$ 32,108.00
			Make: Ford Model: 2017 F-550 F5G		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Ford Model: 2017 F-550		Make: Dodge Ram Model: 2017 5500	
4	Dump Body	3	\$ 14,945.00	\$ 44,835.00	\$ 13,097.00	\$ 39,291.00	\$ 13,490.00	\$ 40,470.00	\$ 13,780.00	\$ 41,340.00	\$ 10,954.00	\$ 32,862.00
			Make: Henderson Model: Mark III		Make: Hilbitt Model: 9' XPC		Make: R+R/ Godwin Model: 9' Long, 93" wide		Make: Davis Model: 108" x 93" x 16" Sides		Make: Rugby Model: DU-9-4	
TOTAL BID BASED ON ESTIMATE				\$ 152,835.00		\$ 148,172.00		\$ 147,146.64		\$ 148,016.64		\$ 135,059.00

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

Date

9/8/16



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0430

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:

A RESOLUTION TO AWARD BID NO. 16-56 AND AUTHORIZE THE PURCHASE OF A FORD F550 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,005.00 FOR USE BY THE WATER AND SEWER OPERATIONS 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 awards Bid No. 16-56 and authorizes the purchase of a Ford F550 4x4 with Reading Utility Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$48,005.00 for use by the Water and Sewer Operations Division.

City of Fayetteville Staff Review Form

2016-0430

Legistar File ID

10/4/2016

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

Jesse Beeks/Sara Glenn

9/14/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Ford F550 4x4 with Reading Utility Body per bid Bid 16-56 in the amount of \$48,005.00 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02078.2016

Light/Medium Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 598,384.45

Funds Obligated \$ -

Current Balance \$ 598,384.45

Does item have a cost? Yes

Item Cost \$ 48,005.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 550,379.45

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: September 14, 2016

SUBJECT: Purchase of one Utility Body Truck for Water & Sewer

RECOMMENDATION:

That City Council approve the purchase of one Ford F550 4x4 with Reading Utility Body per bid Bid 16-56 in the amount of \$48,005.00 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

BACKGROUND:

Unit 365 is a 2008 Ford F550 with a utility body and 4 wheel drive. This unit has now reached 70% of the original purchase price in life to date maintenance cost. This is a high use vehicle and has a shorter life expectancy because of its use. This unit was put into service in November 2007 and has exceeded its 7 year life expectancy.

DISCUSSION:

Fleet recommends the purchase of one Ford F550 4x4 with Reading Utility Body per bid Bid 16-56 in the amount of \$48,005.00 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This purchase was approved by the Equipment Committee on September 13, 2016.

Attachments:



Bid: 16-56
09.01.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-56, Gas 4x4 1.5 Ton Utility Body Truck

Item	Description	Units	Lewis Ford Sales Inc, Option 1		Lewis Ford Sales Inc, Option 2		Scruggs Equipment Co.		Superior Automotive Group	
			Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Cab and Chassis	1	\$ 39,898.00	\$ 39,898.00	\$ 39,898.00	\$ 39,898.00	\$ 34,123.00	\$ 34,123.00	\$ 42,639.00	\$ 42,639.00
			Make: Ford Model: F-550		Make: Ford Model: F-550		Make: RAM Model: 5500		Make: Ford Model: F-550	
2	Utility Body	1	\$ 8,107.00	\$ 8,107.00	\$ 6,904.00	\$ 6,904.00	\$ 10,138.00	\$ 10,138.00	\$ 8,853.00	\$ 8,853.00
			Make: Reading Model: U108ABHH		Make: Royal Model: F5 40-VDO/HDP-108		Make: Warner Model: Select II		Make: Knapheide Model: 7108D54J1	
TOTAL BID BASED ON ESTIMATE				\$ 48,005.00		\$ 46,802.00		\$ 44,261.00		\$ 51,492.00

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

CERTIFIED:

A. Rennie, CPPB, CPPO, Purchasing Manager

Witness

Date:



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0429

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:

A RESOLUTION TO AWARD BID NO. 16-57 AND AUTHORIZE THE PURCHASE OF A FORD F550 DIESEL 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$55,243.00 FOR USE BY THE WATER AND SEWER OPERATIONS 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 awards Bid No. 16-57 and authorizes the purchase of a Ford F550 Diesel 4x4 with Reading Utility Body from Lewis Ford Sales, Inc. of Fayetteville, Arkansas in the amount of \$55,243.00 for use by the Water and Sewer Operations Division.

City of Fayetteville Staff Review Form

2016-0429

Legistar File ID

10/4/2016

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

Jesse Beeks/Sara Glenn

9/14/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one Ford F550 Diesel 4x4 with Reading Utility Body per bid Bid 16-57 in the amount of \$55,243.00 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02078.2015

Light/Medium Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 162,856.94

Funds Obligated \$ -

Current Balance \$ 162,856.94

Does item have a cost? Yes

Item Cost \$ 55,243.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 107,613.94

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: September 14, 2016

SUBJECT: Purchase of one Diesel Utility Body Truck for Water & Sewer

RECOMMENDATION:

That City Council approve the purchase of one Ford F550 Diesel 4x4 with Reading Utility Body per bid Bid 16-57 in the amount of \$55,243.00 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

BACKGROUND:

Unit 346 is a 2005 Ford F550 with a service body and 4 wheel drive. This unit has now reached 102% of the original purchase price in life to date maintenance cost. This unit was put into service in February 2005 and has exceeded its 10 year life expectancy.

DISCUSSION:

Fleet recommends the purchase of one Ford F550 Diesel 4x4 with Reading Utility Body per bid Bid 16-57 in the amount of \$55,243.00 available through Lewis Ford Sales, Inc. of Fayetteville, AR for use by the Water & Sewer Department.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This purchase was approved by the Equipment Committee on September 13, 2016.

Attachments:



OFFICIAL BID TABULATION

Bid: 16-57
09.01.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-57, Diesel 4x4 1.5 Ton Utility Body Truck

Item	Description	Units	Lewis Ford Sales Inc, Option 1		Lewis Ford Sales Inc, Option 2		Scruggs Equipment Co.		Superior Automotive Group	
			Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Cab and Chassis	1	\$ 47,136.00	\$ 47,136.00	\$ 47,136.00	\$ 47,136.00	\$ 42,589.00	\$ 42,589.00	\$ 50,215.00	\$ 50,215.00
			Make: Ford Model: F-550		Make: Ford Model: F-550		Make: RAM Model: 5500		Make: Ford Model: F-550	
2	Utility Body	1	\$ 8,107.00	\$ 8,107.00	\$ 6,904.00	\$ 6,904.00	\$ 9,613.00	\$ 9,613.00	\$ 8,853.00	\$ 8,853.00
			Make: Reading Model: U108ABHH		Make: Royal Model: F5 40-VDO/HDO-108		Make: Warner Model: Select II		Make: Knapheide Model: 7108D54J1	
TOTAL BID BASED ON ESTIMATE				\$ 55,243.00		\$ 54,040.00		\$ 52,202.00		\$ 59,068.00

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

Date:



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0438

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

BID NO. 16-60 ART THURESON INC.:

A RESOLUTION TO AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-60 and authorizes the purchase of a prefabricated bridge in the amount of \$31,500.00 from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

City of Fayetteville Staff Review Form

2016-0438

Legistar File ID

October 4th, 2016

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

Matt Mihalevich

9/16/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Resolution awarding Bid 16-60 and authorizing a contract with Art Thureson Inc. in the amount of \$31,500 for purchase of a prefabricated bridge for the Cato Springs Trail near the connection to the Kessler Mountain Regional Park.

Budget Impact:

4470.900.9470-5814.05

Sales Tax Cap Imp

Account Number

Fund

02016.1405

Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 428,045.00

Funds Obligated \$ 298,294.13

Current Balance \$ 129,750.87

Does item have a cost? Yes

Item Cost \$ 31,500.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 98,250.87

V20140710

Previous Ordinance or Resolution # 142-14

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: September 16th, 2016

SUBJECT: 2016-0438 Cato Springs Trail – Regional Park Bridge

RECOMMENDATION:

Approval of a Resolution awarding Bid 16-60 and authorizing a contract with Art Thureson Inc. in the amount of \$31,500 for purchase of a prefabricated bridge for the Cato Springs Trail near the connection to the Kessler Mountain Regional Park.

BACKGROUND:

The 2.9 mile Cato Springs Trail will extend the Razorback Regional Greenway to the Kessler Mountain Regional Park and provide an active transportation route for all the residents of Northwest Arkansas to visit and enjoy the cultural and recreation amenities and beautiful natural areas in Fayetteville. As soon as the property acquisition of Kessler Mountain took place, the community began requesting a safe alternative transportation route to the new park. The Walton Family Foundation also expressed interest in the trail connection. On March 7th, 2016, the City was awarded the matching grant of \$2,000,000 for the construction of the Cato Springs Trail from the Walton Family Foundation recognized through Resolution 73-16.

DISCUSSION:

The design is now complete and the project has been divided into two sections for efficiency of construction. The City in-house trail construction crew has started construction on approximately 2.3 miles of the Cato Springs Trail which includes a bridge to cross the stream near the Kessler Mountain Regional Park. The City in-house trail construction crew will construct the abutments and install the bridge.

BUDGET/STAFF IMPACT:

Eight bidders responded to the request for formal bids on September 16th 2016 and Art Thureson Inc. was the lowest responsive bidder.

Attachments:

Cato Springs Trail Map with bridge location identified
Bid 16-60 Bid Tabulation
Bid 16-60 Submittal – Art Thureson Inc.



Bid: 16-60
DATE: 09.16.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-60, Prefabricated Pedestrian Bridge

****Official Bid Tabulation****

			Prefabricated Pedestrian Bridge
Item	Vendor	Each	Extended Price
1	Art Thureson Inc	1	\$31,500.00
2	Bailey Bridges, Inc. DBA Pioneer Bridges	1	\$42,307.00
3	Big R Manufacturing LLC dba Big R Bridge	1	\$43,500.00
4	Cameron Bridge Works, LLC	1	\$42,975.00
5	Contech Engineered Solutions, LLC	1	\$34,536.00
6	SMI & Hydraulics, Inc.	1	\$34,925.00
7	U.S. Bridge Division of the Ohio Bridge Corporation	1	\$84,000.00
8	Wheeler Lumber, LLC	1	\$37,700.00

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

9/16/16
Date:

CITY OF



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Phone: 479.575.8220

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO

INVITATION TO BID: Bid 16-60, Prefabricated Pedestrian Bridge
DEADLINE: Friday September 16, 2016 before 2:00:00 PM, Local Time
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov
DATE OF ISSUE AND ADVERTISEMENT: Wednesday, August 24, 2014

INVITATION TO BID Bid 16-60, Prefabricated Pedestrian Bridge

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: Art Thureson Inc

Contact Person: Jon Cheney Title: Sales

E-Mail: Jon@artthuresoninc.com Phone: 248-623-8599

Business Address: 4000 West Walton Blvd

City: Waterford State: MI Zip: 48329

Signature: [Signature] Date: 9-14-16

City of Fayetteville
Bid 16-60, Prefabricated Pedestrian Bridge
Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 16-60, Prefabricated Pedestrian Bridge

The City is seeking bids from qualified vendors for the purchase and delivery of a prefabricated fifty (50) feet x twelve (12) feet bowstring truss style bridge.

All sealed bids are due by **Friday September 16, 2016 before 2:00:00 PM (Local Time)**. All bids are due before the time stated. Late bids shall not be accepted. City of Fayetteville reserves the right to deviate from the estimated purchase quantities. Bids will be opened and read aloud immediately following the stated deadline.

Bid forms can be downloaded from the City's website at <http://fayetteville-ar.gov/bids> . All questions should be directed to Les McGaugh, (479)-575-8220, lmcgaugh@fayetteville-ar.gov.

The City reserves the right to reject any and all bids and to waive formalities deemed to be in the City's best interest.

Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

City of Fayetteville
By: Les McGaugh, Purchasing Agent
P: 479.575.8220
lmcgaugh@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 08/24/2016

City of Fayetteville
 Bid 16-60, Prefabricated Pedestrian Bridge
 Bid Form

Item #	DESCRIPTION	Estimated Quantity		PRICE PER UNIT		TOTAL
1	50-foot simple span bowstring arch truss with underhung floor beam bridge	1	x	\$31,500	=	\$31,500

See Quote 2834

Bids shall be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid. The City intends on awarding this bid to a single vendor.

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
4. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.
5. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
6. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official. If no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

~~1.) NO KNOWN RELATIONSHIP EXISTS~~

2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

- a. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
- b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: Art Threjon Inc
Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

*BUSINESS ADDRESS: 4000 West Walton Blvd

*CITY: WATERFORD *STATE: MI *ZIP: 48329

*PHONE: 248-623-8599 FAX: _____

*E-MAIL: Jon@artthrejoninc.com

*BY: (PRINTED NAME) Jon Cheney

*AUTHORIZED SIGNATURE: [Signature]

*TITLE: Sales

*DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 47-0962457

Acknowledge Addendums:

Addendum No. 1 Dated: 8-29-16 Acknowledged by: JC

Addendum No. 2 Dated: 9-12-16 Acknowledged by: JC

ART THURESON, INC

4000 West Walton Waterford, MI 48329

Phone: 248-623-8599 Fax: 248-623-8766

Les McGaugh
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
479-575-8220
lmcgaugh@fayetteville-ar.gov

Quote #2834
September 13, 2016

RE: Bid 16-60, Prefabricated Pedestrian Bridge

We can provide the following Fob Fayetteville, AR on truck for customer unloading:

50' x 12' (Clear width) Steel Bow-Truss Bridge @ \$31,500

BRIDGE SPECIFICATIONS

- Design Standards: **AASHTO**
- Diagonals per Panel: **1**
- Clear width: **Inside face railings**
- End Vertical: **Square**
- Bearings: **Equal Elevations**
- Steel Grade: **A588**
- Deck: **Galvanized steel form deck (concrete & rebar by others)**
- Safety Rails: **Vertical (4" opening)**
- Rub Rail: **Included**
- Anchor Rods: **Included (Ships with bridge-Adhesive by others)**
- Finish: **None (self-weathering)**
- Loads: **90 psf live load-35 psf wind load-20,000 lbs vehicle load**
- Number of Sections: **1**
- Fob: **Fayetteville, AR (Bridge delivered to nearest good-haul road-allow 2 hours for unloading)**
- Estimated Lifting Weight: **14,000 lbs.**
- Engineered Drawings State Seal: **AR**
- AISC Certified Bridge Manufacturer -**Anderson Bridges**
- Storage fees: **Not included and will be extra.**
- Availability: **Allow 2-3 weeks on shop drawings. Allow 10 weeks fabrication after receipt of approved drawings.**

Terms: Net 30 ADI, subject to credit approval. No retainage.

30% progress payment due after approval of drawings.

Bridge superstructure delivered to one location accessible by truck. Unloading by others.

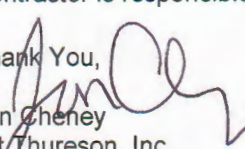
Any change in tally, delivery location, or specifications will affect price.

Abutment design-not offered.

Any local or state taxes not included.

Contractor is responsible for final tally.

Thank You,


Jon Cheney
Art Thureson, Inc
jon@artthuresoninc.com

Accepted By: _____ Date: ____/____/____

PO# _____

Contact Name: _____ Cell: _____

Please return to process order.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0442

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

GARVER, LLC AMENDMENT NO. 1:

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH GARVER, LLC IN THE AMOUNT OF \$32,200.00 TO ADD CONSTRUCTION PHASE SERVICES RELATED TO THE INSTALLATION OF A TUNNEL AND BRIDGES ON A PORTION OF THE CATO SPRINGS TRAIL WITHIN THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT OF WAY

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 Garver, LLC in the amount of \$32,200.00 to add construction phase services related to the installation of a tunnel and bridges on a portion of the Cato Springs Trail within the Arkansas Highway and Transportation Department right of way.

City of Fayetteville Staff Review Form

2016-0442

Legistar File ID

October 4th, 2016

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

Matt Mihalevich

9/16/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of contract amendment no. 1 to contract #2330 with Garver, LLC in the not-to-exceed amount of \$32,200 for construction phase services for the Cato Springs Trail.

Budget Impact:

4470.900.9470-5814.05

Sales Tax Cap Imp

Account Number

Fund

02016.1405

Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 428,745.00

Funds Obligated \$ 298,294.13

Current Balance \$ 130,450.87

Does item have a cost? Yes

Item Cost \$ 32,200.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 98,250.87

V20140710

Previous Ordinance or Resolution # 142-14

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: September 16th, 2016

SUBJECT: 2016-0442 Garver Contract Amendment No. 1 – Cato Springs Trail

RECOMMENDATION:

Approval of contract amendment no. 1 to contract #2330 with Garver, LLC in the not-to-exceed amount of \$32,200 for construction phase services for the Cato Springs Trail.

BACKGROUND:

In June of 2014, the City was awarded a matching grant from the Walton Family Foundation for the design and engineering of the Cato Springs Trail. In August of 2014, the City Council approved resolution 142-14 for contract #2330 with Garver, LLC in the amount of \$328,200.00 for design of the Cato Springs Trail. The Cato Springs Trail will extend approximately 2.9 miles south from the Town Branch Trail starting Greathouse Park and continuing southwest along the Cato Springs Branch to the Kessler Mountain Regional Park. The trail has been designed as a 12-foot wide concrete shared-use paved trail with pedestrian lighting. This trail will also include a bridge across the Cato Springs Branch, a bridge over the Fulbright Expressway and a tunnel under Razorback Road.

DISCUSSION:

The design is now complete and the project has been divided into two sections for efficiency of construction. The City in-house trail construction crew has started construction on approximately 2.3 miles of the Cato Springs Trail. Bids opened on September 1st, 2016 on the remaining 0.6-mile section of trail to be constructed by a private contractor. The contracted section includes the bridges and tunnel installation within the Arkansas State Highway and Transportation Department right of way.

Due to the complexity of the construction of the bridges and tunnel within the Arkansas State Highway and Transportation Department right of way, staff has requested a contract with Garver, LLC for limited construction phase services. These services include review of material submittals for structural items and on-site inspections of construction methods as described in the attached contract amendment no. 1.

BUDGET/STAFF IMPACT:

Construction phase services are necessary for the construction with in the Arkansas Highway and Transportation Department right of way. Garver, LLC has provided contract amendment no. 1 in the not-to-exceed amount of \$32,200 for the construction phase services.

Attachments:

Garver, LLC Contract Amendment No. 1 – Signed



AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

**City of Fayetteville
Fayetteville, Arkansas
Project No. 14047100**

CONTRACT AMENDMENT NO. 1

This Contract Amendment No. 1 effective on the date last written below, shall amend the original contract between the City of Fayetteville (Owner) and GARVER, LLC (ENGINEER), dated August 5, 2014 referred to in the following paragraphs as the original contract.

This Contract Amendment No. 1 adds construction phase services for the:

The extension of Cato Springs Trail approximately 2.3 miles from the Town Branch Trail to the Fayetteville Regional Park.

The original contract is hereby modified as follows:

SECTION 5 – PAYMENTS TO ENGINEER

Section 5.1 of the original contract is hereby amended as follows:

- 5.1 The maximum not-to-exceed amount authorized for this agreement is increased **\$32,200** from \$328,200 to \$360,400.

APPENDIX A – SCOPE OF SERVICES

The following Construction Phase Services are hereby added to the scope of services:

2.14 Construction Phase Services - Partial

During the construction phase of work, Garver will accomplish the following:

1. Issue a Notice to Proceed letter to the Contractor and attend preconstruction meeting.
2. Attend progress/coordination meetings with the Owner/Contractor.
3. Evaluate and respond to construction material submittals and shop drawings for the structural items included in the state right-of-way and the railroad underpass structure. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or



- implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
4. Issue instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
 5. Review of the Contractor's progress payment requests is EXCLUDED from the scope of services.
 6. Provide part-time resident construction observation services on an AS-NEEDED BASIS. The proposed fee is based on 60 HOURS of onsite observation. If the observation time extends beyond the time established in this agreement or if the Owner wishes to increase the time or frequency of the observation, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.
 7. Participate in final project inspection and prepare punch list.

Construction observation services will be provided by Garver's Resident Project Representative, who will provide or accomplish the following:

- Consult with and advise the Owner.
- Maintain a project diary which will contain information pertinent to each site visit.

In performing partial construction observation services, Garver will endeavor to protect the Owner against defects and deficiencies in the work of the Contractor(s); but Garver cannot guarantee the performance of the Contractor(s), nor be responsible for the actual supervision of construction operations or for the safety measures that the Contractor(s) takes or should take. However, if at any time during construction Garver observes that the Contractor's work does not comply with the construction contract documents, Garver will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. Garver will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, Garver will notify the Owner immediately, so that appropriate action under the Owner's contract with the Contractor can be taken.

APPENDIX B – FEE SPREADSHEETS

The attached summary sheet and fee spreadsheet for Construction Phase Services is hereby added to Appendix B.



This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, City of Fayetteville and GARVER have executed this Amendment effective as of the date last written below.

CITY OF FAYETTEVILLE

GARVER, LLC

By: _____
Signature

By: Ronald S. Petrie
Signature

Name: _____
Printed Name

Name: Ronald S. Petrie
Printed Name

Title: _____

Title: Sr. Project Manager

Date: _____

Date: 9/14/2016

Attest: _____

Attest: Dylan Allen

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

FEE SUMMARY - AMENDMENT NO. 1

Title I Services	Original Agreement	Amendment No. 1	Totals
<i>Geotechnical Services (GBHW)</i>	\$28,800.00	\$0.00	\$28,800.00
<i>Record Research(Elite Title - 16 Parcels)</i>	\$2,800.00	\$0.00	\$2,800.00
<i>Utility Marking (ARKUPS)</i>	\$600.00	\$0.00	\$600.00
Environmental Handling/Documentation	\$17,800.00	\$0.00	\$17,800.00
Surveys	\$80,300.00	\$0.00	\$80,300.00
Drainage Study	\$5,300.00	\$0.00	\$5,300.00
Conceptual Design	\$33,700.00	\$0.00	\$33,700.00
Preliminary Design	\$34,200.00	\$0.00	\$34,200.00
Preliminary Electric Submittal	\$17,700.00	\$0.00	\$17,700.00
Final Electrical Submittal	\$13,500.00	\$0.00	\$13,500.00
Final Design	\$88,500.00	\$0.00	\$88,500.00
Property Acquisition Documents	\$0.00	\$0.00	\$0.00
Bidding Services	\$5,000.00	\$0.00	\$5,000.00
Subtotal for Title I Services	\$328,200.00	\$0.00	\$328,200.00

Title II Services			
<i>Construction Materials Testing</i>	\$0.00	\$0.00	\$0.00
Construction Phase Services	\$0.00	\$32,200.00	\$32,200.00
Subtotal for Title II Services	\$0.00	\$32,200.00	\$32,200.00

APPENDIX B

CITY OF FAYETTEVILLE
CATO SPRINGS TRAIL

CONSTRUCTION PHASE SERVICES

WORK TASK DESCRIPTION	E-6	E-4	E-3	E-2	E-1	C-3	C-2	C-1	MANHOUR SUBTOTALS
	\$237.00	\$155.00	\$133.00	\$110.00	\$96.00	\$131.00	\$107.00	\$84.00	
	hr	hr	hr	hr	hr	hr	hr	hr	
1. Civil Engineering									
Preconstruction Meeting				3					
Shop Drawings/Material Submittals				6					
Progress Meetings with Contractor/City (8 monthly mtgs.)				16					
Monthly Pay Requests - NOT INCLUDED									
On-Site Meetings				30					
Resident Construction Observation (AS NEEDED)						60			
Record Drawings - NOT INCLUDED									
Final Project Inspection and Punchlist				4		4			
Subtotal - Civil Engineering	0	0	0	59	0	64	0	0	123
2. Structural Engineering									
Response to Inquiries	2		8						
Shop Drawings/Material Submittals *	20		80						
Subtotal - Structural Engineering	22	0	88	0	0	0	0	0	110
3. Electrical Engineering									
Response to Inquiries									
Shop Drawings/Material Submittals									
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0	0
Hours	22	0	88	59	0	64	0	0	233
Salary Costs	\$5,214.00	\$0.00	\$11,704.00	\$6,490.00	\$0.00	\$8,384.00	\$0.00	\$0.00	\$31,792.00
SUBTOTAL - SALARIES:		\$31,792.00							
<u>DIRECT NON-LABOR EXPENSES</u>									
Document Printing/Reproduction/Assembly	\$100.00								
Postage/Freight/Courier	\$0.00								
Travel Costs	\$308.00								
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		\$408.00							
TOTAL FEE:		\$32,200.00							

* Note:
16 hours for bridge, 16 hours for retaining walls, 16 hours for tunnel, 16 hours for drilled shafts and testing, 16 hours for the RR protective shelter for E3
4 hours for bridge, 4 hours for retaining walls, 4 hours for tunnel, 4 hours for drilled shafts and testing, 4 for RR protective shelter for E6



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0441

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 10

WALTON ARTS CENTER COUNCIL, INC. RESTATED ARTICLES OF INCORPORATION:

A RESOLUTION TO APPROVE THE RESTATED ARTICLES OF INCORPORATION OF THE WALTON ARTS CENTER COUNCIL, INC.

WHEREAS, on December 11, 1986, representatives of the University of Arkansas and the City of Fayetteville signed the original Articles of Incorporation of the University of Arkansas/City of Fayetteville Arts Center Council, Inc. which were filed at the Office of the Secretary of State on January 19, 1987; and

WHEREAS, these Articles of Incorporation were amended on July 13, 1988; March 16, 1990; July 20, 1993; February 7, 1995 and May 21, 1996; and

WHEREAS, a Sixth Amendment to the Articles of Incorporation of the Walton Arts Center Council, Inc. was approved by the Fayetteville City Council, University Board of Trustees, the Walton Arts Center and the Walton Family Foundation, Inc. after months of review and consideration during 2013 and 2014; and

WHEREAS, Marshall Ney representing the Walton Arts Center, Scott Varady representing the University of Arkansas and Fayetteville City Attorney Kit Williams all agreed at the time that eventually a Restated Articles of Incorporation should be prepared so that persons would not have to dig through the original and all six amendments to determine exactly what the current Articles of Incorporation actually say; and

WHEREAS, Marshall Ney has now accomplished this task and presented an accurate Restated Articles of Incorporation of the Walton Arts Center Council, Inc.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the attached Restated Articles of Incorporation of the Walton Arts Center Council, Inc. as the current, complete and accurate statement of the Articles of Incorporation and authorize Mayor Jordan to sign these Restated Articles of Incorporation so they may be filed in the Office of the Secretary of State.

Legistar ID No.: 2016-0441

AGENDA REQUEST FORM

FOR: Council Meeting of October 4, 2016

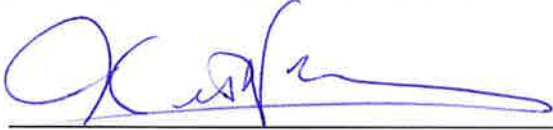
FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO APPROVE THE RESTATED ARTICLES OF INCORPORATION
OF THE WALTON ARTS CENTER COUNCIL, INC.

APPROVED FOR AGENDA:



City Attorney Kit Williams

9-16-16

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Paul Becker, Finance Director

FROM: **Kit Williams**, City Attorney

DATE: **September 16, 2016**

RE: **Restated Articles of Incorporation of the Walton Arts Center Council, Inc.**

Mayor Jordan and I worked for many months in 2013 and 2014 to ensure the existing Walton Arts Center on Dickson Street would not only be preserved in the face of discussions of a new larger performance facility being built in Bentonville, but actually updated, enlarged and improved as a fine arts performance center on Dickson Street.

The Fayetteville City Council, University of Arkansas Board of Trustees; Walton Arts Center Council, Inc. and the Walton Family Foundation came together at the end of this long negotiation and approved a new 75 year lease for the Walton Arts Center on Dickson Street and the Sixth Amendment for the Walton Arts Center Council, Inc.'s Articles of Incorporation.

We all agreed:

"To expand and renovate the existing Walton Arts Center in Fayetteville...and...to continue to obtain funding for, operate, manage and maintain the Walton Arts Center on Dickson Street in a manner that is generally commensurate with the quality and quantity of performance and activities occurring prior to 2013." Restated Articles of Incorporation, Third section (b)(1).

Marshall Ney for the Walton Arts Center, Scott Varady for the University of Arkansas and I for the City of Fayetteville had all agreed that the original and six (some lengthy) amendments of the Articles of Incorporation should be combined in one document (the Restated Articles of Incorporation) for clarity, ease of reference and to prevent inadvertent errors when trying to compare the seven documents. Marshall Ney took on this task and has succeeded to creating the Restated Articles of Incorporation. It was hard enough for me to check his work through the seven documents so I certainly appreciate his hard work to compile the Restated Articles.

CONCLUSION

By preserving the Walton Arts Center as the heart of Fayetteville's Entertainment District, Mayor Jordan has ensured that quality performance arts will long continue to grace Fayetteville and to spur further economic and artistic growth in our hometown. Please approve these Restated Articles of Incorporation of the Walton Arts Center Council, Inc.

RESTATED ARTICLES OF INCORPORATION

OF

THE WALTON ARTS CENTER COUNCIL, INC.

WE, THE UNDERSIGNED, in order to form a nonprofit corporation for the purposes hereinafter stated, under and pursuant to the provisions of the Arkansas Nonprofit Corporation Act (Acts 1963, No. 176), Ark. Stat. Ann. §§ 64-1901-1924, DO HEREBY CERTIFY as follows:

FIRST: The name of the corporation is THE WALTON ARTS CENTER COUNCIL, INC.

SECOND: The duration of the existence of this organization shall be perpetual.

THIRD: The purposes for which this corporation is organized and the activities proposed to be transacted, promoted or carried on by it are as follows, to-wit:

- (a) To have all powers and authorities set forth in or contemplated by the Arkansas Nonprofit Corporation Act, A.C.A. §§ 4-28-201 *et seq.* and any amendments thereto and to fulfill a mission to bring great performing artists and entertainers into Northwest Arkansas and thereby to connect, educate and engage our residents through inspiring arts experiences.
- (b) (1) To expand and renovate the existing Walton Arts Center in Fayetteville as currently proposed by the Walton Arts Center Council, Inc., and after the construction and opening of the performing arts venue in Bentonville, to continue to obtain funding for, operate, manage and maintain the Walton Arts Center on Dickson Street in a manner that is generally commensurate with the quality and quantity of performances and activities occurring prior to 2013. In determining

whether this standard is met, the City of Fayetteville and the University of Arkansas may take into account the quality, type and number of performances and activities occurring at the Dickson Street facility, including the quality, type and number of: (i) Broadway Musicals and performances; (ii) other theatrical, dance and musical performances; (iii) concert performances and (iv) educational programs.

- (2) To obtain funding for, operate, manage and maintain a performing arts venue in Bentonville in cooperation with the Walton Family Foundation.
- (3) To obtain funding for, operate, manage and maintain a music pavilion in Rogers for the Arkansas Music Pavilion.
- (4) To explore mutually agreeable opportunities for collaboration and cooperation with the University of Arkansas for facilities owned and/or operated by the University of Arkansas that with the express consent of the University may occasionally be used as venues for musical and entertainment performances.
- (c) To promote and facilitate the exposure to and education about the performing arts for Washington and Benton County primary, secondary and college level students by making its performing arts venues available at reduced fees for special performances or classes for such students and to also promote and facilitate exposure to the performing arts and related fields generally, including working in collaboration with other performing arts venues throughout the State of Arkansas.
- (d) To employ a President/CEO for the Walton Arts Center, and all other performing arts venues and related facilities managed by the Walton Arts Center Council,

Inc., and to employ such other agents and employees as the Council deems proper and advisable.

- (e) To promulgate reasonable rules and regulations for operation and use of the Walton Arts Center and all other performing arts venues and related facilities, including, where appropriate, to set reasonable fees for use of such venues, assuring always that the greatest access to the venues shall be provided for users and user groups.
- (f) To promote interest in the arts in Northwest Arkansas.
- (g) To enter into agreements with the City, the University, any other city or county, the State of Arkansas, the U.S. Government, or any agency or instrumentality thereof, or with any private group, to exchange, borrow or loan property of the corporation.
- (h) To enlist volunteers to assist in promoting and assisting in activities for the Walton Arts Center and all other performing arts venues managed by the Walton Arts Center Council.
- (i) To acquire, by gift, bequest or purchase, works of art of all types, and to hold the same as a permanent collection.
- (j) To acquire by gift, lease, purchase, or otherwise, and to hold, own or lease any real, personal or mixed property, for the uses and benefit of the Walton Arts Center, the proposed larger performance arts facility in Bentonville and all other facilities that will be constructed, maintained or managed by the Walton Arts Center Council; and to solicit and receive contributions, and to engage in fund-raising activities for the benefit of the Walton Arts Center, the proposed larger

performance arts facility in Bentonville and all other facilities that will be constructed, maintained or managed by the Walton Arts Center Council. Any funds received may be turned over to the Walton Arts Center Foundation, Inc., for investment and management.

- (k) To sell, lease, or dispose of any property of the corporation conditioned upon approval of the Fayetteville City Council and the Board of Trustees of the University of Arkansas, except that it shall not be necessary to obtain approval to sell any property which is donated, sold in the ordinary course of business, or purchased by the corporation for the purpose of immediate resale, nor to transfer property held in permanent collections maintained by the Walton Arts Center Council, Inc.
- (l) To enter into any lawful contracts and to do such other things as may be convenient or necessary to fulfill the purposes of the corporation.
- (m) The purposes of this corporation are expressly declared not to be for gain or individual profit and it shall be operated entirely on a nonprofit basis. No part of its income shall be distributed to its members or directors; provided however, that officers, directors and employees may be reimbursed for expenses incurred in attending to their authorized duties. In the event this corporation is dissolved, voluntarily or involuntarily, all of its net assets shall be distributed and paid out for such charitable purposes as may be determined by the last Board of Directors of the corporation, subject to the approval of the Fayetteville City Council and the Board of Trustees of the University of Arkansas, in accordance with the provisions of the Arkansas Non-Profit Corporation Act, Ark. Stat. Ann. § 64-1901

RESTATED ARTICLES OF INCORPORATION
THE WALTON ARTS CENTER COUNCIL, INC.

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et seq., and the Interlocal Cooperation Agreement dated December 9, 1986, between the City of Fayetteville and the Board of Trustees of the University of Arkansas, and any amendments thereto.

- (n) To do each and every act, which is ordinary, necessary, or reasonable to obtain and maintain the status of a tax exempt organization for the purposes of federal and state income taxation and ad valorem taxation.
- (o) The purposes for which the corporation is organized are exclusively religious, charitable, scientific, literary and educational within the meaning of Internal Revenue Code 501(c)(3) or the corresponding provision.
- (p) Notwithstanding any other provisions of these articles, this organization shall not carry on any other activities not permitted to be carried on by an organization exempt from Federal income tax under Internal Revenue Code 501(c)(3) or the corresponding provision of any future United States Internal Revenue Law.
- (q) In the event of dissolution, the residual assets of the organization will be turned over to one or more organizations which themselves are exempt as organizations described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code or corresponding sections of any prior or future Internal Revenue Code, or to the Federal, State or local government for exclusive public purpose.
- (r) This corporation is a public benefit corporation.

FOURTH: The names and addresses of the incorporators are as follows:

<u>Name</u>	<u>Address</u>
1. Frank Sharp	2062 Smokehouse Road Route 11 Fayetteville, Arkansas 72701

RESTATED ARTICLES OF INCORPORATION
THE WALTON ARTS CENTER COUNCIL, INC.

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- | | |
|--------------------------|---|
| 2. Dr. Bernard Madison | 573 Rock Cliff Road
Fayetteville, Arkansas 72701 |
| 3. Sonja Decker | 2823 Hyland Park
Fayetteville, Arkansas 72701 |
| 4. Dr. Lloyd Seaton, Jr. | 1701 W. Center Street
Fayetteville, Arkansas 72701 |
| 5. James Gilbreath | 428 N. Tanglewood
Fayetteville, Arkansas 72701 |
| 6. Dr. D. Andrew Gibbs | 1317 N. Lewis Avenue
Fayetteville, Arkansas 72701 |

FIFTH: The principal office of this Corporation shall be located at 229 North School Street, Fayetteville, Arkansas 72701, or at such place as the Board of Directors of this Corporation shall from time to time designate as the location of the principal office.

SIXTH: The name of the registered agent of the corporation shall be the Executive Director/CEO of the Walton Arts Center, 229 N. School Avenue, Fayetteville, AR 72701, who is currently Peter Lane. The Walton Arts Center Council Board of Directors may designate the name of the new registered agent for service of process upon the appointment of a new or interim Executive Director without the need for any approval by the City or University by properly filing such new agent's name with the Secretary of State.

SEVENTH: The initial Board of Directors shall consist of six (6) directors. The persons who are to serve as initial directors are:

- | | |
|--|---|
| 1. Frank Sharp
(3 year initial term) | 2. Dr. Bernard Madison
(3 year initial term) |
| 3. Sonja Decker
(2 year initial term) | 4. Dr. Lloyd Seaton, Jr.
(2 year initial term) |
| 5. James Gilbreath | 6. Dr. D. Andrew Gibbs |

RESTATED ARTICLES OF INCORPORATION
THE WALTON ARTS CENTER COUNCIL, INC.

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(1 year initial term)

(1 year initial term)

The initial directors will serve until their successors qualify.

EIGHTH:

- (a) Effective July 1, 1990, the affairs and business of this Corporation shall be controlled and conducted by a Board of Directors consisting of at least ten (10) members, and not more than twenty (20) members. The term of office for each position on the Board of Directors shall be three (3) years beginning July 1 of the year of appointment, and ending June 30 of the third year thereafter. Each Director shall continue to hold his/her position until his/her successor has been appointed and qualified. No Director shall serve more than three consecutive complete three (3) year terms. For Directors appointed to terms which began prior to July 1, 1990, this limitation shall apply only for terms beginning on or subsequent to July 1, 1990. Successor Directors shall be appointed for staggered three (3) year terms.
- (b) The Board of Trustees of the University of Arkansas and the Fayetteville City Council shall each appoint five (5) Directors of the Corporation. The term of one Director appointed by each entity shall expire on June 30, 1991. The terms of two Directors appointed by each entity shall expire on June 30, 1992. The terms of two Directors appointed by each entity shall expire on June 30, 1993. The Board of Trustees and/or the City Council shall have the right to remove any member appointed by it, at any time, with or without cause.
- (c) The Walton Family Foundation may appoint nine additional Directors to serve as at large members, each of whom must be a resident of the Northwest Arkansas

region. All Directors, from whomever or wherever appointed, shall have demonstrated the ability to function as a Director of this Corporation in the interest of its regional goals; shall possess a demonstrated interest in furthering the presentation and appreciation of all types of artistic endeavor; and shall have expressed a desire to further the goals and policies of the Walton Arts Center Council, Inc. through thoughtful and dedicated services on the Board. The initial Directors to be appointed as the terms of the previous Directors appointed by the Board of Directors expire. Directors appointed by the Walton Family Foundation may be removed by the Walton Family Foundation at any time with or without cause.

- (d) Notwithstanding the limiting language in (a), the Board of Directors may increase the total number of Directors in increments of four with one of the additional members being appointed by the University, one by the City and two by the Walton Family Foundation.
- (e) The Board of Directors may make rules, policies and regulations for the management of the affairs of the Corporation from time to time, including the appointment of an Executive Committee and other committees, to oversee and conduct the Corporation's activities. Any committee shall have and may exercise such powers and shall be subject to such limitations as may be set out in the By-laws of the Corporation or in the resolution creating the committee.

NINTH: This Corporation shall have no members. The University of Arkansas, and the City of Fayetteville, Arkansas, acting through their respective governing bodies, shall have and exercise the rights to select, appoint and remove directors of the corporation as set forth

RESTATED ARTICLES OF INCORPORATION
THE WALTON ARTS CENTER COUNCIL, INC.

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elsewhere in these Articles, the By-Laws, and the Interlocal Cooperation Agreement, and to the extent that Ark. Code Ann. §§ 4-28-211 or 4-28-212 shall ever be construed to require membership in the corporation in order to exercise such rights, then the University of Arkansas and the City of Fayetteville shall be and constitute such members.

TENTH: The Corporation shall indemnify to the full extent from time to time permitted by law, any person made, or threatened to be made, a party to any pending, threatened or completed civil, criminal, administrative or arbitrate action, suit or proceeding and any appeal thereof (and any inquiry or investigation which could lead to such action, suit or proceeding), by reason of the fact that such person is or was a director, officer or employee of the Corporation or serves or served any other enterprise as a director, officer or employee at the request of the Corporation. Such right of indemnification shall inure to the benefit of the legal representatives of any such person.

ELEVENTH: These Articles of Incorporation may be amended by the approving vote of not less than two-thirds (2/3) of all directors of the Corporation provided, however, that no such amendment to the Recitals and Purposes Section as well as Articles Three, Eight, Nine and Eleven shall be effective until it has been approved by the Fayetteville City Council, by the Board of Trustees of the University of Arkansas and by the Walton Family Foundation. The Walton Family Foundation, the City of Fayetteville and/or the University of Arkansas in Fayetteville shall individually or jointly have proper standing and legal authority to enforce compliance of the Walton Arts Center Council, Inc. Board of Directors with the purposes of this corporation as stated in Article Three by request for an injunction in the Washington County Circuit Court.

RESTATED ARTICLES OF INCORPORATION
THE WALTON ARTS CENTER COUNCIL, INC.

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APPROVED by Resolution No. 2016-_____ passed and approved by the City
Council of the City of Fayetteville, on October 4, 2016.

CITY OF FAYETTEVILLE

By: _____
Mayor Lionel Jordan

ATTEST:

City Clerk

Date: _____, 2016

APPROVED by Resolution adopted by the Board of Trustees of the University of
Arkansas on this _____ day of _____, 2016.

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ARKANSAS, ACTING
FOR THE UNIVERSITY OF ARKANSAS,
FAYETTEVILLE

By: _____
Joseph E. Steinmetz
Chancellor

ATTEST:

Notary Public

Date: _____, 2016

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THE WALTON ARTS CENTER COUNCIL, INC.

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Approved by more than two thirds of the membership of the Board of Directors of the
Walton Arts Center Council, Inc. at a regular meeting of the Board of Directors, at which time
_____ members voted in favor hereof.

WALTON ARTS CENTER COUNCIL,
INC.

By: _____

Greg Lee
Chairman of the Board

ATTEST:

Notary Public

Date: _____, 2016



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0328

Agenda Date: 10/4/2016

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

(LEFT ON SECOND READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-A, Residential Agricultural; RSF-1, Residential Single Family, One Unit Per Acre and RSF-4, Residential Single Family, 4 Units Per Acre to NC, Neighborhood Conservation; R-A, Residential Agricultural and NS, Neighborhood Services subject to the attached Bill of Assurance.

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

City of Fayetteville Staff Review Form

2016-0328

Legistar File ID

7/19/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

7/1/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5442: Rezone (2514 W. LORI RD./RAZORBACK GOLF COURSE, 285): Submitted by BLEW & ASSOCIATES, INC. for properties located at 2514 W. LORI RD. The properties are zoned R-A, RESIDENTIAL-AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 99.10 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURE; and NS, NEIGHBORHOOD SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 19, 2016

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, City Planning Director
FROM: Harry Davis, Planner
DATE: June 30, 2016

SUBJECT: RZN 16-5442: Rezone (2514 W. LORI RD./RAZORBACK GOLF COURSE, 285):
Submitted by BLEW & ASSOCIATES, INC. for properties located at 2514 W. LORI RD. The properties are zoned R-A, RESIDENTIAL-AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 99.10 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURE; and NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

The Planning Commission and City Planning staff recommend approval of an ordinance to rezone the properties from R-A, RSF-1, and RSF-4 to R-A, NC, and NS as shown in Exhibits A and B.

BACKGROUND:

Background and Property Description: The assembled tracts contain approximately 99.10 acres located north of Mount Comfort Road and west of Deane Solomon Road. The property has been used for many years for the Razorback Golf Course that has closed for business. The land has been cleared for many decades for golf greens, fairways and paved golf course paths. There are some mature stands of trees in various areas, several ponds and water features, with the protected stream Clabber Creek and its associated floodplain in the northern portion of the site. The property is zoned RSF-4, Residential Single Family Four Units per Acre; R-A, Residential Agricultural; and RSF-1, Residential Single Family One Unit per Acre.

Request: The applicant requests to rezone 72.72 acres to NC, Neighborhood Conservation; 14.79 acres to NS, Neighborhood Services; and 11.59 acres to R-A, Residential Agriculture as depicted in the attached rezoning exhibit. The applicant has indicated the intention to develop a majority of the property with a single-family neighborhood. The portion zoned NS is intended by the applicant to allow greater flexibility of housing density while the portion zoned R-A is for conserving the floodway around Clabber Creek. The proposed NC zoning is a single family zoning district that provides additional variety of lot sizes compared to the predominant RSF-4 pattern in this area and opportunity for increased density up to ten units per acre. NS would allow other housing typologies greater than a single-family home, including two- and three-family dwellings by right.

STAFF FINDINGS:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area primarily as a **Civic and Private Open Space/Parks Area** with **Natural Area** in the Clabber Creek floodplain area and **Residential Neighborhood Area** in the south. The site is designated as Civic and Private Open Space/Parks Area because of its historical use as a private golf course. However, this designation does not limit the property from being able to be redeveloped and transition over time into a different land use.

For the areas proposed NC, the proposed zoning is compatible with the surrounding residential properties to the north, east, and west by proposing similar single family detached zoning. In staff's opinion, the proposal is not only compatible, it is complimentary and adds to the variety and mix of residential dwelling types. For the area proposed to be NS, the proposed zoning is compatible with nearby zones. The NS portion would be adjacent to the Coyote Trail subdivision zoned RT-12. Like RT-12, NS would allow single-, two-, and three-family dwellings along with limited business that would serve as a low-intensity, walkable area with an underlying purpose as a transition between low- and medium-density areas.

The rezoning is consistent with goals and policies of City Plan 2030 to discourage suburban sprawl by encouraging development in an area surrounded by developed neighborhoods and roadways. The proposed use of NC and NS zones are consistent with the goal to make traditional town form the standard. The proposal is also consistent with the Future Land Use map designation of Natural Area on the Clabber Creek floodplain portion of the site, as it appears the proposed rezoning would place R-A zoning on the majority of the floodplain and floodway. Such a zone would better protect and manage the riparian corridor along Clabber Creek.

Staff finds that the proposed zoning is justified and needed to accommodate planned development of this area. Paralleling national trends in the golf course industry, Razorback Golf Course endured declining success before going out of business in recent months. Given this site's proximity to existing roads, utility infrastructure, and surrounding development, it is justified to rezone the property for single-family to three-family residential density alongside possible limited business for residents of the area.

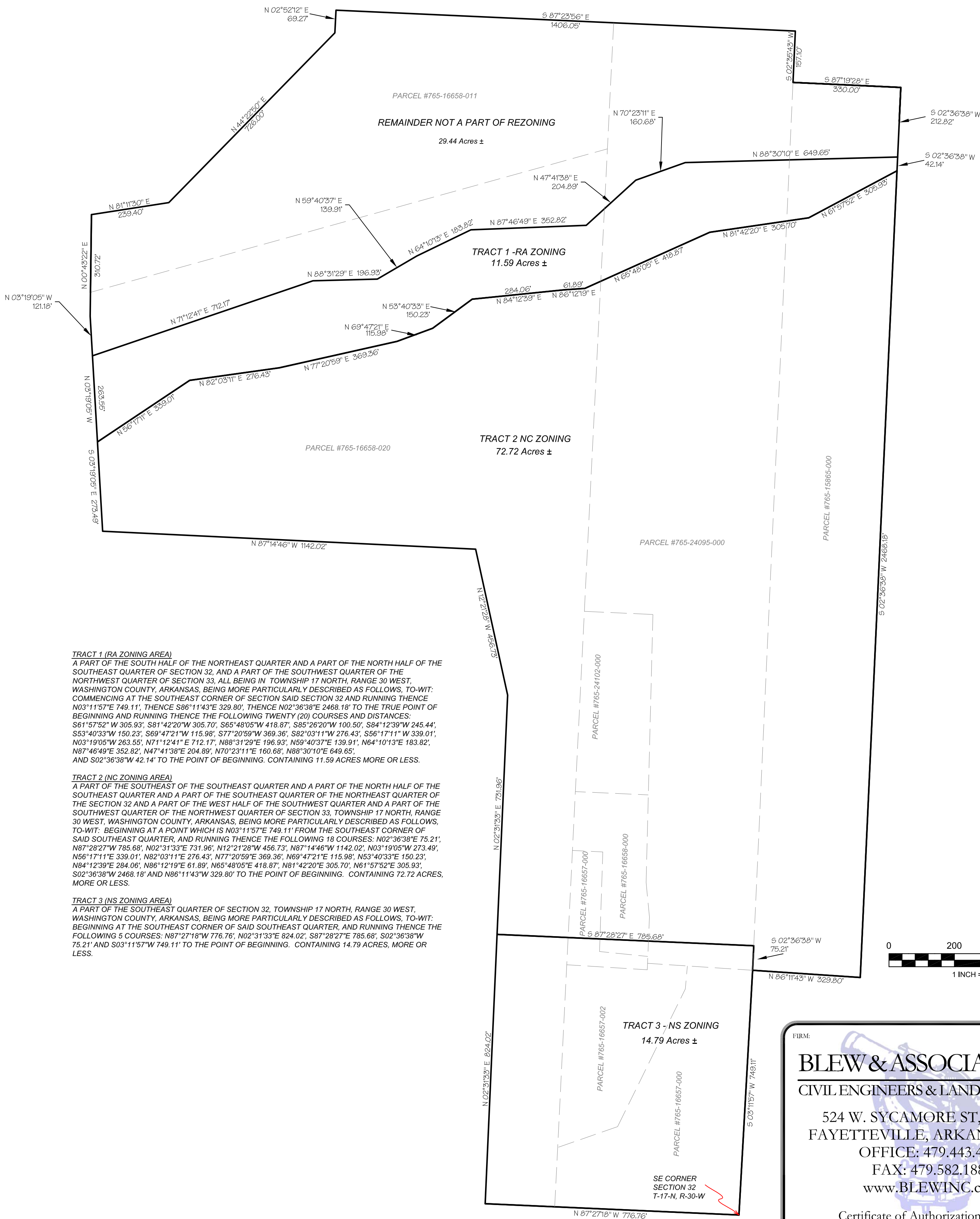
DISCUSSION:

This item was discussed at the June 13, 2016 Planning Commission meeting. At that meeting three members of the public spoke opposed to the rezoning. Primary items of discussion included concerns with increased density, flooding, traffic, and a lack of adequate street infrastructure. The Planning Commission discussed with the applicant a desire for more variety as the entire property was proposed to be rezoned NC, Neighborhood Conservation. The commission also discussed the potential for non-residential services and tabled the item for two weeks. The applicant revised the proposal for the June 27, 2016 meeting in an attempt to address the commission's concerns. On June 27, 2016 the Planning Commission forwarded the applicant's request for rezoning 99.10 acres of R-A, RSF-1, and RSF-4 to R-A, NC, and NS with a recommendation for approval by a vote of 8-1-0, Commissioner Hoskins dissenting. There was no public comment at the June 27th Planning Commission meeting.

Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

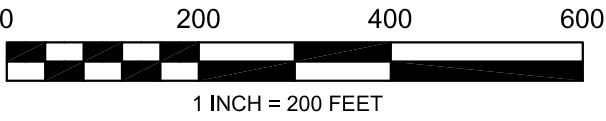
Rezone Exhibit A



TRACT 1 (RA ZONING AREA)
A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SECTION SAID SECTION 32 AND RUNNING THENCE N03°11'57"E 749.11', THENCE S86°11'43"E 329.80', THENCE N02°36'38"E 2468.18' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE THE FOLLOWING TWENTY (20) COURSES AND DISTANCES: S61°57'52" W 305.93', S81°42'20"W 305.70', S65°48'05"W 418.87', S85°26'20"W 100.50', S84°12'39"W 245.44', S53°40'33"W 150.23', S69°47'21"W 115.98', S77°20'59"W 369.36', S82°03'11"W 276.43', S56°17'11"W 339.01', N03°19'05"W 263.55', N71°12'41"E 712.17', N88°31'29"E 196.93', N59°40'37"E 139.91', N64°10'13"E 183.82', N87°46'49"E 352.82', N47°41'38"E 204.89', N70°23'11"E 160.68', N88°30'10"E 649.65', AND S02°36'38"W 42.14' TO THE POINT OF BEGINNING. CONTAINING 11.59 ACRES MORE OR LESS.

TRACT 2 (NC ZONING AREA)
A PART OF THE SOUTHEAST OF THE SOUTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SECTION 32 AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N03°11'57"E 749.11' FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 18 COURSES: N02°36'38"E 75.21', N87°28'27"W 785.68', N02°31'33"E 731.96', N12°21'28"W 456.73', N87°14'46"W 1142.02', N03°19'05"W 273.49', N56°17'11"E 339.01', N82°03'11"E 276.43', N77°20'59"E 369.36', N69°47'21"E 115.98', N53°40'33"E 150.23', N84°12'39"E 284.06', N86°12'19"E 61.89', N65°48'05"E 418.87', N81°42'20"E 305.70', N61°57'52"E 305.93', S02°36'38"W 2468.18' AND N86°11'43"W 329.80' TO THE POINT OF BEGINNING. CONTAINING 72.72 ACRES, MORE OR LESS.

TRACT 3 (NS ZONING AREA)
A PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 5 COURSES: N87°27'18"W 776.76', N02°31'33"E 824.02', S87°28'27"E 785.68', S02°36'38"W 75.21' AND S03°11'57"W 749.11' TO THE POINT OF BEGINNING. CONTAINING 14.79 ACRES, MORE OR LESS.



FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE: Sebo 06/20/2016	REVIEWED BY:	SURVEYED BY:
-------------------------------------	--------------	--------------

COUNTY & STATE: Washington County Arkansas	JOB NUMBER:
--	-------------

LOCATION:
Razorback Golf Course

FOR THE USE AND BENEFIT OF:
Bart Bauer



Blew & Associates, P.A.

Civil Engineers

Professional Land Surveyors

EXHIBIT B

524 West Sycamore St., Suite #4
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

Description of Area(s) to Be Rezoned:

TRACT 1 (RA ZONING AREA)

A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SECTION SAID SECTION 32 AND RUNNING THENCE N03°11'57"E 749.11', THENCE S86°11'43"E 329.80', THENCE N02°36'38"E 2468.18' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE THE FOLLOWING TWENTY (20) COURSES AND DISTANCES: S61°57'52" W 305.93', S81°42'20"W 305.70', S65°48'05"W 418.87', S85°26'20"W 100.50', S84°12'39"W 245.44', S53°40'33"W 150.23', S69°47'21"W 115.98', S77°20'59"W 369.36', S82°03'11"W 276.43', S56°17'11" W 339.01', N03°19'05"W 263.55', N71°12'41" E 712.17', N88°31'29"E 196.93', N59°40'37"E 139.91', N64°10'13"E 183.82', N87°46'49"E 352.82', N47°41'38"E 204.89', N70°23'11"E 160.68', N88°30'10"E 649.65', AND S02°36'38"W 42.14' TO THE POINT OF BEGINNING. CONTAINING 11.59 ACRES MORE OR LESS.

TRACT 2 (NC ZONING AREA)

A PART OF THE SOUTHEAST OF THE SOUTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SECTION 32 AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N03°11'57"E 749.11' FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 18

COURSES: N02°36'38"E 75.21', N87°28'27"W 785.68', N02°31'33"E 731.96', N12°21'28"W 456.73', N87°14'46"W 1142.02', N03°19'05"W 273.49', N56°17'11"E 339.01', N82°03'11"E 276.43', N77°20'59"E 369.36', N69°47'21"E 115.98', N53°40'33"E 150.23', N84°12'39"E 284.06', N86°12'19"E 61.89', N65°48'05"E 418.87', N81°42'20"E 305.70', N61°57'52"E 305.93', S02°36'38"W 2468.18' AND N86°11'43"W 329.80' TO THE POINT OF BEGINNING. CONTAINING 72.72 ACRES, MORE OR LESS.

TRACT 3 (NS ZONING AREA)

A PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 5 COURSES: N87°27'18"W 776.76', N02°31'33"E 824.02', S87°28'27"E 785.68', S02°36'38"W 75.21' AND S03°11'57"W 749.11' TO THE POINT OF BEGINNING. CONTAINING 14.79 ACRES, MORE OR LESS.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5442

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

285
246

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name:

Bart Bauer

Address:

1417 N Addington Ave

Fayetteville, AR 72703

E-mail:

bart.bauer@sbcglobal.net

Phone:

(479) 283-0153

()

Fax:

()

Representative (engineer, surveyor, realtor, etc.):

Name:

Blew and Associates, PA

Address:

524 W Sycamore St Ste 4

Fayetteville, AR 72703

E-mail:

engineers@blewinc.com

Phone:

(479) 443-4506

()

Fax:

()

Site Address / Location: 2575 Deane Solomon Rd

Current Zoning District: R-ARSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 765-16658-020, 765-24095-000, 765-15865-000, 765-24102-000, 765-16658-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

Bart Bauer

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): BART BAUER

Date: 5/4/16

Signature: _____

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Property Owners of Record (attach additional info if necessary):

Name (printed): Ren Carness

Address: 2724 W. Howard Mickell Rd
Fayetteville, AR

Signature: [Signature]

Phone: _____
(479) 304 1082

Date: 5-4-16

Name (printed): Lori Taylor

Address: 2595 W Lori Dr
Fayetteville AR

Signature: [Signature]

Phone: _____
(479) 236-1808

Date: 5-4-16

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: ~~June 27, 2016~~ **UPDATED W/ PC RESULTS**

SUBJECT: **RZN 16-5442: Rezone (2514 W. LORI RD./RAZORBACK GOLF COURSE, 285):** Submitted by BLEW & ASSOCIATES, INC. for properties located at 2514 W. LORI RD. The properties are zoned R-A, RESIDENTIAL-AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE, AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately ~~128.54~~ acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURE; and NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION: **ERROR ON PART OF ENGINEER TO INCLUDE NORTHERN SECTION - ACTUAL PROPOSAL IS LOWER 99.10 ACRES**
Staff recommends forwarding **RZN 16-5442** to the City Council with a recommendation for approval of NC, NS, and R-A as proposed.

BACKGROUND:

The previous request by the current applicant was to rezone 99.10 acres south of Clabber Creek to NC, Neighborhood Conservation. The applicant indicated an intention to develop this area into a single-family neighborhood. This item was tabled at the June 13, 2016 Planning Commission to give the applicant time to meet with staff and revise their request according to comments and concerns by the Planning Commission. The applicant has submitted another revised request as described herein and depicted on the attached rezoning exhibit.

As Currently Proposed: The assembled tracts contain approximately ~~128.54~~ acres located north of Mount Comfort Road and west of Deane Solomon Road. The property has been used for many years for the Razorback Golf Course that has closed for business. The land has been cleared for many decades for golf greens, fairways and paved golf course paths. There are some mature stands of trees in various areas, several ponds and water features, with the protected stream Clabber Creek and its associated floodplain in the northern portion of the site. The property is zoned RSF-4, Residential Single Family Four Units per Acre; R-A, Residential Agricultural; and RSF-1, Residential Single Family One Unit per Acre. The surrounding land use and zoning is depicted in *Table 1*.

CLABBER CREEK
FLOODPLAIN

SHOULD INCLUDE
RSF-1 & R-A

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Crystal Springs Subdivision	RSF-4, Residential Single Family Four Units per Acre
South	Mobile home park; Bird Haven Subdivision (single family); Coyote Trail Subdivision (two-family)	R-A, Residential Agricultural; RT-12, Residential Two and Three Family; RSF-4, Residential Single Family Four Units per Acre
East	Pines at Springwoods (two- and four-family); horse farm; Prairie View Acres; conservation area	C-PZD, Springwoods (equivalent to RSF-4 and RMF-18); R-A, Residential Agricultural
West	Undeveloped	RSF-4, Residential Single Family Four Units per Acre

DISCUSSION:

72.72

Request: The applicant requests to rezone ~~96.98~~ acres to NC, Neighborhood Conservation; 14.79 acres to NS, Neighborhood Services; and 16.77 acres to R-A, Residential Agriculture as depicted in the attached rezoning exhibit. The applicant has indicated the intention to develop a majority of the property with a single-family neighborhood. The portion zoned NS is intended by the applicant to allow greater flexibility of housing density while the portion zoned R-A is for conserving the floodway around Clabber Creek. The proposed NC zoning is a single family zoning district that provides additional variety of lot sizes compared to the predominant RSF-4 pattern in this area and opportunity for increased density up to ten units per acre. NS would allow other housing typologies greater than a single-family home.

Public Comment from June 13, 2016 Planning Commission Meeting: Staff received public comment in regards to concerns over zoning incompatibility, traffic issues on Deane Solomon Road, accessing property from W Lori Dr., decreased nearby property values from dense development, and flooding. During the meeting, neighbors voiced concerns over traffic issues on Deane Solomon, a lack of services included in the proposal, and increased density.

Public Comment for Current Submission: Staff has not received public comment for the current submission.

INFRASTRUCTURE:

Streets:

The subject site has access to Deane Solomon Road. Along the subject parcels' frontage, the eastern half of Deane Solomon Road is fully improved with curb, gutter, sidewalk, and storm drainage. The western half is unimproved with an open earth ditch. The subject parcels also have access to Lori Drive and Emil Drive via existing street stub outs to the southeast. Street construction and dedication of right of way would be required if connections were made here. Improvements to Deane Solomon and other streets/intersections would be evaluated at the time of development.

- Water:** Public water is available to the site. A 12" public main is located within the Deane Solomon Road right of way and an 8" public main exists along the southernmost parcel line of the subject parcels.
- Sewer:** Sanitary Sewer is available to the site. An 8" public main is located within the Deane Solomon Road right of way and an 8" public main exists along the southernmost parcel line of the subject parcels.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Clabber Creek runs east-west through the northern portion of these parcels. Clabber Creek is a protected stream per city ordinances and contains FEMA regulated floodways and Zone AE floodplains. Floodplain development permits would be required in these locations. Portions of the site are shown to contain hydric soils, which are indicators of wetland areas. Further information regarding the existence of wetlands may be required at the time of development. No portions of these parcels are located within the HHOD.
- Fire:** This development will be protected by Engine 7 located at 835 Ruppel Road. It is 3 miles from the station to the study area with an anticipated response time of 7 minutes to the beginning of the study area. The Fire Department does not feel this rezoning will affect calls for service or response times.
- Police:** The Police Department have not expressed concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area primarily as a ***Civic and Private Open Space/Parks Area*** with ***Natural Area*** in the Clabber Creek floodplain area.

The site is designated as Civic and Private Open Space/Parks Area because of its historical use as a private golf course. However, this designation does not limit the property from being able to be redeveloped and transition over time into a different land use.

The study area is identified as having a high level of natural resources by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. Some habitat in the study area is classified by the FNHA as seasonal wetlands¹. As a result of the FNHA work and other City staff research, this study area was included on the Enduring Green Network (EGN) map. The EGN map resulted in designation of portions of this area as Natural Area on the Future Land Use map. However, site specific environmental study of the project area has not been conducted to staff's knowledge. It should be noted that golf courses have had a long reputation of being harmful to the environment because of the use of chemicals (fertilizer, pesticides, herbicides, etc.), water, and other resources to maintain pristine golfing conditions.²

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

² Audobon International. Golf and the Environment Fact Sheet. Accessed December 2015.
www.audoboninternational.org

The applicant's proposal to rezone 128.54 acres includes two (2) major areas indicated in the FLUM:

- **Civic and Private Open Space/Parks Areas** are sites that are permanently dedicated to open space or park land. Guiding Policies for this areas are as follows:
 - a. Encourage parkland dedication and conservation easements for trails that support the Fayetteville Alternative Trails and Transportation Plan, the 10-Year Parks Master Plan and the Enduring Green Network.
 - b. Provide an integrated network of open space areas throughout the City to serve local residents as well as provide a regional asset and visitor attraction.
 - c. Plan for the long-term preservation and enhancement of open space (including undeveloped natural areas, utility corridors, and key scenic corridors) within the Fayetteville green network.
 - d. Conserve open space within the Fayetteville green network through private acquisition and other acceptable conservation methods.
 - e. Encourage the creation of connected trails and walkways between community activity areas and neighborhoods and enhance with kiosks and rest stations.
 - f. Encourage community-based "green" infrastructure such as rain gardens, vegetated drainages and bio-retention facilities.
 - g. Encourage pocket parks, especially in the urban center areas.
- **Natural Areas** consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

A third type of area on site is indicated in the Future Land Use map, called **Residential Neighborhood Area**, is summarized as such:

- ... These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

STAFF FINDINGS

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: **Surrounding Land Use Compatibility:** For the areas proposed NC, the proposed zoning is compatible with the surrounding residential properties to the north, east, and west by proposing similar single family detached zoning. Rezoning the site's middle 72.72 and ~~northern 24.26 acres~~ for denser single-family residential is compatible with surrounding residential uses and zonings, including multi-family to the east in the Pines at Springwoods development, a neighborhood of duplexes to the south in the Coyote Trail subdivision, and undeveloped land zoned for single family residential zoning to the west. Compatibility does not mean that the zoning has to be identical

in terms of the actual zoning district, building typology allowed, or use. It refers to the ability of various zoning districts and uses being able to exist in harmony with surrounding neighborhoods. In staff's opinion, the proposal is not only compatible, it is complimentary and adds to the variety and mix of residential dwelling types.

For the area proposed to be NS, the proposed zoning is compatible with nearby zones. The NS portion would be adjacent to the Coyote Trail subdivision zoned RT-12 in the east, a mobile home park zoned R-A in the south, and the Bird Haven Terrace subdivision and undeveloped areas zoned RSF-4 to the southwest and west, respectively. Like RT-12, NS would allow single-, two-, and three-family dwellings along with limited business that would serve as a low-intensity, walkable area with an underlying purpose as a transition between low- and medium-density areas.

Compatibility analysis for the proposed R-A is generally simplistic and compatible with every adjacent zone. R-A is not a conservation zoning district, but is used here as such to protect the riparian corridor along Clabber Creek. This part of the proposal is best explained in relation to the Future Land Use map.

Land Use Plan and Policy Analysis: The rezoning is generally consistent with planning objectives, principles, and policies put forward in City Plan 2030 and the Future Land Use map. The Future Land Use map designates a majority of this site as *Civic and Private Open Space/Parks Areas* to recognize the historical use of this site as a private golf course. This designation does not prevent the property from being rezoned and redeveloped for a different land use consistent with overall City policy. The rezoning is consistent with goals and policies of City Plan 2030 to discourage suburban sprawl by encouraging development in an area surrounded by developed neighborhoods and roadways. The proposed use of NC and NS zones are consistent with the goal to make traditional town form the standard. These districts are form-based districts that have a build-to zone for buildings, which help define space along streets. Additionally, denser development with the possibility of mixed-use provides the opportunity for a variety of price points for residents, which in turn creates opportunities for attainable housing and walkable communities. The proposal is consistent with the Future Land Use map designation of *Natural Area* on the Clabber Creek floodplain portion of the site, as it appears the proposed rezoning would place R-A zoning on the majority of the floodplain and floodway. Such a zone would better protect and manage the riparian corridor along Clabber Creek.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate development of this area. Paralleling national trends in the golf course industry, Razorback Golf Course endured declining success before going out of business. Given this site's proximity to existing roads, utility infrastructure, and surrounding development, it is justified to rezone the

property for single-family to three-family residential density alongside possible limited business for residents of the area.

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

Finding: This rezoning will create the opportunity for development that could substantially increase traffic on surrounding roads over the existing R-A, RSF-1, and RSF-4 zoning districts. Deane Solomon Road is an unimproved two-lane road and will need to be improved with any development. In addition, a bridge over Clabber Creek to the west of this site is indicated on the Master Street Plan and development of this property may need to contribute an assessment towards that offsite improvement. Mount Comfort Road/Porter Road is a Minor Arterial roadway that was improved by the City and Arkansas State Highway and Transportation Department (AHTD), including signalization and interchange improvements at I-49. Mount Comfort and Deane Solomon Road will serve a large proportion of traffic in and out of this property. With on and off-site improvements required as part of development, an appreciable increase in traffic danger and congestion should not result.

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

Finding: The proposed rezoning would increase the potential population density over the existing zoning, but is unlikely to undesirably increase the load on public services. An analysis of impact to city services has been included under infrastructure, and in the overall recommendation, included throughout this staff report. The Police Department expressed no objections to the proposal. The Fire Department does not feel that this zoning will negatively affect service times to area. The Fayetteville School District is notified of all rezonings by the City but does not typically provide comments and have provided no input on this application.

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

Finding: N/A

RECOMMENDATION: Staff recommends forwarding of RZN 16-5442 to the City Council with a recommendation of approval for NC, NS, and R-A as proposed.

PLANNING COMMISSION ACTION: Required

Date: June 27, 2016

☐ Tabled

☒ Forwarded

☐ Denied

Motion: HOSKINS

MOTION TO FORWARD w/ APPROVAL
SUCCEEDED

Second: AUTRY

Vote: 8-1-0

HOSKINS DISSENTING

CITY COUNCIL ACTION: Required

Date: July 19, 2016

☐ Approved

☐ Denied

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Applicant's request letter
- Rezoning exhibit
- Public comment
- Current land use map
- Close up map
- Future land use map
- One mile map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

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

E) *Setback requirements.*

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

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

(G) *Building area.* None.

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

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

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

(B) *Uses.*

(C) *Permitted uses.*

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

(D) *Conditional uses.*

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

(E) *Density.*

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

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

(G) *Setback requirements.*

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

(H) *Building height regulations.*

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

(I) *Building area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

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

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

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

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

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

161.26 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

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

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

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

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
Unit 44	Cottage Housing Development

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
Unit 45	Small scale production

(C) *Density.*

Units per acre	10 or less
----------------	------------

(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.
-------------------------	--------

- (G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot. (Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)



Blew & Associates, P.A.

Professional Land Surveyors

524 W. Sycamore Street Suite 4, Fayetteville, AR 72703

PH: 479-443-4506 * FAX: 479-582-1883

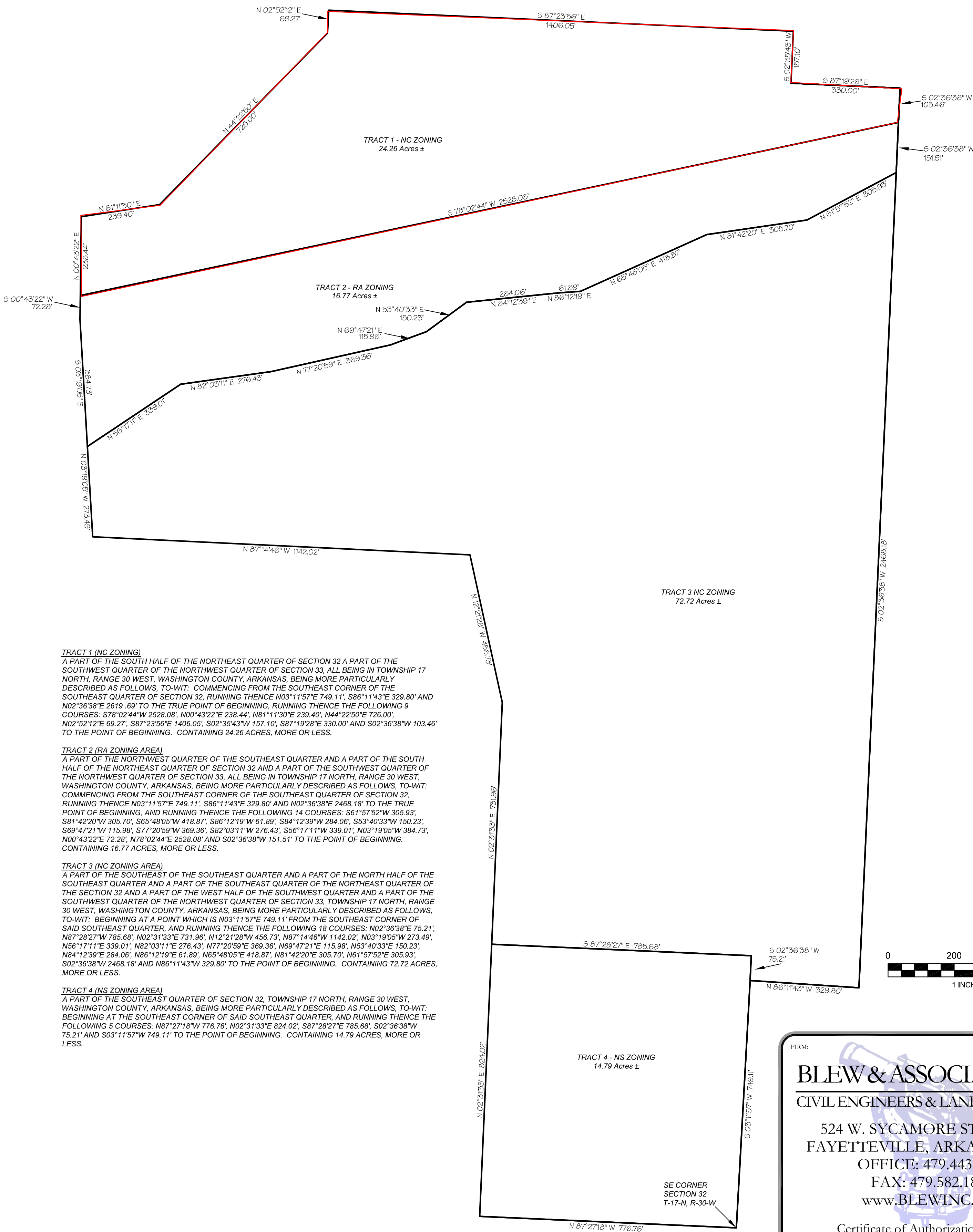
<http://www.blewinc.com>

To Whom It May Concern,

Our client(s), Linron Corp DBA & Bart Bauer, wish to rezone the property at 2514 W. Lori Dr., Fayetteville AR 72703. This consists of parcels 765-16657-000, 765-16658-000, 765-24102-000, and a portion of parcels 765-16658-011, 765-16658-020, 765-24095-000, & 765-15865-000. The request is to rezone the property from its current zonings of R-A, RSF-1, and RSF-4 to a NC zoning. The purpose of this rezone is to be able to develop the property into single family residences. Currently many of the surrounding properties are this type of development which makes it a good fit for the area. Also this should be consistent with the future land use plan for the area as well. The property already has access to water and sewer so availability to utilities should not be an issue. We feel that this type of development is consistent with the city's goals and principals as well it will have a positive effect on the community and surrounding properties. If you have any additional questions feel free to contact our office.

Thanks,
Heath Myers
Project Manager

Rezone Exhibit

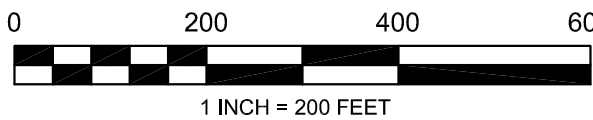


TRACT 1 (NC ZONING)
A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 32 A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 32, RUNNING THENCE N03°11'57"E 749.11', S86°11'43"E 329.80' AND N02°36'38"E 2619.69' TO THE TRUE POINT OF BEGINNING, RUNNING THENCE THE FOLLOWING 9 COURSES: S78°02'44"W 2528.08', N00°43'22"E 238.44', N81°11'30"E 239.40', N44°22'50"E 726.00', N02°52'12"E 69.27', S87°23'56"E 1406.05', S02°35'43"W 157.10', S87°19'28"E 330.00' AND S02°36'38"W 103.46' TO THE POINT OF BEGINNING. CONTAINING 24.26 ACRES, MORE OR LESS.

TRACT 2 (RA ZONING AREA)
A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 32 AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 32, RUNNING THENCE N03°11'57"E 749.11', S86°11'43"E 329.80' AND N02°36'38"E 2468.18' TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE THE FOLLOWING 14 COURSES: S61°57'52"W 305.93', S81°42'20"W 305.70', S65°48'05"W 418.87', S86°12'19"W 61.89', S84°12'39"W 284.06', S53°40'33"W 150.23', S69°47'21"W 115.98', S77°20'59"E 369.36', S82°03'11"W 276.43', S56°17'11"W 339.01', N03°19'05"W 384.73', N00°43'22"E 72.28', N78°02'44"E 2528.08' AND S02°36'38"W 151.51' TO THE POINT OF BEGINNING. CONTAINING 16.77 ACRES, MORE OR LESS.

TRACT 3 (NC ZONING AREA)
A PART OF THE SOUTHEAST OF THE SOUTHEAST QUARTER AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SECTION 32 AND A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N03°11'57"E 749.11' FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 18 COURSES: N02°36'38"E 75.21', N87°28'27"W 785.68', N02°31'33"E 731.96', N12°21'28"W 456.73', N87°14'46"W 1142.02', N03°19'05"W 273.49', N56°17'11"E 339.01', N82°03'11"E 276.43', N77°20'59"E 369.36', N69°47'21"E 115.98', N53°40'33"E 150.23', N84°12'39"E 284.06', N86°12'19"E 61.89', N65°48'05"E 418.87', N81°42'20"E 305.70', N61°57'52"E 305.93', S02°36'38"W 2468.18' AND N86°11'43"W 329.80' TO THE POINT OF BEGINNING. CONTAINING 72.72 ACRES, MORE OR LESS.

TRACT 4 (NS ZONING AREA)
A PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, AND RUNNING THENCE THE FOLLOWING 5 COURSES: N87°27'18"W 776.76', N02°31'33"E 824.02', S87°28'27"E 785.68', S02°36'38"W 75.21' AND S03°11'57"W 749.11' TO THE POINT OF BEGINNING. CONTAINING 14.79 ACRES, MORE OR LESS.



FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization № 1534

DRAWN BY & DATE: Sebo 06/20/2016	REVIEWED BY:	SURVEYED BY:
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COUNTY & STATE: Washington County Arkansas	JOB NUMBER:
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LOCATION:
Razorback Golf Course

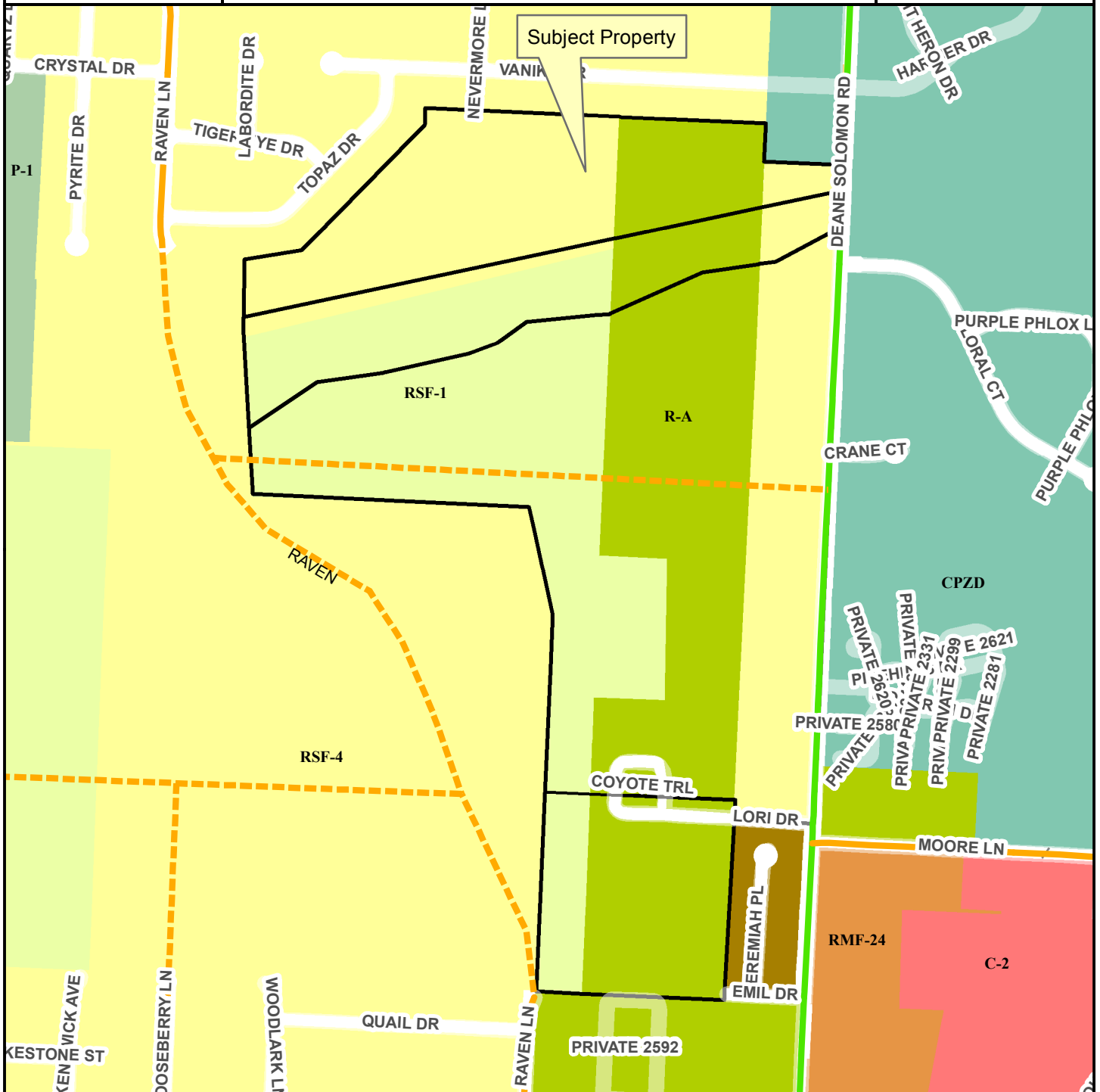
FOR THE USE AND BENEFIT OF:
Bart Bauer

RZN 16-5442

RAZORBACK GOLF COURSE

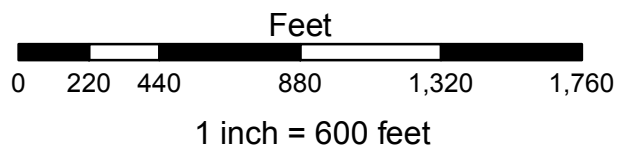


Close Up View



Legend

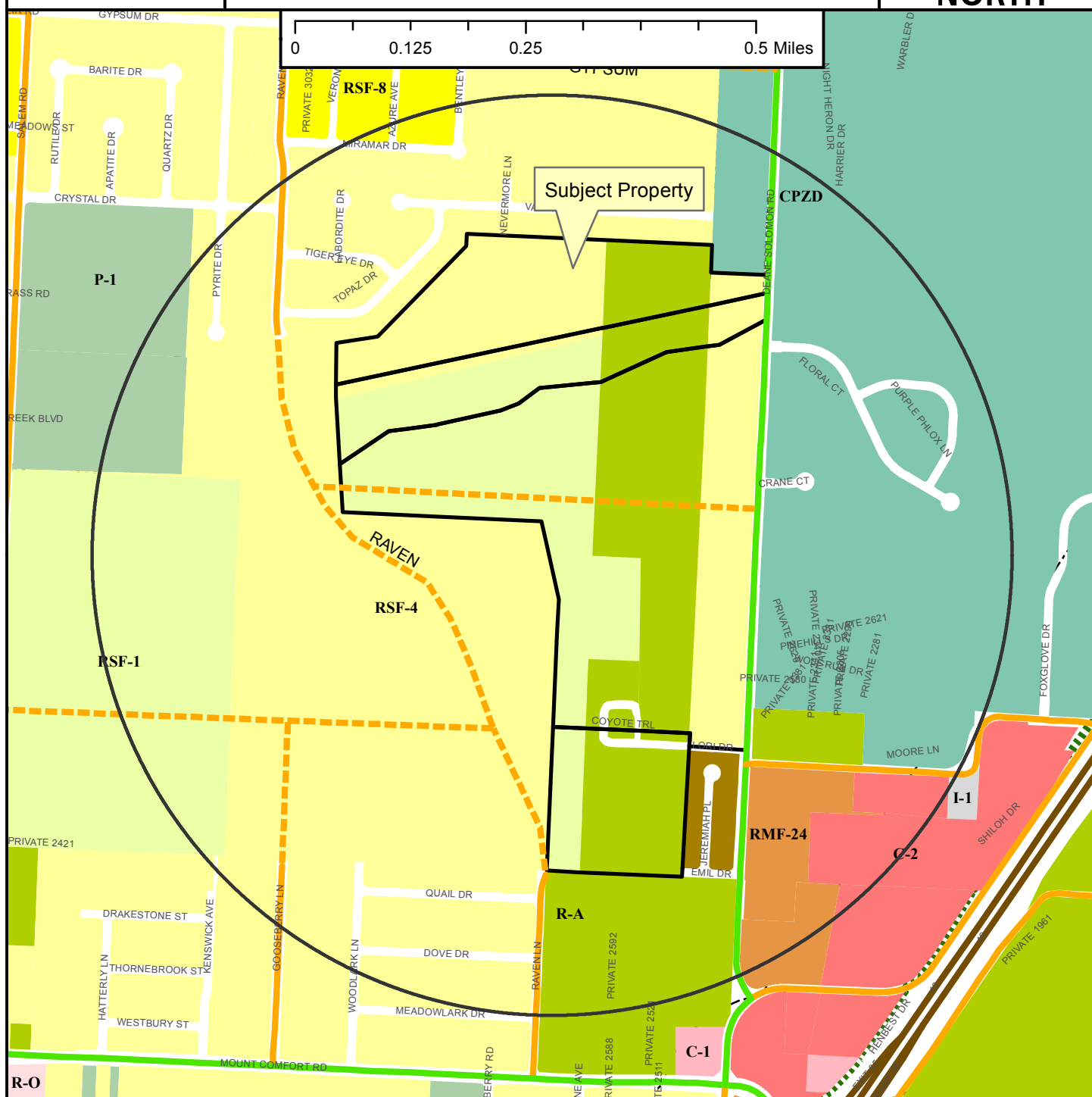
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- Residential-Agricultural
- RSF-1
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential
- P-1

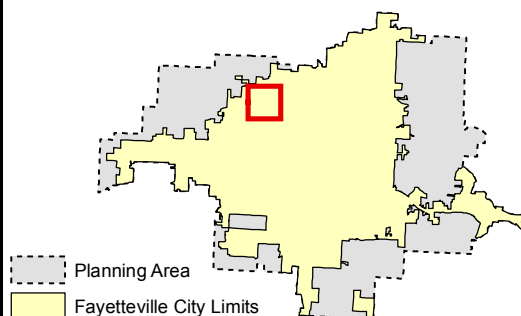


One Mile View



Legend

-  Planning Area
-  Fayetteville City Limits
-  Shared Use Paved Trail
-  Trail (Proposed)
-  Design Overlay District
-  Building Footprint



Zoning

-
- RESIDENTIAL SINGLE-FAMILY**
- Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

RZN 16-5442

Current Land Use

RAZORBACK GOLF COURSE



2015 Imagery

Legend

Streets Planned

MSP Class

COLLECTOR

Streets Existing

MSP Class

COLLECTOR

FREEWAY/EXPRESSWAY

MINOR ARTERIAL

Shared Use Paved Trail

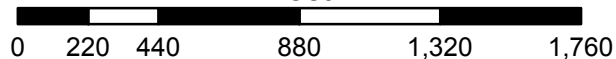
Trail (Proposed)

RZN16-5442

Planning Area

Fayetteville City Limits

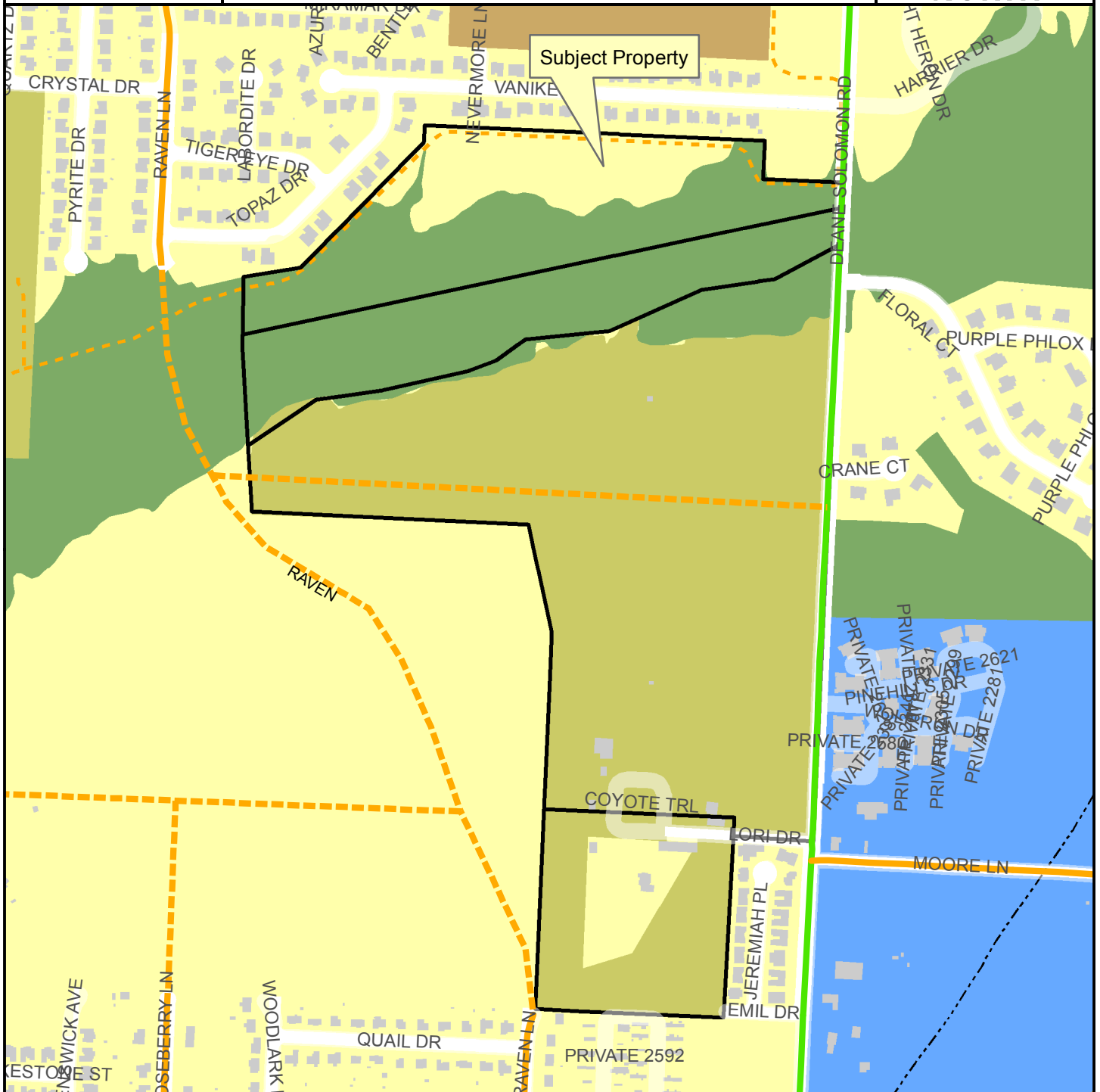
Feet



RZN 16-5442

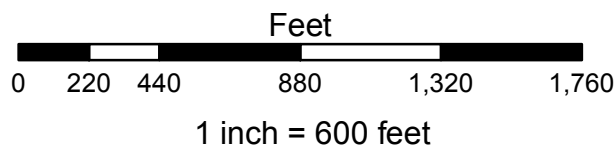
Future Land Use

RAZORBACK GOLF COURSE



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Andrew Garner**, Planning Director
Harris Davis, Planner-Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **July 8, 2016**

RE: **Razorback Golf Course Proposed Rezoning (Sequel)**

I am relieved to inform the City Council that you have your usual broad discretion to determine whether or not it is in the best interests of Fayetteville to approve the rezoning requested by the owner of the former Razorback Golf Course. I see no constitutional or legal issues that would hamper or limit your discretion in this case. Whatever your decision will be, it will be granted great deference by the Courts and cannot be overturned without proof of arbitrary, capricious or unreasonable action.

As most of you will remember, the owner of the Razorback Golf Course sought to rezone his property a few months ago. Just like in the current, revised rezoning request, the Planning Department had recommended approval and the Planning Commission followed that recommendation (except for the multi-family portion of the request). The City Council, however, listened to the very significant neighborhood opposition based primarily on the requested density and that impact on Deane Solomon Road and unanimously denied the Razorback Golf Course rezoning on March 1, 2016.

The revised rezoning application omitted about 29 acres north of the creek (closest to the neighborhoods adjoining the former golf course along its norther border). That area might not be developed (with a connection to Topaz Drive and/or Nevermore Lane) until the southern 87.5 acres of high density residential is developed.

Because the density that the first proposed rezoning would have allowed was a major concern for the neighbors and City Council, I thought you should understand how much increased density this applicant is requesting. The Planning Department's City Council Agenda Memo does not report how much of the 99 acre parcel is currently zoned RSF-1, Residential Single Family, one unit per acre or R-A, Residential Agricultural, one unit per two acres. However, the map on page 23 of the Planner's Memo (also attached here) shows a single, fairly small strip of Residential Single Family, 4 units per acre zoning running along Deane Solomon Road with the vast majority of the property currently zoned Residential Single Family, 1 unit per acre of Residential Agricultural, 1 unit per two acres. The total allowed residential density for the developable land within the 99 acre parcel would likely be under 150 houses.

The 87.5 acres of requested Neighborhood Conservation and Neighborhood Services would allow a density of 875 houses (with duplexes and triplexes in the bottom 15 acres). This is almost six times the currently allowed density.

The previous rezoning request which was unanimously rejected by the City Council because of density and traffic concerns was limited to 730 residential units by its Bill of Assurance. **This newly proposed rezoning would actually authorize 145 more residential units than the one rejected by the City Council in March of this year.** Despite allowing more housing units, apartment complexes would not be authorized by this newly proposed rezoning.

Even rezoning this 87.5 acres to Residential Single Family, 4 units per acre (which is the predominant zoning west of Deane Solomon Road adjoining this property) would more than double the currently authorized density of this 99 acre parcel to about 350 homes. Such rezoning would appear to make development economically feasible for the property owner. Of course, the property owner could do as before and offer a Bill of Assurance for maximum residential density. But as the proposed rezoning now is presented, the City Council should understand that granting the rezoning is authorizing the construction of 875 housing units (homes, duplexes and triplexes).

For your decision whether or not to rezone, you may not rely upon any statements of intent by the property owner. You may **only** rely upon a signed Bill of Assurance if one is offered.

The last discussion about rezoning the Razorback Golf Course land involved substantial concerns about flooding. Although traffic and limited roads have been acknowledged by the Arkansas Supreme Court as legitimate rezoning concerns, I have found no zoning case in which zoning was denied for possible flooding or drainage issues. The City has extensive regulations concerning flooding and drainage that are implemented during actual development. Flooding and drainage problems, floodplain issues and low impact development are development concerns and should not be a major (if any) factor in a rezoning discussion. (It is possible that a potential increased flooding danger might be recognized by the Supreme Court as a legitimate zoning consideration in the future.)

Please apply any or all of the zoning considerations that have been sanctioned by A.C.A. § 14-56-403 **Purpose of plans** or Arkansas Supreme Court decisions. Another summary of these recognized zoning considerations is below.

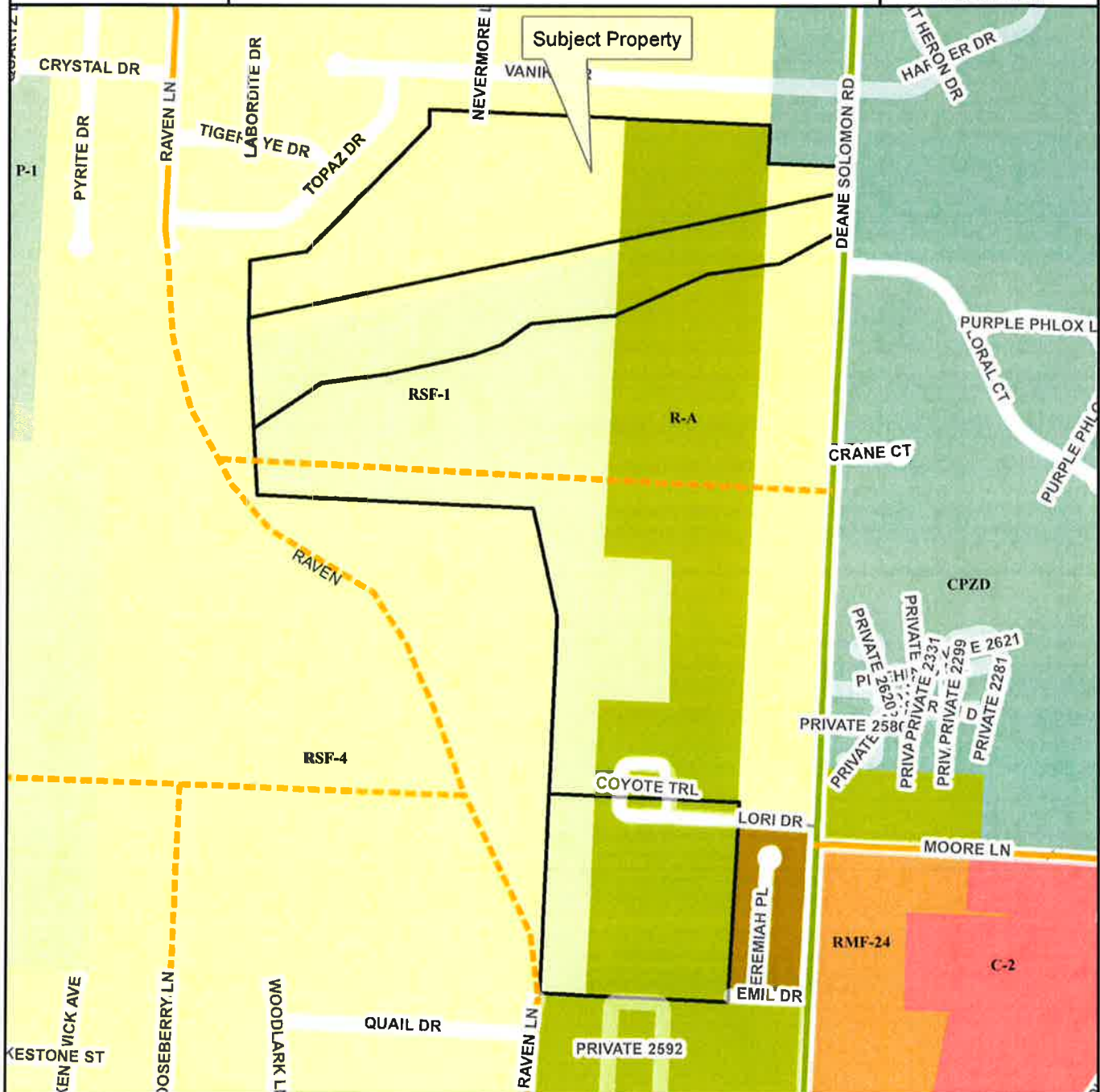
Factors that may be considered in rezoning issues:

1. Compatibility with adjacent zones
2. Public opposition that is logical and reasonable
3. Traffic
4. Safety and Fire protection
5. Good civic design and efficiency
6. Adequacy of public facilities (sewage, water)
7. Noise
8. Litter
9. Decrease in value of adjoining land
10. Appropriate and best use of land
11. 2030 Plan objectives

RZN 16-5442

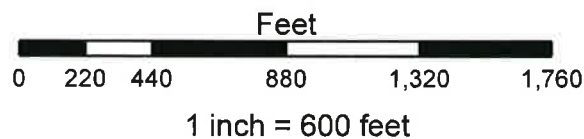
Close Up View

RAZORBACK GOLF COURSE



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- Residential-Agricultural
- RSF-1
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential
- P-1

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, July 19, 2016 12:43 PM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: RZN 16-5442 (Razorback Golf Course Rezoning)

Tracking:

Recipient

Read

'Alan Long (Longward4@gmail.com)'
'bpennington@fayetteville-ar.gov'
'citycouncil@matthewpetty.org'
'dmarr@fayetteville-ar.gov'
'geads@fayetteville-ar.gov'
'groberts@fayetteville-ar.gov'
'kjohnson@fayetteville-ar.gov'
'kwilliams@fayetteville-ar.gov'
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'lbroyles@fayetteville-ar.gov'
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Norton, Susan
Pate, Jeremy
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'ward4_pos1@fayetteville-ar.gov'
'ward4_pos2@fayetteville-ar.gov'

Read: 7/19/2016 12:43 PM

Please see email below regarding Razorback Golf Course.

From: Zack Hulett [<mailto:zhulett@gmail.com>]
Sent: Tuesday, July 19, 2016 9:51 AM

To: Gray, Adella <ward1_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Kinion, Mark <ward2_pos1@fayar.onmicrosoft.com>; Matthew Petty <citycouncil@matthewpetty.org>; Tennant, Justin <ward3_pos1@fayar.onmicrosoft.com>; Schoppmeyer, Martin <ward3_pos2@fayar.onmicrosoft.com>; La Tour, John <ward4_pos1@fayetteville-ar.gov>; longward4@gmail.com; Mayor <Mayor@fayetteville-ar.gov>; Marr, Don <dmarr@fayetteville-ar.gov>; City Attorney <city_attorney@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>; Davis, Harry <hdavis@fayetteville-ar.gov>
Subject: RZN 16-5442 (Razorback Golf Course Rezoning)

Dear Mayor Jordan and City Council Members,

My name is Zachary Hulett (address 2570 W. Vanike, Fayetteville, AR 72704) and I'm writing on behalf of myself, my wife Stephanie Hulett, and unborn child (due Dec. 12 of this year!).

My wife and I attended and spoke at a number of City Council meetings regarding the rezoning of the Razorback golf course as proposed by Lindsey Property Management, and we celebrated the unanimous vote against that proposal. We felt that The Council heard our concerns and acted in the best interest of the community in the areas of public safety, environmental impact, and current infrastructure capabilities.

Unfortunately, we will not be able to attend the meeting tonight (7/19), but we wanted to join our voices with that of John Scott Bull as we share similar concerns with the new proposal that will be discussed this evening. As it is written, this rezoning proposal represents a potential situation that could result in developments to the area that would be far worse for the community than what was unanimously voted down before. We will not belabor these points as they were discussed extensively before, but our viewpoint has not changed between before and now.

We would like to make it clear that we are for the development of this golf course, and we see the value in having a wide range of housing options in the name of diversity and community. We LOVE the idea of having some small businesses (neighborhood services like restaurants/cafes, small shops, etc.) in the area to encourage collaboration with our neighbors and give destinations to walk to as this area currently has none.

It is for these reasons that we ask that you vote NO for the rezoning proposal unless presented with some form of letter of assurance that the area will be developed responsibly and in the best interest of our community.

Thank you,
Zack, Stephanie, and baby Hulett

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, July 19, 2016 12:43 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Razorback golf course re-zone

Please see email below regarding Razorback Golf Course.

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

From: Carly Grace [mailto:carly.grace@gmail.com]
Sent: Tuesday, July 19, 2016 9:54 AM
Subject: Razorback golf course re-zone

Hello,

I'm writing to document my opposition to the proposed re-zoning. Mr. Bauer's plan is great, but if it falls through (as plans do), the property would be vulnerable to an even higher density than the Lindsey development that we (and you by vote) already opposed. I know you cannot demand a bill of assurance, but without one I certainly hope that you will vote no for this re-zoning. This is a huge piece of property. Im sure you understand that patience is important when considering changing such a large parcel! Please hold strong for Fayetteville.

Carly Grace

Ward 4 resident
3069 N Night Heron Drive
Fayetteville, AR 72704

Branson, Lisa

From: CityClerk
Sent: Wednesday, July 20, 2016 2:14 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Rezoning Razorback Golf Course Opposition

Subject: Rezoning Razorback Golf Course Opposition

Good afternoon,

I cannot attend tonight's meeting so I will be unable to speak regarding the rezoning of the former Razorback Golf Course.

I can support the current applicant's plan as he only wants to put 234 total units on the property. However, it would be irresponsible to support this rezoning. According to the city attorney, the NC/NS zoning on this property would allow for 145 more units than Lindsey's plan did. as you know, that plan was unanimously voted against because of the poor infrastructure, flooding, traffic, safety and wildlife concerns raised by the community members. All of these issues remain the same, except this rezoning allows for even more to be built.

Without major infrastructure commitments by the city for new roads, drainage, wildlife conservation, etc., I see no way in which we, as citizens, or you, as our representative, could be for this proposal to rezone the property. Please vote no on this rezoning measure.

Thank you for your time.

Spencer Smith



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Planning Director

FROM: **Kit Williams**, City Attorney

DATE: **September 7, 2016**

RE: **Ordinance reflecting submitted Bill of Assurance from Ron Caviness**

Assuming that Mr. Caviness is a proper rezoning applicant with authority to submit the Bill of Assurance he apparently signed on August 25, 2016 (that I first received September 6, 2016), I have redrafted the rezoning ordinance (attached) acknowledging this Bill of Assurance.

There may be some question about Mr. Caviness' ownership rights or authority to bind the property owner which need to be answered before I can state that the Bill of Assurance is valid and will bind the property owner. In addition, Mr. Caviness will need to confirm that his Bill of Assurance is **intended** to limit all of his land within both the Neighborhood Conservation and Neighborhood Services districts to a total of 400 single family houses. I believe this is Mr. Caviness' intent, but it is not crystal clear so he needs to clearly state that this 400 house limit will be for **all structures that can be built on all of his land** (except for the Residential Agricultural property and the northern section north of the creek which is not part of this requested rezoning).

Mr. Caviness, of course, needs to provide proof that, if he is not the legal owner of the property, that he has documented proof that he has the legal authority to bind such legal owner by his offer of the Bill of Assurance.

ORDINANCE NO.

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES SUBJECT TO THE BILL OF ASSURANCE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-A, Residential Agricultural; RSF-1, Residential Single Family, One Unit Per Acre and RSF-4, Residential Single Family, 4 Units Per Acre to NC, Neighborhood Conservation; R-A, Residential Agricultural and NS, Neighborhood Services; subject to a Bill of Assurance the area sought to be rezoned Neighborhood Conservation and Neighborhood Services shall be restricted to a maximum of 400 single family homes.

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 20th day of September, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RECEIVED

SEP 08 2016

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner")

Ren Cariness-, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable** rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to _____
A maximum of 400 single-family homes shall be permitted on the areas
zoned Neighborhood Conservation and Neighborhood Services.

2. Other restrictions including number and type of structures upon the property are limited to A maximum of 400 single-family homes shall be
permitted on the areas zoned Neighborhood Conservation and Neighborhood
Services.

3. Specific activities will not be allowed upon petitioner's property include _____

4. (Any other terms or conditions) _____

5. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Ron Caviness, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

8-25-16
Date

2514 W. Lori Dr.
~~2514 W. Lori Dr.~~
Address

Fayetteville, AR 72709

Ron Caviness
Printed Name

[Signature]
Signature

NOTARY OATH

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this the 25 day of August, 2016, appeared before me, Ron Caviness and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Sarah E. Johnson
NOTARY PUBLIC

My Commission Expires:
1-27-21





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0403

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

BID NO. 16-53 BOULDER CONSTRUCTION, INC.:

A RESOLUTION TO AWARD BID NO. 16-53 AND AUTHORIZE A CONTRACT WITH BOULDER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,753,369.40 FOR CONSTRUCTION OF PORTIONS OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE CHANGE ORDER NO. 1 TO REFLECT VALUE ENGINEERING ITEMS AND REDUCE THE CONTRACT AMOUNT BY \$880,253.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$287,311.16

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-53 and authorizes a contract with Boulder Construction, Inc. in the amount of \$3,753,369.40 for construction of portions of the Cato Springs Trail from the Town Branch Trail to Kessler Mountain Regional Park, and further approves a project contingency in the amount of \$287,311.16.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 1 to reflect value engineering items and reduce the contract amount by \$880,253.40.

City of Fayetteville Staff Review Form

2016-0403

Legistar File ID

October 4th, 2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

9/19/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Resolution awarding Bid 16-53 and authorizing a contract with Boulder Construction, Inc. in the amount of \$3,753,369.40 and approving change order no. 1 in the deductive amount of (\$880,253.40) making the net contract amount of \$2,873,116.00 for the construction of portions the Cato Springs Trail from the Town Branch Trail to the Kessler Mountain Regional Park and approving a 10% project contingency in the amount of \$287,311.16.

Budget Impact:

4470.900.9470-5814.05

Sales Tax Cap Imp

Account Number

Fund

02016.1405

Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 3,333,361.00

Funds Obligated \$ 298,294.13

Current Balance \$ 3,035,066.87

Does item have a cost? Yes

Item Cost \$ 2,873,116.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 161,950.87

V20140710

Previous Ordinance or Resolution # 76-16, 142-14

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: September 19th, 2016

SUBJECT: 2016-0403 Cato Springs Trail Construction

RECOMMENDATION:

Approval of a Resolution awarding Bid 16-53 and authorizing a contract with Boulder Construction, Inc. in the amount of \$3,753,369.40 and approving change order no. 1 in the deductive amount of (\$880,253.40) making the net contract amount of \$2,873,116.00 for the construction of portions the Cato Springs Trail from the Town Branch Trail to the Kessler Mountain Regional Park and approving a 10% project contingency in the amount of \$287,311.16.

BACKGROUND:

In June of 2014, the City was awarded a matching grant from the Walton Family Foundation for the design and engineering of the Cato Springs Trail. In August of 2014, the City Council approved resolution 142-14 for contract #2330 with Garver, LLC for design services for the Cato Springs Trail. The Cato Springs Trail will extend approximately 2.9 miles south from the Town Branch Trail starting Greathouse Park and continuing southwest along the Cato Springs Branch to the Kessler Mountain Regional Park as shown on the attached map. The trail has been designed as a 12-foot wide concrete shared-use paved trail with pedestrian lighting. This trail will also include a bridge across the Cato Springs Branch, a bridge over the Fulbright Expressway and a tunnel under Razorback Road.

The completion of the Cato Springs Trail will extend the Razorback Regional Greenway to the Kessler Mountain Regional Park and provide an active transportation route for all the residents of Northwest Arkansas to visit and enjoy the cultural and recreation amenities and beautiful natural areas in Fayetteville. As soon as the property acquisition of Kessler Mountain took place, the community began requesting a safe alternative transportation route to the new park. The Walton Family Foundation also expressed interested in the trail connection. On March 7th, 2016, the City was awarded the matching grant of \$2,000,000 for the construction of the Cato Springs Trail from the Walton Family Foundation recognized through Resolution 73-16.

DISCUSSION:

The design is now complete and the project has been divided into two sections for efficiency of construction. The City in-house trail construction crew has started construction on approximately 2.3 miles of the Cato Springs Trail. Bids opened on September 1st, 2016 on the remaining 0.6-mile section of trail to be constructed by a private contractor. The contracted section includes the bridges and tunnel installation within the Arkansas State Highway and Transportation Department right of way.

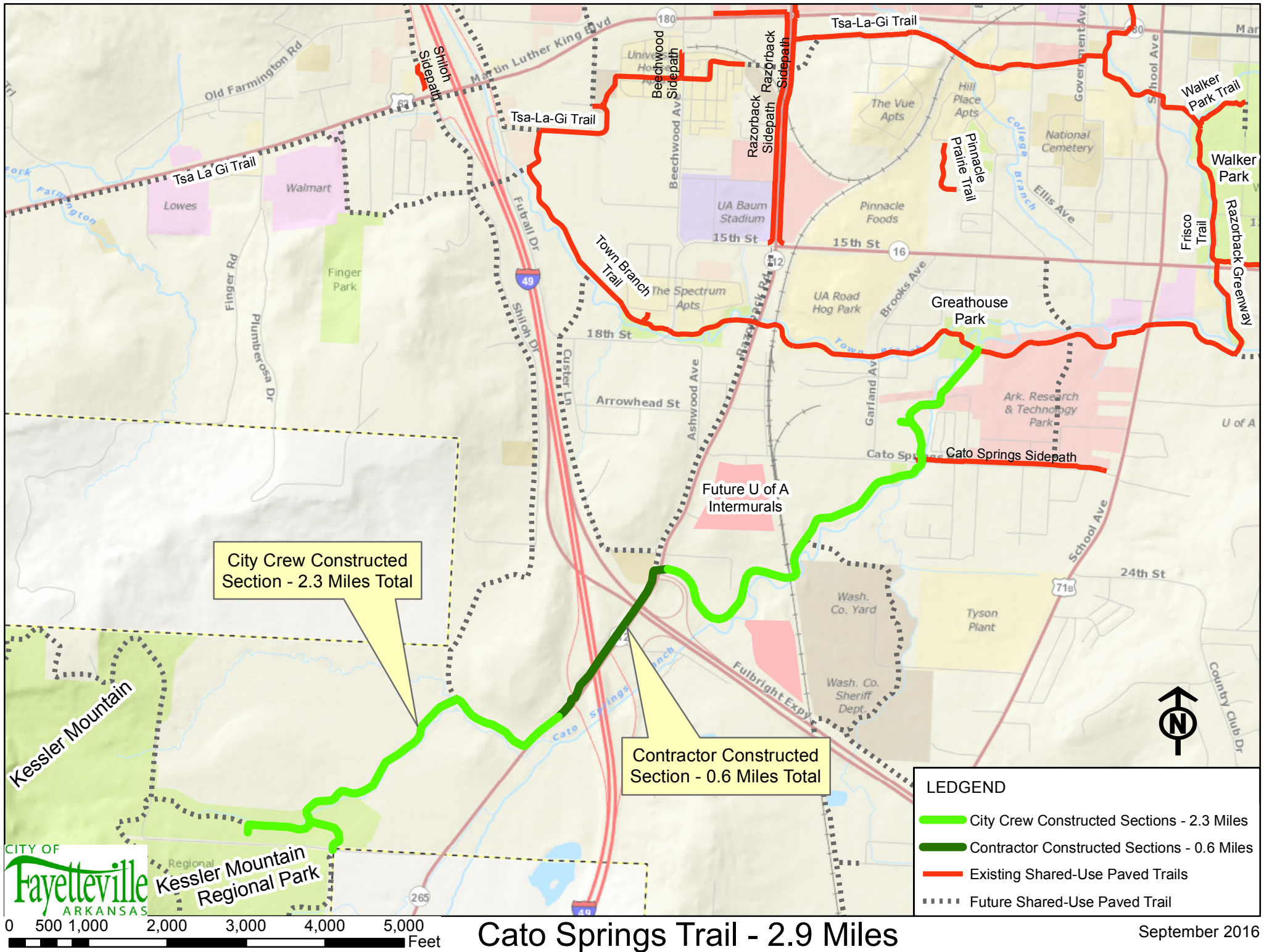
Four bidders responded to the request for formal bids and Boulder Construction, Inc. was the lowest responsive bidder. The bid from Boulder Construction is 14% above the engineer estimate. Based on a series of recent bids, we have found that the Northwest Arkansas construction market is currently saturated with work resulting in the higher than expected prices. Staff has negotiated Boulder Construction, Inc. to reduce the contract amount by removing many of the pay items as shown in change order 1. These items will be constructed by the in-house trail construction crew instead of the contractor to reduce the overall cost.

BUDGET/STAFF IMPACT:

Funds are available for this contract in the Cato Springs Trail Project. Staff accepted deductive alternate no. 1 removing the trail lighting in the amount of \$536,666.95 and negotiated with the contractor to remove two bridges for a total deductive change order no. 1 amount of \$343,586.45 to get the project within the budget.

Attachments:

Cato Springs Trail Map
Bid 16-53 Bid Tabulation
Change Order #1 – Signed
Boulder Construction, Inc. Signed Agreement





CITY OF FAYETTEVILLE, ARKANSAS

Bid 16-53, Construction - Cato Springs Trail

OFFICIAL BID TABULATION

BID OPENING: 9/1/2016; 4:00 PM

Certification of Funds: \$2,800,000

Max Bid Award Limit: \$3,500,000

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Boulder Construction Inc		Crossland Heavy Contractors Inc		Sweetser Construction Inc		Tri Star Contractors LLC	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	111	Roadway Construction Control	LS	1	\$ 13,000.00	\$ 13,000.00	\$ 10,000.00	\$ 10,000.00	\$ 29,000.00	\$ 29,000.00	\$ 20,000.00	\$ 20,000.00	\$ 60,000.00	\$ 60,000.00
2	112	Trench and Excavation Safety Systems	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 6,500.00	\$ 6,500.00	\$ 500.00	\$ 500.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
3	201	Clearing, Grubbing, and Demolition	LS	1	\$ 40,000.00	\$ 40,000.00	\$ 68,500.00	\$ 68,500.00	\$ 32,000.00	\$ 32,000.00	\$ 10,000.00	\$ 10,000.00	\$ 40,000.00	\$ 40,000.00
4	202	Undercut and Backfill	CY	300	\$ 22.75	\$ 6,825.00	\$ 26.00	\$ 7,800.00	\$ 23.00	\$ 6,900.00	\$ 24.00	\$ 7,200.00	\$ 36.00	\$ 10,800.00
5	202	Rock Excavation	CY	50	\$ 45.00	\$ 2,250.00	\$ 143.00	\$ 7,150.00	\$ 160.00	\$ 8,000.00	\$ 250.00	\$ 12,500.00	\$ 125.00	\$ 6,250.00
6	202	Unclassified Excavation (Plan Quantity)	CY	2,860	\$ 7.50	\$ 21,450.00	\$ 14.25	\$ 40,755.00	\$ 12.00	\$ 34,320.00	\$ 18.00	\$ 51,480.00	\$ 18.00	\$ 51,480.00
7	202	Select Embankment (Plan Quantity)	CY	2,400	\$ 10.50	\$ 25,200.00	\$ 13.25	\$ 31,800.00	\$ 12.00	\$ 28,800.00	\$ 18.00	\$ 43,200.00	\$ 22.00	\$ 52,800.00
8	202	Embankment (Plan Quantity)	CY	5,400	\$ 6.00	\$ 32,400.00	\$ 10.50	\$ 56,700.00	\$ 15.50	\$ 83,700.00	\$ 18.00	\$ 97,200.00	\$ 22.00	\$ 118,800.00
9	203	Subgrade Preparation (Plan Quantity)	SY	4,215	\$ 1.50	\$ 6,322.50	\$ 4.50	\$ 18,967.50	\$ 1.00	\$ 4,215.00	\$ 3.00	\$ 12,645.00	\$ 2.50	\$ 10,537.50
10	204	4" Topsoil Placement (Yard Areas)	SY	10,520	\$ 2.25	\$ 23,670.00	\$ 4.25	\$ 44,710.00	\$ 3.00	\$ 31,560.00	\$ 2.00	\$ 21,040.00	\$ 5.00	\$ 52,600.00
11	205	Undercut and Stone Backfill	Ton	7,465	\$ 21.50	\$ 160,497.50	\$ 31.50	\$ 235,147.50	\$ 30.00	\$ 223,950.00	\$ 28.00	\$ 209,020.00	\$ 48.00	\$ 358,320.00
12	301	18" Class III R.C. Pipe	LF	1,080	\$ 45.00	\$ 48,600.00	\$ 58.85	\$ 63,558.00	\$ 46.00	\$ 49,680.00	\$ 49.50	\$ 53,460.00	\$ 50.00	\$ 54,000.00
13	301	30" Class III R.C. Pipe	LF	199	\$ 59.00	\$ 11,741.00	\$ 117.00	\$ 23,283.00	\$ 107.00	\$ 21,293.00	\$ 105.00	\$ 20,895.00	\$ 80.00	\$ 15,920.00
14	301	36" Class III R.C. Pipe	LF	73	\$ 82.50	\$ 6,022.50	\$ 221.00	\$ 16,133.00	\$ 150.00	\$ 10,950.00	\$ 158.25	\$ 11,552.25	\$ 95.00	\$ 6,935.00
15	301	45"X29" Class III R.C. Pipe	LF	169	\$ 125.00	\$ 21,125.00	\$ 198.00	\$ 33,462.00	\$ 145.00	\$ 24,505.00	\$ 223.50	\$ 37,771.50	\$ 120.00	\$ 20,280.00
16	301	36" C.M. Pipe	LF	30	\$ 101.00	\$ 3,030.00	\$ 140.00	\$ 4,200.00	\$ 115.00	\$ 3,450.00	\$ 132.00	\$ 3,960.00	\$ 90.00	\$ 2,700.00
17	301	18" R.C. Flared End Section	EA	4	\$ 1,145.00	\$ 4,580.00	\$ 1,120.00	\$ 4,480.00	\$ 950.00	\$ 3,800.00	\$ 600.00	\$ 2,400.00	\$ 700.00	\$ 2,800.00
18	301	36" R.C. Flared End Section	EA	1	\$ 1,675.00	\$ 1,675.00	\$ 2,890.00	\$ 2,890.00	\$ 1,700.00	\$ 1,700.00	\$ 1,700.00	\$ 1,700.00	\$ 1,520.00	\$ 1,520.00
19	301	45"X29" R.C. Flared End Section	EA	2	\$ 2,050.00	\$ 4,100.00	\$ 2,645.00	\$ 5,290.00	\$ 2,300.00	\$ 4,600.00	\$ 2,295.00	\$ 4,590.00	\$ 1,890.00	\$ 3,780.00
20	301	36" C.M. Flared End Section	EA	1	\$ 1,050.00	\$ 1,050.00	\$ 2,020.00	\$ 2,020.00	\$ 1,500.00	\$ 1,500.00	\$ 950.00	\$ 950.00	\$ 1,200.00	\$ 1,200.00
21	302	4' Drop Inlet (AHTD Type MO)	EA	6	\$ 2,650.00	\$ 15,900.00	\$ 3,205.00	\$ 19,230.00	\$ 3,500.00	\$ 21,000.00	\$ 3,500.00	\$ 21,000.00	\$ 3,500.00	\$ 21,000.00
22	302	5' Drop Inlet (AHTD Type MO)	EA	3	\$ 3,115.00	\$ 9,345.00	\$ 4,700.00	\$ 14,100.00	\$ 5,100.00	\$ 15,300.00	\$ 3,700.00	\$ 11,100.00	\$ 5,500.00	\$ 16,500.00
23	302	3'X4' Drop Inlet (AHTD Type RM)	EA	1	\$ 2,400.00	\$ 2,400.00	\$ 5,710.00	\$ 5,710.00	\$ 6,300.00	\$ 6,300.00	\$ 2,200.00	\$ 2,200.00	\$ 4,500.00	\$ 4,500.00
24	302	4' Junction Box (AHTD Type ST)	EA	3	\$ 3,700.00	\$ 11,100.00	\$ 3,495.00	\$ 10,485.00	\$ 3,800.00	\$ 11,400.00	\$ 4,600.00	\$ 13,800.00	\$ 3,450.00	\$ 10,350.00
25	302	6' Junction Box (AHTD Type ST)	EA	2	\$ 4,500.00	\$ 9,000.00	\$ 5,325.00	\$ 10,650.00	\$ 5,800.00	\$ 11,600.00	\$ 4,800.00	\$ 9,600.00	\$ 5,800.00	\$ 11,600.00
26	302	3'X5' Junction Box (AHTD Type ST)	EA	2	\$ 3,500.00	\$ 7,000.00	\$ 3,675.00	\$ 7,350.00	\$ 4,000.00	\$ 8,000.00	\$ 4,600.00	\$ 9,200.00	\$ 5,400.00	\$ 10,800.00
27	302	3'X2' Junction Box (AHTD Type E)	EA	1	\$ 2,400.00	\$ 2,400.00	\$ 3,675.00	\$ 3,675.00	\$ 4,000.00	\$ 4,000.00	\$ 2,600.00	\$ 2,600.00	\$ 4,300.00	\$ 4,300.00
28	302	4' Drop Inlet Extension	EA	5	\$ 615.00	\$ 3,075.00	\$ 2,580.00	\$ 12,900.00	\$ 1,300.00	\$ 6,500.00	\$ 700.00	\$ 3,500.00	\$ 1,200.00	\$ 6,000.00
29	302	8' Drop Inlet Extension	EA	5	\$ 1,850.00	\$ 9,250.00	\$ 2,950.00	\$ 14,750.00	\$ 1,700.00	\$ 8,500.00	\$ 1,400.00	\$ 7,000.00	\$ 2,400.00	\$ 12,000.00
30	305	Channel Excavation (Plan Quantity)	CY	1,610	\$ 11.50	\$ 18,515.00	\$ 16.00	\$ 25,760.00	\$ 12.00	\$ 19,320.00	\$ 18.00	\$ 28,980.00	\$ 36.00	\$ 57,960.00
31	305	Erosion Control Fabric	SY	795	\$ 37.50	\$ 29,812.50	\$ 16.10	\$ 12,799.50	\$ 11.00	\$ 8,745.00	\$ 15.00	\$ 11,925.00	\$ 18.00	\$ 14,310.00
32	401	5" Aggregate Base Course	SY	600	\$ 5.00	\$ 3,000.00	\$ 14.25	\$ 8,550.00	\$ 10.00	\$ 6,000.00	\$ 7.50	\$ 4,500.00	\$ 9.00	\$ 5,400.00
33	401	4" Aggregate Base Course	SY	3,615	\$ 4.75	\$ 17,171.25	\$ 8.75	\$ 31,631.25	\$ 9.00	\$ 32,535.00	\$ 6.00	\$ 21,690.00	\$ 7.75	\$ 28,016.25
34	406	Asphalt Concrete Hot Mix Patching of Existing Roadway	Ton	45	\$ 85.00	\$ 3,825.00	\$ 345.00	\$ 15,525.00	\$ 326.00	\$ 14,670.00	\$ 330.00	\$ 14,850.00	\$ 250.00	\$ 11,250.00



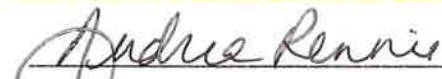
ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Boulder Construction Inc		Crossland Heavy Contractors Inc		Sweetser Construction Inc		Tri Star Contractors LLC	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
35	501	Concrete Curb and Gutter	LF	2,035	\$ 9.50	\$ 19,332.50	\$ 26.00	\$ 52,910.00	\$ 18.00	\$ 36,630.00	\$ 18.00	\$ 36,630.00	\$ 14.00	\$ 28,490.00
36	502	4" Thick Concrete Sidewalk	SY	50	\$ 32.50	\$ 1,625.00	\$ 72.00	\$ 3,600.00	\$ 54.00	\$ 2,700.00	\$ 75.00	\$ 3,750.00	\$ 36.00	\$ 1,800.00
37	503	Asphalt Driveway	SY	152	\$ 27.50	\$ 4,180.00	\$ 46.50	\$ 7,068.00	\$ 52.00	\$ 7,904.00	\$ 49.50	\$ 7,524.00	\$ 100.00	\$ 15,200.00
38	504	Cast In-Place Concrete Retaining Wall	CY	107	\$ 525.00	\$ 56,175.00	\$ 740.00	\$ 79,180.00	\$ 970.00	\$ 103,790.00	\$ 930.00	\$ 99,510.00	\$ 500.00	\$ 53,500.00
39	505	Seeding and Mulching	Acre	1.8	\$ 1,750.00	\$ 3,150.00	\$ 2,425.00	\$ 4,365.00	\$ 3,800.00	\$ 6,840.00	\$ 3,200.00	\$ 5,760.00	\$ 1,735.00	\$ 3,123.00
40	505	Solid Sod	SY	1,960	\$ 4.00	\$ 7,840.00	\$ 4.10	\$ 8,036.00	\$ 3.00	\$ 5,880.00	\$ 4.50	\$ 8,820.00	\$ 3.75	\$ 7,350.00
41	505	Additional Watering	MG	118	\$ 8.00	\$ 944.00	\$ 9.00	\$ 1,062.00	\$ 8.00	\$ 944.00	\$ 15.00	\$ 1,770.00	\$ 59.00	\$ 6,962.00
42	507	4" Pavement Marking (Thermoplastic)	LF	1,910	\$ 1.10	\$ 2,101.00	\$ 4.40	\$ 8,404.00	\$ 2.50	\$ 4,775.00	\$ 4.40	\$ 8,404.00	\$ 4.40	\$ 8,404.00
43	507	24" Pavement Marking (Thermoplastic)	LF	74	\$ 12.00	\$ 888.00	\$ 27.50	\$ 2,035.00	\$ 23.00	\$ 1,702.00	\$ 27.50	\$ 2,035.00	\$ 27.50	\$ 2,035.00
44	507	Pavement Symbols (Thermoplastic)	EA	2	\$ 170.00	\$ 340.00	\$ 1,100.00	\$ 2,200.00	\$ 880.00	\$ 1,760.00	\$ 1,100.00	\$ 2,200.00	\$ 1,100.00	\$ 2,200.00
45	507	4" Pavement Marking (Reflectorized Paint)	LF	1,788	\$ 0.45	\$ 804.60	\$ 3.30	\$ 5,900.40	\$ 1.00	\$ 1,788.00	\$ 3.30	\$ 5,900.40	\$ 3.30	\$ 5,900.40
46	508	Street Sign Installation	EA	21	\$ 245.00	\$ 5,145.00	\$ 330.00	\$ 6,930.00	\$ 185.00	\$ 3,885.00	\$ 330.00	\$ 6,930.00	\$ 330.00	\$ 6,930.00
47	509	Erosion Control	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 13,500.00	\$ 13,500.00	\$ 24,000.00	\$ 24,000.00	\$ 42,000.00	\$ 42,000.00	\$ 35,000.00	\$ 35,000.00
48	510	Traffic Control and Maintenance	LS	1	\$ 75,000.00	\$ 75,000.00	\$ 39,000.00	\$ 39,000.00	\$ 14,000.00	\$ 14,000.00	\$ 36,000.00	\$ 36,000.00	\$ 55,000.00	\$ 55,000.00
49	511	Mobilization (not to exceed 5% of contract price)	LS	1	\$ 45,048.40	\$ 45,048.40	\$ 183,650.00	\$ 183,650.00	\$ 200,000.00	\$ 200,000.00	\$ 180,000.00	\$ 180,000.00	\$ 59,000.00	\$ 59,000.00
50	513	Cast-in-Place Detectable Warning Panel	SF	96	\$ 32.00	\$ 3,072.00	\$ 35.00	\$ 3,360.00	\$ 29.00	\$ 2,784.00	\$ 20.00	\$ 1,920.00	\$ 62.50	\$ 6,000.00
51	517	Tree Protection Fencing	LF	1,000	\$ 7.00	\$ 7,000.00	\$ 3.50	\$ 3,500.00	\$ 3.00	\$ 3,000.00	\$ 5.00	\$ 5,000.00	\$ 7.00	\$ 7,000.00
52	SP-8	4" Thick Concrete Trail	SY	2,946	\$ 32.50	\$ 95,745.00	\$ 50.25	\$ 148,036.50	\$ 42.00	\$ 123,732.00	\$ 42.00	\$ 123,732.00	\$ 36.00	\$ 106,056.00
53	SP-8	6" Thick Concrete Trail	SY	270	\$ 38.00	\$ 10,260.00	\$ 56.30	\$ 15,201.00	\$ 64.00	\$ 17,280.00	\$ 54.00	\$ 14,580.00	\$ 54.00	\$ 14,580.00
54	SP-7	Concrete Island	SY	101	\$ 52.50	\$ 5,302.50	\$ 85.00	\$ 8,585.00	\$ 54.00	\$ 5,454.00	\$ 75.00	\$ 7,575.00	\$ 14.00	\$ 1,414.00
55	SP-10	Permanent Pavement Repair (AHTD Section)	SY	660	\$ 95.00	\$ 62,700.00	\$ 44.00	\$ 29,040.00	\$ 86.00	\$ 56,760.00	\$ 140.00	\$ 92,400.00	\$ 150.00	\$ 99,000.00
56	SP-12	Guard Rail	LF	426	\$ 27.50	\$ 11,715.00	\$ 66.00	\$ 28,116.00	\$ 70.00	\$ 29,820.00	\$ 75.00	\$ 31,950.00	\$ 66.00	\$ 28,116.00
57	SP-3	Bridge No. 1 Construction	LS	1	\$ 60,953.00	\$ 60,953.00	\$ 92,580.00	\$ 92,580.00	\$ 151,000.00	\$ 151,000.00	\$ 151,730.00	\$ 151,730.00	\$ 138,240.00	\$ 138,240.00
58	SP-4	Bridge No. 2 Construction	LS	1	\$ 602,885.00	\$ 602,885.00	\$ 351,455.00	\$ 351,455.00	\$ 609,000.00	\$ 609,000.00	\$ 905,800.00	\$ 905,800.00	\$ 952,340.00	\$ 952,340.00
59	SP-5	Bridge No. 3 Construction	LS	1	\$ 283,920.00	\$ 283,920.00	\$ 229,430.00	\$ 229,430.00	\$ 301,000.00	\$ 301,000.00	\$ 402,500.00	\$ 402,500.00	\$ 258,126.00	\$ 258,126.00
60	SP-4	Tunnel Construction	LS	1	\$ 214,979.00	\$ 214,979.00	\$ 263,708.00	\$ 263,708.00	\$ 244,000.00	\$ 244,000.00	\$ 272,000.00	\$ 272,000.00	\$ 217,600.00	\$ 217,600.00
61	SP-40	Steel Piling	LF	316	\$ 65.00	\$ 20,540.00	\$ 137.00	\$ 43,292.00	\$ 91.00	\$ 28,756.00	\$ 210.00	\$ 66,360.00	\$ 75.00	\$ 23,700.00
62	SP-36	Coring Drilled Shaft	CY	19	\$ 170.00	\$ 3,230.00	\$ 110.00	\$ 2,090.00	\$ 543.00	\$ 10,317.00	\$ 200.00	\$ 3,800.00	\$ 1,000.00	\$ 19,000.00
63	SP-37	Drilled Shaft (60" Diameter)	LF	74	\$ 1,125.00	\$ 83,250.00	\$ 1,206.75	\$ 89,299.50	\$ 1,350.00	\$ 99,900.00	\$ 945.00	\$ 69,930.00	\$ 1,200.00	\$ 88,800.00
64	SP-6	Modular Block Gravity Retaining Wall	SF	4,975	\$ 51.45	\$ 255,963.75	\$ 63.50	\$ 315,912.50	\$ 51.00	\$ 253,725.00	\$ 82.50	\$ 410,437.50	\$ 84.10	\$ 418,397.50
65	SP-17	Railroad Protective Shelter	LS	1	\$ 27,500.00	\$ 27,500.00	\$ 44,290.00	\$ 44,290.00	\$ 215,000.00	\$ 215,000.00	\$ 132,000.00	\$ 132,000.00	\$ 96,950.00	\$ 96,950.00
66	SP-11	Decorative Fence	LF	727	\$ 53.00	\$ 38,531.00	\$ 82.50	\$ 59,977.50	\$ 59.00	\$ 42,893.00	\$ 75.00	\$ 54,525.00	\$ 82.00	\$ 59,614.00
67	SP-11	Wire Fence (AHTD Type A)	LF	35	\$ 9.00	\$ 315.00	\$ 49.50	\$ 1,732.50	\$ 85.00	\$ 2,975.00	\$ 80.00	\$ 2,800.00	\$ 50.00	\$ 1,750.00
68	SP-19	4" Thick Colored Concrete	SY	43	\$ 38.00	\$ 1,634.00	\$ 57.50	\$ 2,472.50	\$ 64.00	\$ 2,752.00	\$ 64.00	\$ 2,752.00	\$ 72.00	\$ 3,096.00
69	SP-14	Trail Sign Installation	EA	18	\$ 205.00	\$ 3,690.00	\$ 550.00	\$ 9,900.00	\$ 185.00	\$ 3,330.00	\$ 550.00	\$ 9,900.00	\$ 550.00	\$ 9,900.00
70	SP-9	Thermoplastic Pavement Marking Pattern	SY	50	\$ 30.00	\$ 1,500.00	\$ 154.00	\$ 7,700.00	\$ 160.00	\$ 8,000.00	\$ 150.50	\$ 7,525.00	\$ 55.00	\$ 2,750.00
71	SP-18	Native Stone Riprap	CY	65	\$ 75.00	\$ 4,875.00	\$ 38.50	\$ 2,502.50	\$ 102.00	\$ 6,630.00	\$ 120.00	\$ 7,800.00	\$ 100.00	\$ 6,500.00
72	SP-18	Concrete Riprap	CY	98	\$ 375.00	\$ 36,750.00	\$ 450.00	\$ 44,100.00	\$ 625.00	\$ 61,250.00	\$ 75.00	\$ 7,350.00	\$ 300.00	\$ 29,400.00
73	SP-18	Riprap	CY	52	\$ 37.00	\$ 1,924.00	\$ 38.50	\$ 2,002.00	\$ 79.00	\$ 4,108.00	\$ 75.00	\$ 3,900.00	\$ 98.00	\$ 5,096.00



ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Boulder Construction Inc		Crossland Heavy Contractors Inc		Sweetser Construction Inc		Tri Star Contractors LLC	
					UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
74	SP-16	Concrete Ditch Paving	SY	353	\$ 30.00	\$ 10,590.00	\$ 103.00	\$ 36,359.00	\$ 57.00	\$ 20,121.00	\$ 75.00	\$ 26,475.00	\$ 100.00	\$ 35,300.00
75	SP-35	Impact Attenuation Barrier (Type A)	SY	40	\$ 98.00	\$ 3,920.00	\$ 390.00	\$ 15,600.00	\$ 295.00	\$ 11,800.00	\$ 330.00	\$ 13,200.00	\$ 550.00	\$ 22,000.00
76	SP-33	Light Fixture, Type A, Installed on Pole	EA	128	\$ 3,000.00	\$ 384,000.00	\$ 3,352.40	\$ 429,107.20	\$ 3,650.00	\$ 467,200.00	\$ 3,450.00	\$ 441,600.00	\$ 3,118.53	\$ 399,171.84
77	SP-33	Light Fixture, Type A, Installed on Bridge, without Foundation and Handhole	EA	4	\$ 2,725.00	\$ 10,900.00	\$ 3,337.80	\$ 13,351.20	\$ 3,630.00	\$ 14,520.00	\$ 3,400.00	\$ 13,600.00	\$ 3,105.00	\$ 12,420.00
78	SP-33	Light Fixture, Type A, Installed on Modified Pole	EA	3	\$ 3,000.00	\$ 9,000.00	\$ 2,276.85	\$ 6,830.55	\$ 3,650.00	\$ 10,950.00	\$ 3,450.00	\$ 10,350.00	\$ 3,118.00	\$ 9,354.00
79	SP-33	Light Fixture, Type B, Installed	EA	7	\$ 1,300.00	\$ 9,100.00	\$ 964.25	\$ 6,749.75	\$ 1,050.00	\$ 7,350.00	\$ 990.00	\$ 6,930.00	\$ 897.00	\$ 6,279.00
80	SP-26	Electrical Handhole, 11" x 9"	EA	28	\$ 250.00	\$ 7,000.00	\$ 242.80	\$ 6,798.40	\$ 270.00	\$ 7,560.00	\$ 250.00	\$ 7,000.00	\$ 340.00	\$ 9,520.00
81	SP-26	Non-Encased Schedule 40 PVC, 2" Diameter, Installed in Trench	LF	1,800	\$ 8.00	\$ 14,400.00	\$ 4.99	\$ 8,982.00	\$ 5.50	\$ 9,900.00	\$ 5.25	\$ 9,450.00	\$ 7.25	\$ 13,050.00
82	SP-26	Galvanized Rigid Steel Conduit, 2" Diameter, Exposed	LF	700	\$ 20.00	\$ 14,000.00	\$ 23.30	\$ 16,310.00	\$ 26.00	\$ 18,200.00	\$ 25.00	\$ 17,500.00	\$ 41.25	\$ 28,875.00
83	SP-26	PVC Coated Glvanized Rigid Steel Conduit, 2" Diameter	LF	50	\$ 23.00	\$ 1,150.00	\$ 51.15	\$ 2,557.50	\$ 56.90	\$ 2,845.00	\$ 53.00	\$ 2,650.00	\$ 51.00	\$ 2,550.00
84	SP-34	Directional Bore 1-Way 2"C	LF	130	\$ 40.00	\$ 5,200.00	\$ 20.65	\$ 2,684.50	\$ 22.50	\$ 2,925.00	\$ 21.50	\$ 2,795.00	\$ 25.00	\$ 3,250.00
85	SP-23	No. 2 AWG Copper Conductor	LF	20,000	\$ 2.50	\$ 50,000.00	\$ 1.40	\$ 28,000.00	\$ 1.50	\$ 30,000.00	\$ 1.50	\$ 30,000.00	\$ 1.29	\$ 25,800.00
86	SP-23	No. 3 AWG Copper Conductor	LF	150	\$ 2.20	\$ 330.00	\$ 1.25	\$ 187.50	\$ 1.40	\$ 210.00	\$ 1.40	\$ 210.00	\$ 1.18	\$ 177.00
87	SP-23	No. 4 AWG Copper Conductor	LF	39,000	\$ 2.00	\$ 78,000.00	\$ 1.05	\$ 40,950.00	\$ 1.15	\$ 44,850.00	\$ 1.25	\$ 48,750.00	\$ 0.99	\$ 38,610.00
88	SP-23	No. 10 AWG Copper Conductor	LF	1,800	\$ 1.00	\$ 1,800.00	\$ 0.54	\$ 972.00	\$ 0.60	\$ 1,080.00	\$ 0.75	\$ 1,350.00	\$ 0.80	\$ 1,440.00
89	SP-30	Electrical Service Pedestals	EA	1	\$ 6,000.00	\$ 6,000.00	\$ 3,506.25	\$ 3,506.25	\$ 3,800.00	\$ 3,800.00	\$ 3,600.00	\$ 3,600.00	\$ 3,948.56	\$ 3,948.56
90	SP-30	Electrical Service Pedestals, with Transformer	EA	2	\$ 10,000.00	\$ 20,000.00	\$ 3,506.25	\$ 7,012.50	\$ 3,800.00	\$ 7,600.00	\$ 3,600.00	\$ 7,200.00	\$ 3,948.55	\$ 7,897.10
91	-	Insurance and Bonding	LS	1	\$ -	\$ -	\$ 34,826.40	\$ 34,826.40	\$ 79,000.00	\$ 79,000.00	\$ 58,500.00	\$ 58,500.00	\$ 79,000.00	\$ 79,000.00
TOTAL BASE BID					\$ 3,296,530.00		\$ 3,753,369.40		\$ 4,218,268.00		\$ 4,725,168.65		\$ 4,677,671.15	
*DEDUCTIVE ALTERNATE #1 OF 1					\$ 569,130.00		\$ 536,666.95		\$ 587,560.00		\$ 563,590.00		\$ 505,097.50	
*Sum of items 76, 77, 78, 79, 85, 86, 87, 88, 89, and 90 listed above														
TOTAL BASE BID LESS DEDUCTIVE ALTERNATE #1					\$ 2,727,400.00		\$ 3,216,702.45		\$ 3,630,708.00		\$ 4,161,578.65		\$ 4,172,573.65	

*Highlighting Notes Corrected Calculation Error

CERTIFIED:


Andrea Rennie, CPPO, CPPO, Purchasing Manager

Witness

09/02/2010

Date





CHANGE ORDER

Contract Number
Contract Title Cato Springs Trail
Bid 16-53

Change Order No. 1 Date of Issuance September 19, 2016

To Contractor: Boulder Construction, Inc. ORDINANCE/RESOLUTION:

The Contract is changed as follows:

Items A-V are included in this change order as deducts to reduce the overall price. These items will be constructed by the In-house trail construction crew. Item T covers the additional cost for General Condition cost incurred by the contractor with the removal or reduction of Items A-V. Item X is added to provide a deduct price for each retaining wall block not installed.

Contract Changes	Item No.	Bid Item Description	Previous Estimated Quantity	Unit of Measure	Contract Unit Price	Revised Estimated Quantity	Revised Unit Price	Original Estimated Cost	Revised Estimated Cost
A.	30	Channel Excavation	1,610.00	CY	\$16.00	0.00	\$0.00	\$25,760.00	\$0.00
B.	31	Erosion Control Fabric	795.00	SY	\$16.10	0.00	\$0.00	\$12,799.50	\$0.00
C.	42	4" Pavement Marking (Thermoplastic)	1,910.00	LF	\$4.40	0.00	\$0.00	\$8,404.00	\$0.00
D.	43	24" Pavement Marking (Thermoplastic)	74.00	LF	\$27.50	0.00	\$0.00	\$2,035.00	\$0.00
E.	44	Pavement Symbols (Thermoplastic)	2.00	EA	\$1,100.00	0.00	\$0.00	\$2,200.00	\$0.00
F.	45	4" Pavement Marking (Reflectorized Paint)	1,788.00	LF	\$3.30	0.00	\$0.00	\$5,900.40	\$0.00
G.	46	Street Sign Installation	21.00	EA	\$330.00	0.00	\$0.00	\$6,930.00	\$0.00
H.	57	Bridge No. 1 Construction	1.00	LS	\$92,580.00	0.00	\$0.00	\$92,580.00	\$0.00
I.	59	Bridge No. 3 Construction	1.00	LS	\$229,430.00	0.00	\$0.00	\$229,430.00	\$0.00
J.	69	Trail Sign Installation	18.00	EA	\$550.00	0.00	\$0.00	\$9,900.00	\$0.00
K.	70	Thermoplastic Pavement Marking Pattern	50.00	SY	\$154.00	0.00	\$0.00	\$7,700.00	\$0.00
L.	76	Light Fixture, Type A, Installed on Pole	128.00	SY	\$3,352.40	0.00	\$0.00	\$429,107.20	\$0.00
M.	77	Light Fixture, Type A, Installed on Bridge, without Foundation and Handhole	4.00	SY	\$3,337.80	0.00	\$0.00	\$13,351.20	\$0.00
N.	78	Light Fixture, Type A, Installed on Modified Pole	3.00	SY	\$2,276.85	0.00	\$0.00	\$6,830.55	\$0.00
O.	79	Light Fixture, Type B, Installed	7.00	CY	\$964.25	0.00	\$0.00	\$6,749.75	\$0.00
P.	85	No. 2 AWG Copper Conductor	20,000.00	LF	\$1.40	0.00	\$0.00	\$28,000.00	\$0.00
Q.	86	No. 3 AWG Copper Conductor	150.00	LF	\$1.25	0.00	\$0.00	\$187.50	\$0.00
R.	87	No. 4 AWG Copper Conductor	39,000.00	LF	\$1.05	0.00	\$0.00	\$40,950.00	\$0.00
S.	88	No. 10 AWG Copper Conductor	1,800.00	LF	\$0.54	0.00	\$0.00	\$972.00	\$0.00
T.	89	Electrical Service Pedestals	1.00	EA	\$3,506.25	0.00	\$0.00	\$3,506.25	\$0.00
U.	90	Electrical Service Pedestals, with Transformer	2.00	EA	\$3,506.25	0.00	\$0.00	\$7,012.50	\$0.00
V.	CO1.01	General Conditions		LS	\$0.00	1.00	\$60,052.45	\$0.00	\$60,052.45
W.	CO1.02	Deduct Modular Block Retaining Wall (Not Installed)		SF	\$0.00		\$38.00	\$0.00	\$0.00

Summation of Cost \$940,305.85 \$60,052.45
Net Cost for this Change Order (Original Minus Revised Cost) (\$880,253.40)

Not valid until signed by the Owner

The original Contract Price was	\$ 3,753,369.40
Net change by previously authorized change orders	\$ -
The Contract Price prior to this Change Order was	\$ 3,753,369.40
The Contract Price will be decreased by	\$ (880,253.40)
The new Contract Price including this Change Order will be	\$ 2,873,116.00

NOTE: This summary does not reflect changes in the Contract Price or Time(s) which have been authorized by Work Change Directives not incorporated in this or previous Change Orders.

City of Fayetteville

BY DATE

Boulder Construction, Inc

R. Jackson 9.19.16

BY DATE

BY DATE

Boulder Construction

General Contractors

1423 West Cato Springs Road

Fayetteville, AR 72701

Phone: 479-521-8881 Fax: 866-755-7812

FEIN: 90-0278939

www.boulderconst.com

office@boulderconst.com

Cato Springs Trail in Fayetteville, Arkansas

September 19, 2016

Request for Contract Item Change "V" of Change Order Number 1

Justification for General Conditions Change Order Item:

- General Conditions are overhead job costs that are associated with the General Contractors duration on the job site and are costs not covered by Mobilization Expense.
- Profit is not a component of General Conditions.
- General Conditions costs can only be reduced by reducing the General Contractors duration on the job site and not simply by reducing the scope of work.
- General Conditions costs are generally distributed to any fixed or lump sum bid tab item.
- Any bid tab item that is a unit price does only reflect the cost of the work and adequate profit to do the work but not the cost of general conditions.
- General Conditions costs are not distributed to Deductive Change Order bid tab items unless the Deductive Change Order reduces the contractors duration on site.
- The micropile foundation system unique to Bridge Number 1 & Bridge Number 3 allowed Boulder Construction to schedule their construction to be simultaneous with Bridge 2. To eliminate Bridges 1 & 3 from Boulder Construction's scope of work does not reduce Boulder Construction's duration on site.
- With approval of Change Order No. 1, the Contractors scope of work will be limited to only the section within AHTD right of way from Station 48+20 to 71+55 and the railroad canopy at station 94+00.

Based on the reasons described above, Boulder Construction, Inc. hereby requests that the general conditions item be added to the contract documents through change order no. 1 item "V"



Ron Troutman, President Boulder Construction, Inc.

Items included but not limited to the General Conditions costs projected for Cato Springs Trail in Fayetteville Arkansas:



DESCRIPTION	QTY	UNIT	TOTAL
Project Manager	22	WEEKS	
Home Office Administration	14	WEEKS	
Project Superintendent	39	WEEKS	
Field Truck Allowance	39	WEEKS	
General Superintendent	39	DAYS	
Field Truck Allowance	39	DAYS	
Field Office/C-crate	39	WEEKS	
Temporary Toilet Service	39	WEEKS	
Jobsite Phone Service	39	WEEKS	
Temporary Electric/Generator/Fuel	39	WEEKS	
Safety			
Total Cost of General Conditions for Cato Springs Trail			\$262,736.00

The General Conditions Costs applied to all associated costs for Bridge Number 1 and Bridge Number 3 Construction is \$60,052.45.

Contract Item Change "V" of Change Order Number 1 - \$60,052.45

A handwritten signature in blue ink, appearing to read "R. Troutman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ron Troutman, President Boulder Construction, Inc.

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: CATO SPRINGS TRAIL – FAYETTEVILLE REGIONAL PARK TO TOWN BRANCH TRAIL

Contract No.: _____

THIS AGREEMENT is dated as of the _____ day of _____ in the year 20__ by and between The City of Fayetteville, Arkansas and **Boulder Construction, Inc.** hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The project includes, but not limited to, the construction of Cato Springs Trail from the Fayetteville Regional Park to Town Branch Trail near Greenhouse Park. Sections of the trail will be excluded from this Contract and will be constructed concurrently by the City of Fayetteville. The Contract consists of approximately 0.53-mile of 12' wide concrete trail, a 12'x10' tunnel under Highway 112 with retaining walls on ramped approach, 3 prefabricated pedestrian bridges, 1 crossings under existing roadway bridges with retaining walls, installation of a protective canopy under a railroad trestle, 170 linear feet of channelization, underground drainage, drainage swales, curb and gutter, and miscellaneous related items.

The contract includes work in AHTD Right-of-Way and work in City of Fayetteville Right-of-Way.

ARTICLE 2 - ENGINEER

2.01 The Project has been designed by the City of Fayetteville, Engineering Division, who is hereinafter called Engineer. The Engineer assumes all duties and responsibilities, and has the rights and authority assigned to Engineer in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work will be Substantially Completed within 245 calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within 275 calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work involving lane closures within the AHTD right-of-way is Substantially Complete. Additionally, the City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the remainder of the Work is

DOCUMENT 00500 – AGREEMENT (continued)

Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:
- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.
- 5.02 PROGRESS PAYMENTS, RETAINAGE:
- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as

DOCUMENT 00500 – AGREEMENT (continued)

recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 95% of Work Completed (with the balance being retainage).
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or

DOCUMENT 00500 – AGREEMENT (continued)

relating to existing surface or subsurface structures at or contiguous to the Site; and

- (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
 - 1. This Agreement.
 - 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 - 3. Performance, Payment, and other Bonds.
 - 4. General Conditions.
 - 5. Supplementary Conditions.
 - 6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.

DOCUMENT 00500 – AGREEMENT (continued)

7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:

CATO SPRINGS TRAIL

8. Addenda numbers one 1 to 4, inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

- A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

8.03 SUCCESSORS AND ASSIGNS:

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 SEVERABILITY:

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

OTHER PROVISIONS: Not Applicable.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

BOULDER CONSTRUCTION, INC.

CITY OF FAYETTEVILLE

By: R. Johnson

By: _____

Title: PRESIDENT

Title: _____



Attest Beverly Blount

Attest _____

Address for giving notices

Address for giving notices

License No. 013465 0417

(attach evidence of authority to
sign and resolution or other documents
authorizing execution of Agreement)

Agent for Service of process

(If Contractor is a corporation,
attach evidence of authority to
sign.)

Approved As to Form:

By: _____

Attorney For: _____

DOCUMENT 00500 – AGREEMENT (continued)

END OF DOCUMENT 00500



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0433

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 16-5543 (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5543 FOR APPROXIMATELY 21.40 ACRES LOCATED AT 3434 NORTH CROSSOVER ROAD FROM R-A, RESIDENTIAL AGRICULTURAL TO RT-12, RESIDENTIAL TWO AND THREE FAMILY; P-1, INSTITUTIONAL AND 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 property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-A, Residential Agricultural to RT-12, Residential Two and Three Family; P-1, Institutional and CS, Community Services.

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

City of Fayetteville Staff Review Form

2016-0433

Legistar File ID

10/4/2016

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

Jeremy Pate

9/16/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5543: Rezone (3434 N. CROSSOVER RD./VILLAGES ASSISTED LIVING, 216): Submitted by ELIZABETH A. LINK for properties at 3434 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY/4 UNITS PER ACRE and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 21.40 acres. The request is to rezone the property to RT-12, RESIDENTIAL TWO & THREE FAMILY, P-1, INSTITUTIONAL, AND CS, COMMUNITY SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Planning

DATE: September 16, 2016

SUBJECT: **RZN 16-5543: Rezone (3434 N. CROSSOVER RD./VILLAGES ASSISTED LIVING, 216):** Submitted by ELIZABETH A. LINK for properties at 3434 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY/4 UNITS PER ACRE and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 21.40 acres. The request is to rezone the property to RT-12, RESIDENTIAL TWO & THREE FAMILY, P-1, INSTITUTIONAL, AND CS, COMMUNITY SERVICES.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to a combination of P-1/Institutional, CS/Community Services, and RT-12/Single and Two-family Residential, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located at 3434 N. Crossover Road, north of Old Wire Road and contains approximately 21.40 acres of mixed pasture and forest land. A Master Street Plan 'Collector' street is planned for this property, connecting Crossover Road with Bridgewater Lane. A protected stream exists on the southern portion of the area under consideration.

Request: The request is to rezone the property from RSF-4 and R-A to a combination of CS, Community Services (2.61 acres), P-1, Institutional (8.20 acres), and RT-12, Residential Two and Three-family (10.59 acres). The applicant has stated that the rezoning is needed so that the property can be developed with an assisted living and memory care facility.

Land Use Compatibility: The proposed zoning is somewhat compatible with the surrounding properties, which include large areas of undeveloped property and agricultural uses. A single-family neighborhood to the west and across Crossover Road is not likely to experience negative impacts due to development under the proposed zoning districts, however, the proposed zoning would allow a significant change in land use compared to the rural and agricultural uses to the north, south, and east.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as Residential Neighborhood Area. This designation supports a variety of housing types, including

two-family and multi-family development, as well as low-intensity non-residential uses where appropriate. Limited non-residential uses, such as restaurant, retail, and other services within residential areas are typical of traditional neighborhood development patterns and encouraged by City Plan 2030, especially along connecting corridors and at significant intersections. The Master Street Plan shows a future extension of Bridgewater Lane through this property, which will be required at the time of development. That street extension provides a future corner that further support for limited commercial development at this location.

DISCUSSION:

On September 12, 2016 the Planning Commission forwarded a request to rezone approximately 21.40 acres of property on Crossover Road from RSF-4 and R-A to a combination of CS, Community Services (2.61 acres), P-1, Institutional (8.20 acres), and RT-12, Residential Two and Three-family Residential (10.59 acres). A motion by Commissioner Hoskins to forward the proposal to the City Council with a recommendation for approval was made with a vote of 7-1-0 with Commissioner Brown voting 'No'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

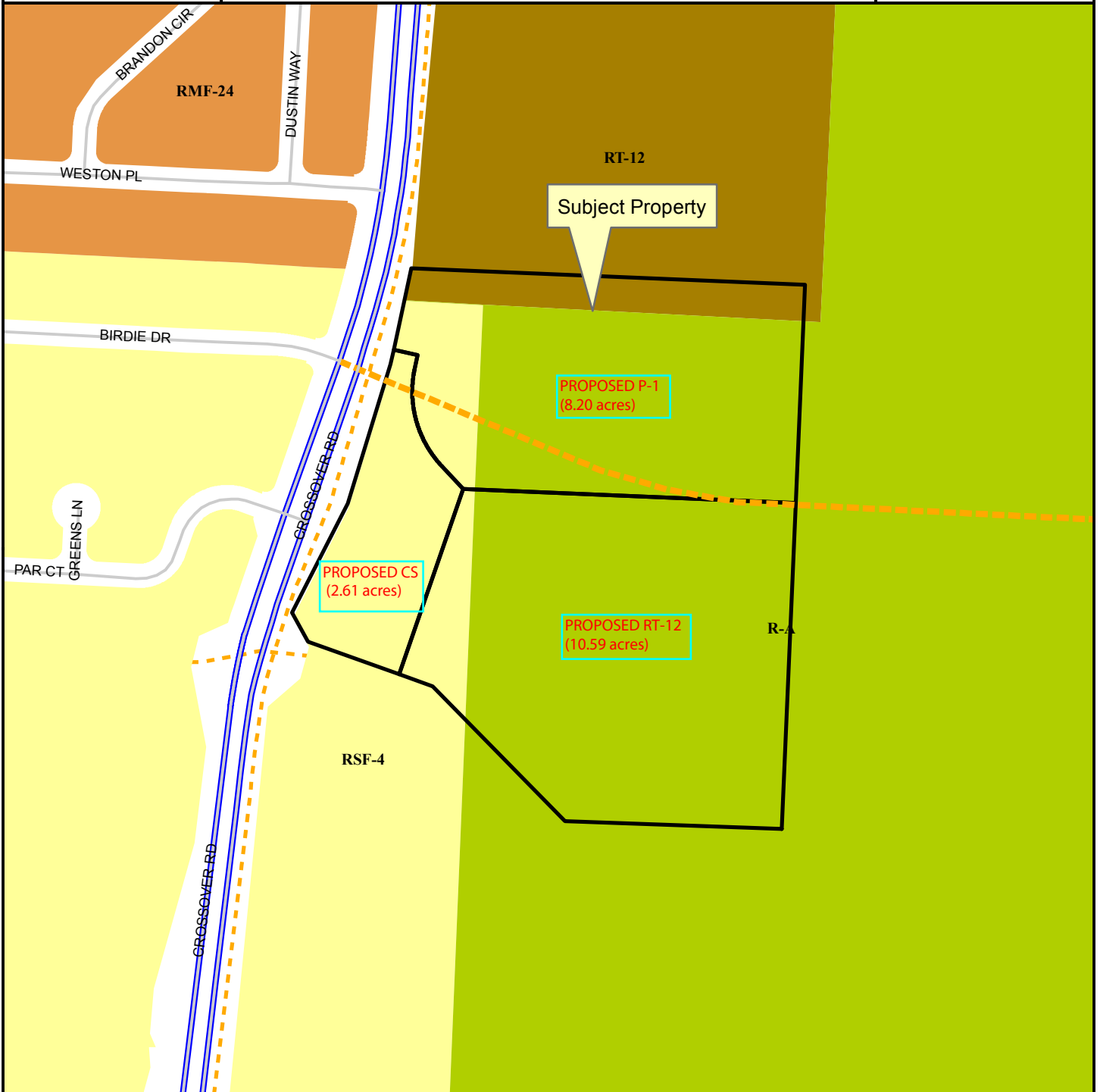
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 16-5543

VILLAGES ASSISTED LIVING

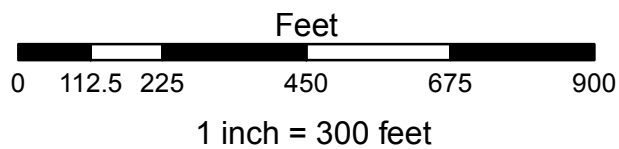


Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24

RZN 16-5543 EXHIBIT 'B'

Legal Description of Zoning Division Requested for Rezoning

Part of the Southwest ¼ of Section 30, Township 17 North, Range 29 West, City of Fayetteville, Washington County, Arkansas being more particularly described as follows:

District RT-12 Zone:

Commencing at the Southeast corner of the Southwest ¼ of said Section 30, thence N 87°16'04" W along the South line of said Southwest ¼, 667.12 feet; thence N 02°27'37" E, 642.63 feet to the point of beginning of lands herein described.

Thence N 87°58'15" W, 446.86 feet; thence N 44°29'55" W, 390.00 feet; thence N 70°20'11" W, 72.99 feet; thence N 19°04'53" E, 404.07 feet; thence S 87°35'45" E, 686.48 feet; thence S 02°27'37" W, 672.27 feet to the point of beginning.

Said lands containing 10.59 Acres (461,224 sq. ft.) more or less.

Community Services Zone:

Commencing at the Southeast corner of the Southwest ¼ of said Section 30, thence N 87°16'04" W along the South line of said Southwest ¼, 1473.12 feet; thence N 02°43'56" E, 923.22 feet to the point of beginning of lands herein described.

Thence N 70°20'11" W, 200.00 feet to a point on the East right-of-way line of Arkansas Highway 265; thence N 28°43'13" W along said East right-of-way line, 68.42 feet; thence N 27°03'38" E along said East right-of-way line, 252.44 feet; thence N 17°10'55" E along said East right-of-way line, 300.17 feet; thence N 12°01'59" E, 30.83 feet; thence S 77°58'01" E, 50.00 feet; thence S 12°01'59" W, 29.02 feet; thence along a curve to the left having a radius of 225.00 feet a distance of 216.74 feet having a chord bearing of S 15°33'46" E a distance of 208.45 feet; thence S 43°09'30" E, 65.19 feet; thence S 19°04'53" W, 404.07 feet to the point of beginning.

Said lands containing 2.61 Acres (113,592 sq. ft.) more or less.

P-1 Institutional Zone:

Commencing at the Southeast corner of the Southwest ¼ of said Section 30, thence N 87°16'04" W along the South line of said Southwest ¼, 667.12 feet; thence N 02°28'47" E, 1314.89 feet to the point of beginning of the lands herein described.

Thence N 87° 35'45" W, 686.48 feet; thence N 43°09'30" W, 65.19 feet; thence along a curve to the right having a radius of 225.00 feet a distance of 216.74 feet having a chord bearing of N 15°33'46" W a distance of 208.45 feet; thence N 12°01'59" E, 29.02 feet; thence N 77°58'01" W, 50.00 feet, thence N 12°01'59" E, 171.52 feet; thence S 87°35'45" E, 813.07 feet; thence S 02°27'37" W, 450.00 feet to the point of beginning.

Said lands containing 8.20 Acres (357,289 sq. ft.) more or less.

RZN 16-5543; ZONING APPLICATION INFORMATION

CITY OF FAYETTEVILLE, ARKANSAS REZONING

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant **X** Representative

Applicant (person making request):

Name: **John Foster**

Address: **1615 A. Ingram Mill Road, Springfield, MO 65809**

E-mail: **john@fosterseniiorliving.com**

Phone: (**417**)**755-7770** Fax: (**417**) **755-7772**

Representative (engineer, surveyor, realtor, etc.):

Name: **Elizabeth A. Link**

Address: **8 Hadley Lane, Edwardsville, IL 62025**

E-mail: **lizlink7@gmail.com**

Phone: (**618**) **407-3502** Fax: ()

Site Address / Location: **3434 Crossover Road, Fayetteville, AR**

Current Zoning District: **R/A** Requested Zoning District: **P1 – Institutional; District RT-12; Community Services**

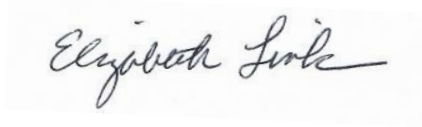
Assessor's Parcel Number(s) for subject property: **765-13251-000 (tract 2) and 765-13257-000 (tract 2)**

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project: **Foster Development Inc.**

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Elizabeth Link Date: August 8, 2016



Signature:

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Property Owners of Record (attach additional info if necessary):

Name (printed): Mildred B. Winborn Address: 3139 N. Old Wire Road

Signature: Fayetteville, AR 72703

Date: August 8, 2016 Phone: (479) 443-0705

Name (printed): Frances L Bailey Address: 3211 N. Oakland Zion Road

Signature: Fayetteville, AR 72703

Date: August 8, 2016 Phone: (479) 200-0632

Rezoning Checklist: Attach the following items to this application: (1) Payment in full of applicable fees for processing the application: \$325.00 application fee \$5.00 public notification sign fee (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds. (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format. (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~September 12, 2016~~ **UPDATED SEPTEMBER 14, 2016**

SUBJECT: **RZN 16-5543: Rezone (3434 N. CROSSOVER RD./VILLAGES ASSISTED LIVING, 216):** Submitted by ELIZABETH A. LINK for properties at 3434 N. CROSSOVER RD. The property is zoned RSF-4, Residential Single-family/4 units per acre and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 21.40 acres. The request is to rezone the property to RT-12, RESIDENTIAL TWO & THREE FAMILY, P-1, INSTITUTIONAL, AND CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends **RZN 15-5543** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at 3434 N. Crossover Road, north of Old Wire Road and contains approximately 21.40 acres of mixed pasture and forest land. A Master Street Plan 'Collector' street is planned for this property, connecting Crossover Road with Bridgewater Lane. A protected stream exists on the southern portion of the area under consideration. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped/Forested	RT-12, Residential two and three family
South	Undeveloped/Pasture	R-A, Residential Agricultural
East	Animal Husbandry	R-A, Residential Agricultural
West	Single-family Residential	RSF-4, Residential Single-family

Request: The request is to rezone the property from RSF-4 and R-A to a combination of CS, Community Services (2.61 acres), P-1, Institutional (8.20 acres), and RT-12, Residential Two and Three-family (10.59 acres). The applicant has stated that the rezoning is needed so that the property can be developed with an assisted living and memory care facility.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to Crossover Road, a fully improved principal arterial, and state highway. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the site. There is an existing 36" transmission main along the western side of the property. This line has some 8" connections off the west side of it which could be used for connection to this property.
- Sewer:** Sanitary Sewer is not available to the site. The nearest sanitary sewer main appears to be in the Paradise Valley Estates subdivision along the west side of Crossover Road. However, it is not clear whether that sanitary sewer can be feasibly connected to. Development of this property would require an offsite extension of sanitary sewer.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA regulated floodplains. An unnamed protected stream runs east-west along the southern side of this property. No portion of this parcel lies within the Hillside-Hilltop Overlay District.
- Fire:** This development will be protected by Engine 5 located at 2979 N. Crossover. It is 1.2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or response times.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends forwarding RZN 16-5543 to the City Council with a recommendation for approval, finding that the proposed zoning allows development compatible with the existing adjacent uses and consistent with City Plan 2030 goals.

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

Finding: ***Land Use Compatibility:*** The proposed zoning is somewhat compatible with the surrounding properties, which include large areas of undeveloped property and agricultural uses. A single-family neighborhood to the

west and across Crossover Road is not likely to experience negative impacts due to development under the proposed zoning districts, however, the proposed zoning would allow a significant change in land use compared to the rural and agricultural uses to the north, south, and east.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as Residential Neighborhood Area. This designation supports a variety of housing types, including two-family and multi-family development, as well as low-intensity non-residential uses where appropriate. Limited non-residential uses, such as restaurant, retail, and other services within residential areas are typical of traditional neighborhood development patterns and encouraged by City Plan 2030, especially along connecting corridors and at significant intersections. The Master Street Plan shows a future extension of Bridgewater Lane through this property, which will be required at the time of development. That street extension provides further support for limited commercial development at this location.

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

Finding: A rezoning is justified at this time, as a majority of the site is zoned R-A, which does not allow development consistent with the density and intensity anticipated by the Residential Area designation.

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

Finding: The site has access to Crossover Road, a fully improved MSP 'Principal Arterial' and Arkansas state highway. Crossover Road has adequate capacity to serve development under the proposed zoning. Low-intensity commercial services may serve to reduce vehicle trips that would otherwise occur by serving residents of surrounding neighborhoods closer to home. A street extension required by the Master Street Plan will be reviewed 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 RSF-4 and R-A to RT-12, P-1, and CS would not undesirably affect density or load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even

though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03, 161.07, 161.11, 161.20, & 161.30
- Fire Marshal Comments
- Request Letter
- Rezone Exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 12, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOSKINS	Second: QUINLAN	Vote: 7-1-0, BROWN VOTED 'NO'	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>October 4, 2016</u>	☐ Approved	☐ Denied	

161.03 - District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
----------------	--------------

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

- (G) *Building area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
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Height Regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

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

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

161.11 - District RT-12, Residential Two (2) And Three (3) Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12
----------------	----

(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25	8 feet	5 feet	20 feet	5 feet

feet from the front property line.				
------------------------------------	--	--	--	--

(F) *Building Height Regulations.*

Building height maximum	30/45 feet
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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.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Code 1965, App. A, Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 06-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.30 - District P-1, Institutional

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

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

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

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.20 - Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials

Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 feet
-------------------------	---------

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)



To: Andrew Garner

From: Captain J. Ashley; Assistant Fire Marshal

Date: 8/12/16

Re: RZN 16-5543 / 3434 N. Crossover

This development will be protected by Engine 5 located at 2979 N. Crossover.

It is 1.2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.

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

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

Captain Jeremy Ashley

Fayetteville Fire Department

APPLICANT'S REQUEST LETTER

Rezoning Checklist: Attach the following items to this application:

(1) Payment in full of applicable fees for processing the application: \$325.00 application fee \$5.00 public notification sign fee

(2) A legal description of the property to be rezoned. A survey may be required if the property description cannot accurately be platted or if it is described by referring to other deeds.

EX – 02 attached

(3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.

included

(4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

Exhibit EX-01 attached

(5) A written description of this request addressing the following items:

a. Current ownership information and any proposed or pending property sales.

Property is owned by:

**Mildred B. Winborn and Frances L. Bailey
3139 N. Old Wire Road
Fayetteville, AR**

and is under contract via a purchase and sale agreement with:

**Foster Development Inc.
1615 A Ingram Mill Road
Springfield Mo 65809**

b. Reason (need) for requesting the zoning change.

Property is currently zoned R/A. Market studies demonstrate the increasing need for assisted living and memory care as well as independent senior living in Fayetteville. The proposed project combines these three types of accommodations, as well as commercial uses to increase the quality of life for the residents. To quote the University of Arkansas Community Design Center: "Aging in place is a planning initiative to align housing and health care services with the changing needs of seniors. This avoids the common problems of under-care and over-care. Changing margins of

d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

Water Service

There is an existing 36" ductile iron water main located on Parcel A, within a utility easement adjacent to the right of way for North Crossover Road (State Highway 265). Based on preliminary discussions with the City Engineering Division on July 26, 2016, this line can be utilized for the proposed development by tapping to one of the 8" service lines from this main.

Sanitary Sewer Service

There is an existing 12" PVC sanitary sewer main crossing North Crossover Road (State Highway 265), approximately 1,200' north of the Parcel A property line. Based on preliminary discussions with the City Engineering Division on July 26, 2016, this line has adequate capacity to handle the proposed development.

The proposed development is planned for:

- 100-room assisted living center/memory care unit
- 14 duplexes (28 one or two bedroom units)
- 14,000 SF Retail

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The long range plan designates the project area as Residential Neighborhood Area. Property to the north, east and south also have the Residential Neighborhood Area designation. To the west, the property is bounded by Crossover Road (highway 265), and is currently developed as single family residential.

f. Whether the proposed zoning is justified and/or needed at the time of the request.

The site provides a unique opportunity to combine the three types of senior living: independent living, assisted living, and memory care along with supportive neighborhood commercial uses like dining and healthcare. With an aging population in the United States, Fayetteville too needs additional options for its residents in their senior years. This community will allow residents the ability to be as mobile and social as they want. Enhanced landscaping will make this community an enjoyable walking experience, and the planned courtyards will take advantage of the weather and growing season to provide a safe yet inviting outdoor experience for residents. But if mobility becomes an issue changing to a unit which provides more assistance can be easily accomplished with less stress and worry for the resident.

i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The existing zoning will not allow for the construction of the assisted living, memory care senior cottages and commercial uses that are needed in the area. See market analysis in supporting documentation.

(6) The applicant is responsible for meeting the public notification requirements for a Rezoning listed on the Notification Requirements pages in this application.

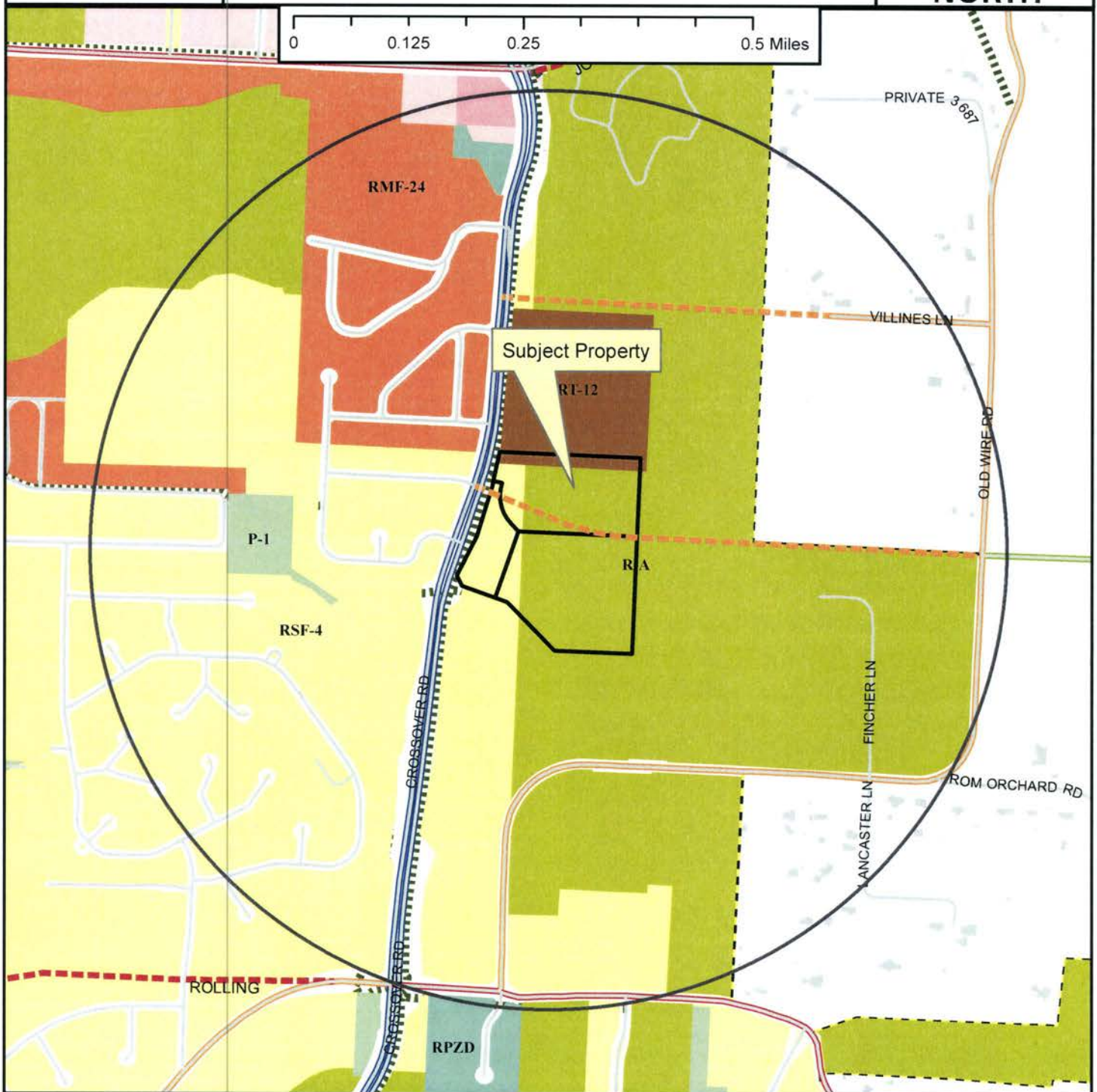
RZN 16-5543

VILLAGES ASSISTED LIVING



One Mile View

0 0.125 0.25 0.5 Miles



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



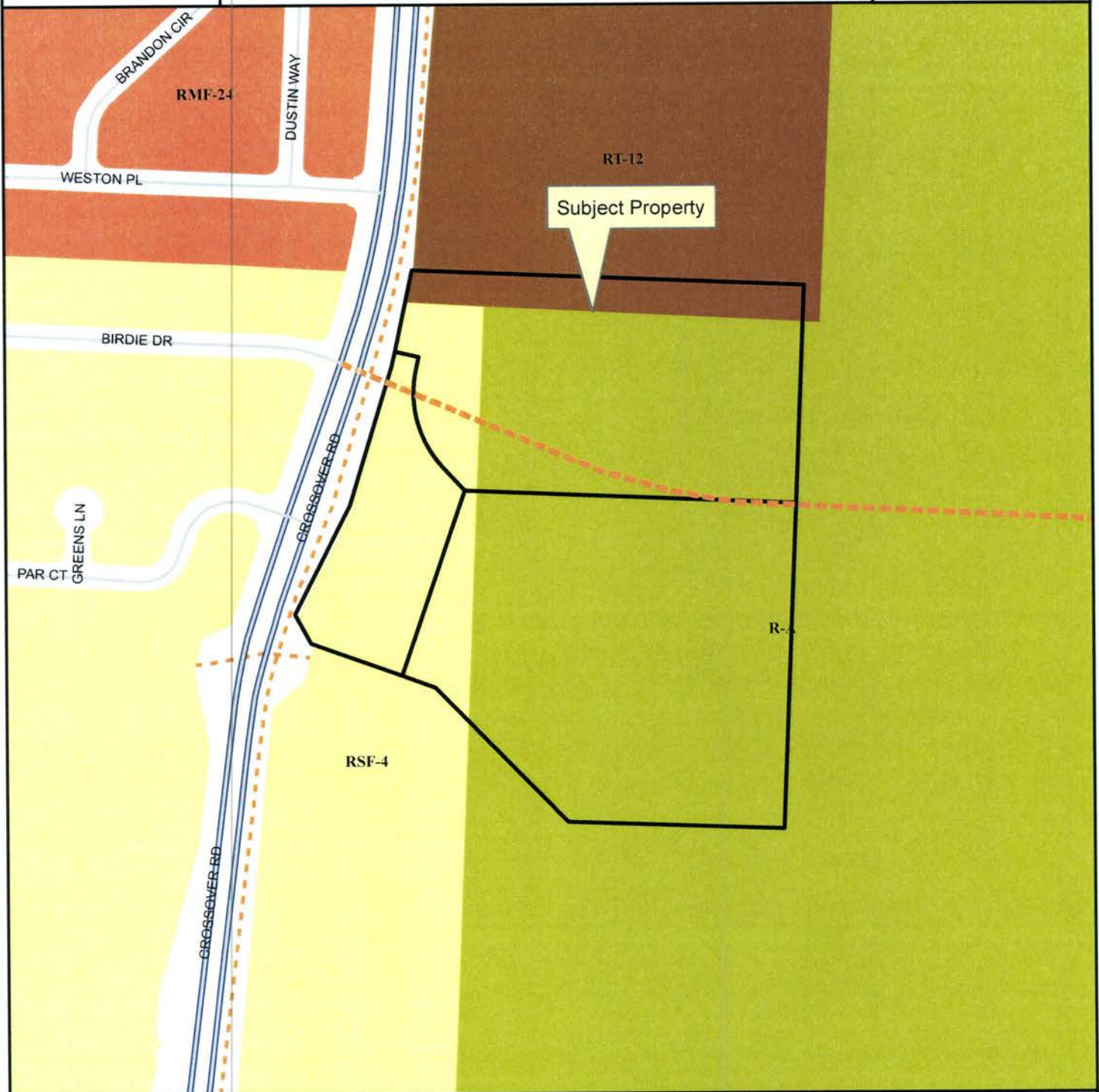
- | | |
|---|--|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RT-12 Residential Two and Three-family RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial I-2 General Industrial | <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> Commercial-Office C-1 C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential INSTITUTIONAL P-1 |
|---|--|

Planning Commission
September 12, 2016

RZN 16-5543

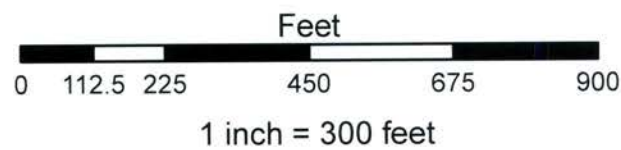
Close Up View

VILLAGES ASSISTED LIVING



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint

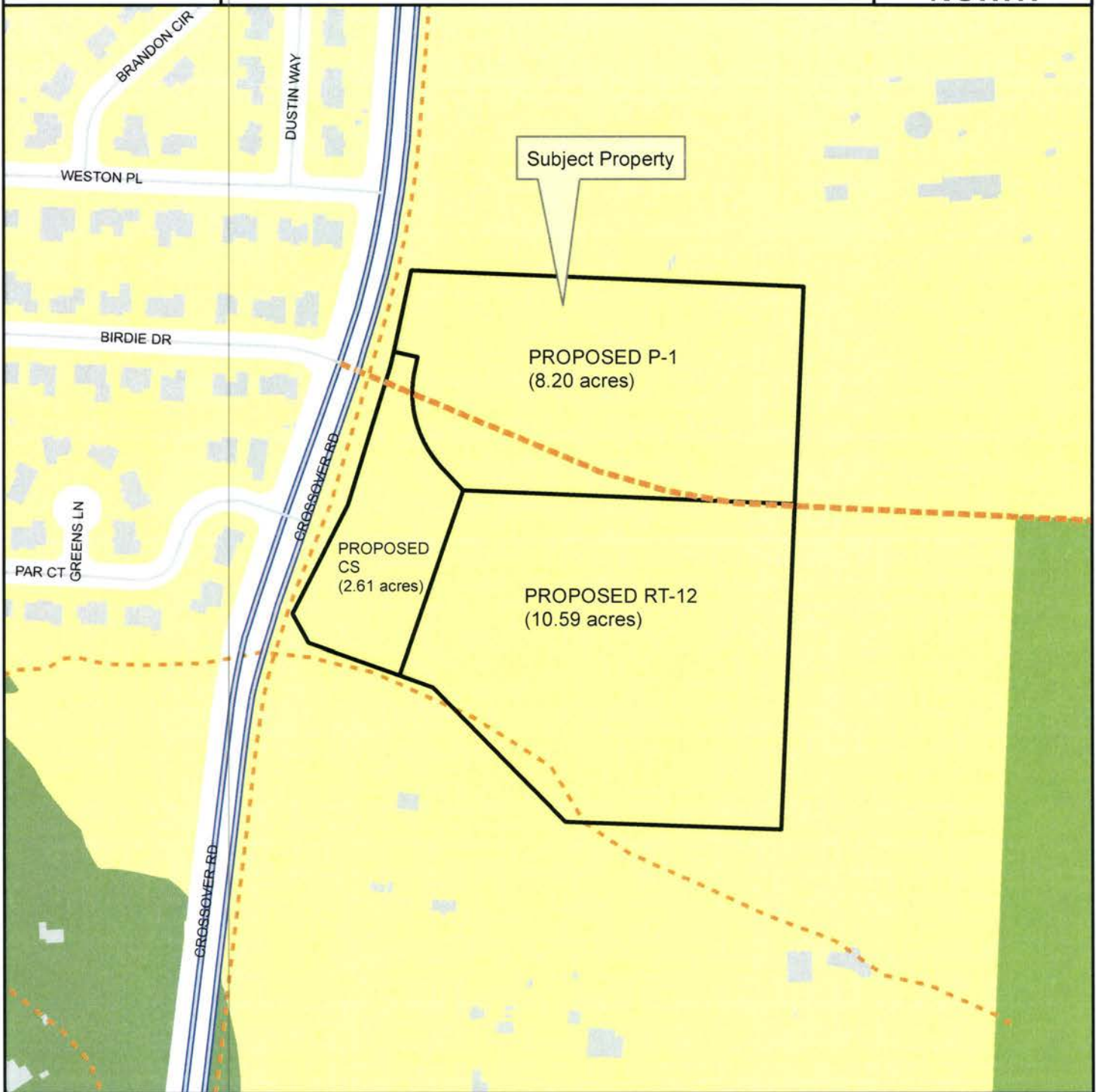


- Residential-Agricultural
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24

RZN 16-5543

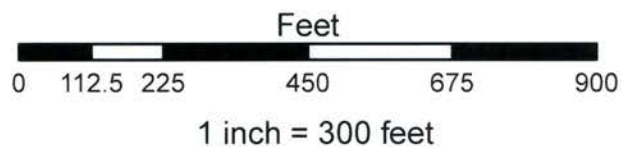
Future Land Use

VILLAGES ASSISTED LIVING



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Rural Area
- Residential Neighborhood Area

RZN 16-5543

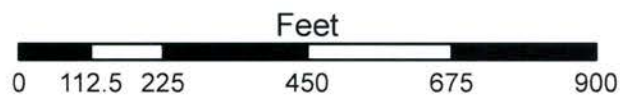
Current Land Use

VILLAGES ASSISTED LIVING



Legend

- Street
- Streets Planned
- MSP Class
- COLLECTOR
- Streets Existing
- MSP Class
- PRIN ARTERIAL PKWY
- Trail (Proposed)
- RZN16-5543
- Planning Area
- Fayetteville City Limits





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0428

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5548 FOR APPROXIMATELY 0.63 ACRES LOCATED AT 1211 WEST JAMES STREET FROM R-O, RESIDENTIAL OFFICE TO CS, COMMUNITY SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential Office to CS, Community Services subject to the attached Bill of Assurance.

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

City of Fayetteville Staff Review Form

2016-0428

Legistar File ID

10/4/2016

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

Jeremy Pate

9/16/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5548: Rezone (1211 W. James St./Haven Campus, 404): Submitted by BLEW & ASSOCIATES, INC. for property located at 1211 W. JAMES ST. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.63 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES, subject to a Bill of Assurance.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

DATE: September 13, 2016

SUBJECT: **RZN 16-5548: Rezone (1211 W. James St./Haven Campus, 404):**
Submitted by BLEW & ASSOCIATES, INC. for property located at 1211 W. JAMES ST. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.63 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES, subject to a Bill of Assurance.

RECOMMENDATION:

The Planning Commission and Staff recommend approval of an ordinance to rezone the subject property from R-O, Residential Office to CS, Community Services, subject to a Bill of Assurance, as shown in the attached Exhibits 'A', 'B', and 'C'.

BACKGROUND:

The property located at 121 W. James St., northwest of Harp's grocery store and east of Garden Park Apartments, is 0.63 acres and currently zoned R-O, Residential Office. The property has been used for years since 1970 as an office and was granted a conditional use for said office use in 1999. In 2008, the parcel was rezoned from RMF-24 to R-O and in 2015, a conditional use permit was granted to allow multi-family use on the subject property. During review of a proposed multi-family project on the site in 2015 thru 2016, it became apparent to the applicant that the density limitation of 24 units per acre on the R-O portion of the property was too restrictive for the proposed project. The applicant now proposes to rezone the site to allow increased multi-family residential density.

Request: The applicant requests to rezone 0.63 acres from R-O, Residential Office to CS, Community Services, subject to a Bill of Assurance. The Bill of Assurance, attached to this memo, would limit the height of multi-family buildings facing the existing single-family homes across James Street (see attached). The applicant claims that a rezoning of this property would allow development currently unattainable in the existing zoning to be feasible for the developer. The developer was permitted a conditional use for multi-family on this site, however the maximum density of 24 unit per acre permitted in R-O zoning is not enough to accommodate the economic desires of the developer.

Public Comment: Staff has received no public comment.

Surrounding Land Use Compatibility: The proposal is generally compatible with nearby properties. CS could adequately function as a transition zone between commercial and residential uses

through its ability to be mixed-use, or at least be developed as high-density residential. Changing this site from R-O to CS is unquestionably compatible with adjacent properties to the south and west that are zoned CS, including Garden Park Apartments zoned RMF-24 to the far west. For properties to the east, this rezone would not be affected by nor adversely affect Harp's grocery store. However, the single-family homes to the north that are zoned RMF-24 may take issue with the allowed 56 feet maximum height on buildings in CS zoning. Such a massive disparity between permitted 5-story buildings to existing single-story homes across James St. would be poor urban design and could adversely impact said properties and occupants. In pre-application meetings, staff discussed with the applicant that this disparity could be minimized to three stories maximum along James St. while allowing the applicant to feasibly develop their project. The applicant has provided a Bill of Assurance to restrict the proposed apartment complexes to three stories in height in the build-to zone along West James Street.

Land Use Plan and Policy Analysis: The proposal is consistent with the Future Land Use Plan map designation of City Neighborhood Area on this site. City Neighborhood Areas are meant to support the widest spectrum of uses and CS zoning allows a cornucopia of residential and commercial uses within traditional town forms on an in-fill site, which touches the goals of the 2030 Plan. CS zones are intended to provide mixed-use areas at commercial nodes or along commercial corridors. This proposal is close to the large commercial node at Garland Ave. and North St./Wedington Dr. and satisfies this goal. Furthermore, this proposal is appropriate for a property that is bounded by nearby high-volume, arterial roadways, commercial uses, and multi-family land uses.

Furthermore, Staff finds that the proposed zoning is justified. R-O zoning limits the density to 24 units or less per acre and does not have a build-to zone, while the remainder of the applicant's property to the south contains CS, which does not have a maximum density and has a build-to zone. Having consistent zoning across the intended development area would make development details consistent and easier to address. The applicant does have a conditional use permit under current R-O zoning to allow for multi-family units on the property.

DISCUSSION:

On September 12, 2016, Planning Division staff recommended in favor of this rezone. The Planning Commission concurred and forwarded the applicant's request for a rezoning to CS on the subject property. A motion by Commissioner Hoffman, seconded by Commissioner Autry, to forward the proposal to the City Council with a recommendation for approval was made with a vote of 8-0-0. Commissioner Noble was absent.

BUDGET/STAFF IMPACT:

N/A

Attachments:

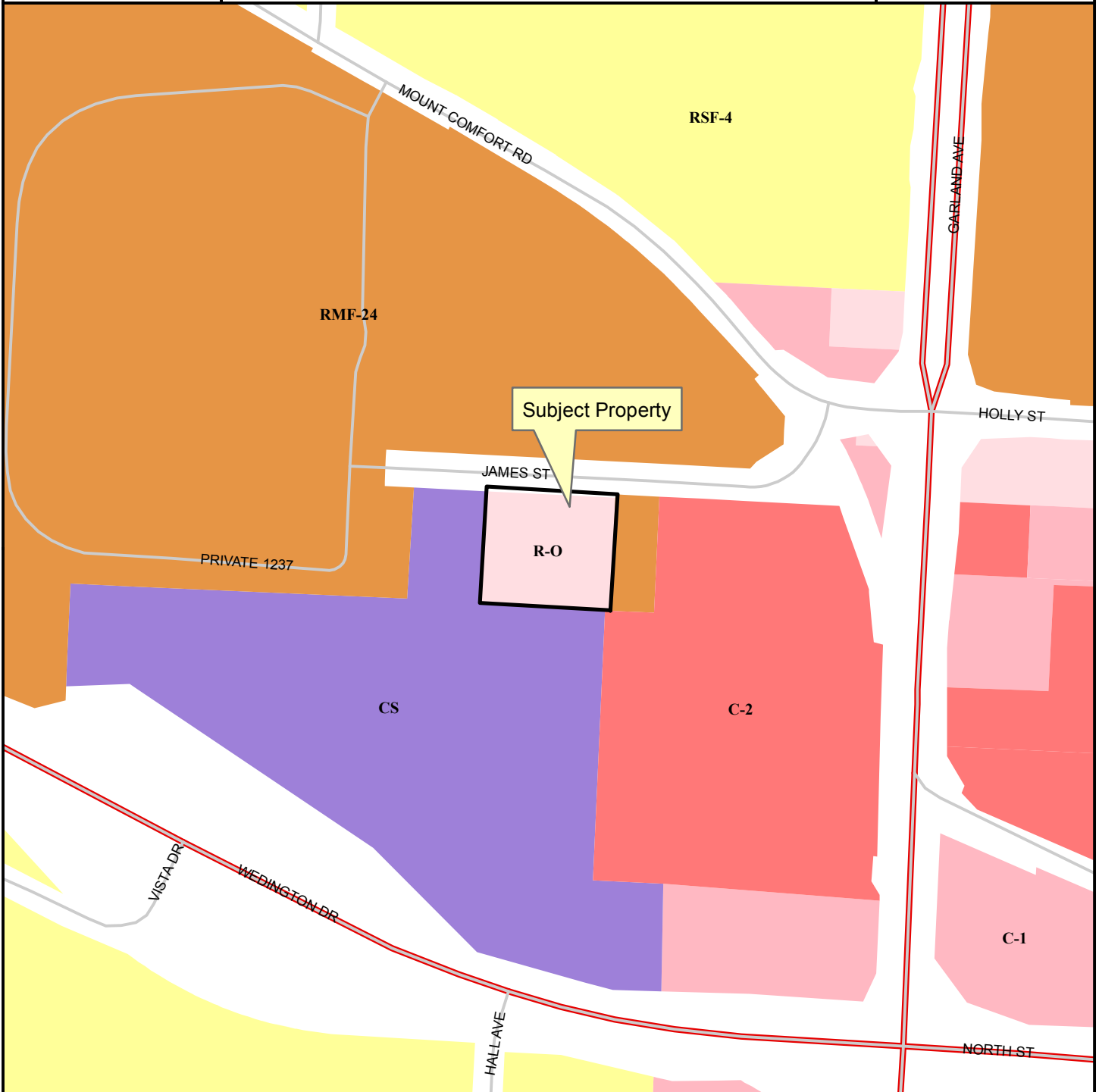
- Exhibit A
- Exhibit B
- Exhibit C
- Application
- Planning Commission Staff Report

RZN 16-5548

Close Up View

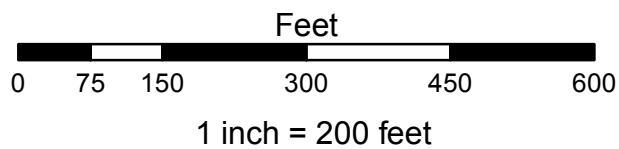
HAVEN CAMPUS APT

EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2
- Community Services

EXHIBIT 'B'

LEGAL DESCRIPTION

PARCEL: 765-13756-000

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A FOUND CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF LOT 10, MCCORMICK ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AND RUNNING THENCE N84°24'06"W 2.47' TO A FOUND IRON PIN, THENCE N86°40'58"W 177.69' TO A FOUND IRON PIN, THENCE N03°29'08"E 160.14' TO A FOUND IRON PIN ON THE SOUTH RIGHT-OF-WAY OF JAMES STREET, THENCE ALONG SAID RIGHT-OF-WAY S86°35'36"E 180.30' TO A FOUND IRON PIN, THENCE LEAVING SAID RIGHT-OF-WAY S03°32'12"W 159.96' TO THE POINT OF BEGINNING. CONTAINING 0.66 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT 'C'
BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Haven Campus Communities – Fayetteville LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to _____
N/A_____.

2. Other restrictions including number and type of structures upon the property are limited to _____
N/A_____.

3. Specific activities will not be allowed upon petitioner's property include _____
N/A_____.

4. The maximum building height for portions of structures and buildings located within the build-to zone along West James Street located within the property are to be no taller than three stories in height, so long as there is a single-family home immediately across West James Street from said property.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Haven Campus Communities – Fayetteville LLC, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

9/1/16
Date

John A Williams Jr
Printed Name

3284 Northside Parkway NW, Suite 500
Address
Atlanta, GA 30327

[Signature]
Signature

NOTARY OATH

STATE OF GEORGIA }
COUNTY OF Fulton } .ss

And now on this the 1 day of September, 2016, appeared before me, John A Williams Jr, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

My Commission Expires:

9-29-19

Carol Hancock
NOTARY PUBLIC



CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant ☒ Representative

Applicant (person making request):

Name: Haven Campus Communities -
Fayetteville, LLC

Address: 3284 Northside Parkway, Ste 500
Atlanta, GA 30327

E-mail: bboyles@havencampuscommunities.com

Phone:
(770) 818-4127
()

Fax:
()

Representative (engineer, surveyor, realtor, etc.):

Name: Blew & Associates, PA

Address: 108 Crossover Street
Lowell, AR 72745

E-mail: jorge@blewinc.com

Phone:
(479) 443-4506
()

Fax:
()

Site Address / Location: W. James Street

Current Zoning District: R-O

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property: R-O

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jorge Du Quesne

Date: 7/19/16

Signature: _____

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Property Owners of Record (attach additional info if necessary):

Name (printed): Brian Miller

Address: 3284 Northside Pkwy NW

Signature: Brian Miller

Suite 500
Atlanta, GA 30327

Date: 8/2/16

Phone: (770) 818-4095

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

() _____

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
 - \$325.00 application fee
 - \$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

- (5) A *written description* of this request addressing the following items:
- a. Current ownership information and any proposed or pending property sales.
 - b. Reason (need) for requesting the zoning change.
 - c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.
 - d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
 - e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.
 - f. Whether the proposed zoning is justified and/or needed at the time of the request.
 - g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.
 - h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.
 - i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.
- (6) The applicant is responsible for meeting the public notification requirements for a Rezoning listed on the Notification Requirements pages in this application.

Notice: Resources including current zoning regulations, City Plan 2030, Future Land Use Plan, Master Street Plan and Zoning maps are available for review on our website, www.accessfayetteville.org and in the Planning Office.

All applicants should meet with a staff Planner prior to completing a Rezoning application.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: September 12, 2016 **UPDATED WITH PC RESULTS**

SUBJECT: **RZN 16-5548: Rezone (1211 W. James St./Haven Campus, 404):**
 Submitted by BLEW & ASSOCIATES, INC. for property located at 1211 W. JAMES ST. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.63 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES, subject to a Bill of Assurance.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5548** to City Council with a recommendation for **approval** based on the findings herein.

BACKGROUND:

1211
Property Background: The property located at ~~121~~ W. James St., northwest of Harp's grocery store and east of Garden Park Apartments, is 0.63 acres and currently zoned R-O, Residential Office. The property has been used for years since 1970 as an office and was granted a conditional use for said office use in 1999. In 2008, the parcel was rezoned from RMF-24 to R-O and in 2015, a conditional use permit was granted to allow multi-family use on the subject property. During review of a proposed multi-family project on the site in 2015 thru 2016, it became apparent to the applicant that the density limitation of 24 units per acre on the R-O portion of the property was too restrictive for the proposed project. The applicant now proposes to rezone the site to allow increased multi-family residential density. The 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	RMF-24, Residential Multi-family 24 units per acre
South	Undeveloped; Harp's Grocery Store	CS, Community Services; C-2, Commercial Thoroughfare
East	Harp's Grocery Store; Undeveloped; N. Garland Ave.	RMF-24, Residential Multi-family 24 units per acre; C-2, Commercial Thoroughfare
West	Undeveloped, Garden Park Apartments	CS, Community Services; RMF-24, Residential Multi-family 24 units per acre

DISCUSSION:

Request: The applicant requests to rezone 0.63 acres from R-O, Residential Office to CS, Community Services, subject to a Bill of Assurance. The Bill of Assurance would limit the height of multi-family buildings facing the existing single-family homes across James Street (see attached). The applicant claims that a rezoning of this property would allow development currently unattainable in the existing zoning to be feasible for the developer. The developer was permitted a conditional use for multi-family on this site, however the maximum density of 24 unit per acre permitted in R-O zoning is not enough to accommodate the economic desires of the developer.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to James Street, a partially improved local street with curb and gutter. On- and off-site street improvements to James Street will be likely, and would be determined at time of development and could include storm drainage, sidewalks, or street widening.

Water: Public water is available to the site. A 6" public main is located within the James Street right-of-way.

Sewer: Sanitary Sewer is available to the site. A 6" public main is located within the James Street right-of-way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No protected streams cross this site, and no portion of the site lies within FEMA regulated floodways or floodplains. No portions of these parcels are located within the HHOD.

Fire: This development will be protected by Engine 2 located at 708 N. Garland. It is .6 miles from the station to the study area with an anticipated response time of 3 minutes to the beginning of the study area. The Fire Department does not feel this rezoning will affect calls for service or response times.

Police: The Police Department have not expressed concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN:

City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors.

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: *Surrounding Land Use Compatibility:* The proposal is generally compatible with nearby properties. CS could adequately function as a transition zone between commercial and residential uses through its ability to be mixed-use, or at least be developed as high-density residential. Changing this site from R-O to CS is unquestionably compatible with adjacent properties to the south and west that are zoned CS, including Garden Park Apartments zoned RMF-24 to the far west. For properties to the east, this rezone would not be affected by nor adversely affect Harp's grocery store. However, the single-family homes to the north that are zoned RMF-24 may take issue with the allowed 56 feet maximum height on buildings in CS zoning. Such a massive disparity between permitted 5-story buildings to existing single-story homes across James St. would be poor urban design and could adversely impact said properties and occupants. In pre-application meetings, staff discussed with the applicant that this disparity could be minimized to three stories maximum along James St. while allowing the applicant to feasibly develop their project. The applicant has provided a Bill of Assurance to restrict the proposed apartment complexes to three stories in height in the build-to zone along West James Street.

Land Use Plan and Policy Analysis: The proposal is consistent with the Future Land Use Plan map designation of *City Neighborhood Area* on this site. City Neighborhood Areas are meant to support the widest spectrum of uses and CS zoning allows a cornucopia of residential and commercial uses within traditional town forms on an in-fill site, which touches the goals of the 2030 Plan. CS zones are intended to provide mixed-use areas at commercial nodes or along commercial corridors. This proposal is close to the large commercial node at Garland Ave. and North St./Wedington Dr. and satisfies this goal. Furthermore, this proposal is appropriate for a property that is bounded by nearby high-volume, arterial roadways, commercial uses, and multi-family land uses.

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

Finding: Staff finds that the proposed zoning is justified. R-O zoning limits the density to 24 units or less per acre and does not have a build-to zone, while the remainder of the applicant's property to the south contains CS, which does not have a maximum density and has a build-to zone. Having consistent zoning across the intended development area would make development details consistent and easier to address. The applicant does have a conditional use permit under current R-O zoning to allow multi-family units on the property.

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

Finding: This rezoning will create the opportunity for development that could substantially increase traffic, particularly car and pedestrian activity, on surrounding roads over the existing zoning. Substantial on- and off-site street improvements to James Street would be likely at time of development and could include storm drainage, sidewalks, or street widening.

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

Finding: The proposed CS zoning would increase the load on public services over existing R-O zoning, but there has been no indication that it would undesirably increase said load.

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: The current property does have a conditional use for multi-family dwellings, which is the applicant's intention for developing this property.

RECOMMENDATION: Staff recommends forwarding **RZN 16-5548** to City Council with a recommendation for **approval** based on the findings herein.

PLANNING COMMISSION ACTION: Required

Date: September 12, 2016

☐ Tabled

☒ Forwarded

☐ Denied

Motion: Hoffman

MOTION TO FORWARD TO CITY COUNCIL

Second: Autry

Passes

Vote: 8-0-0

BUDGET/STAFF IMPACT: N/A

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Applicant's request letter
- Bill of Assurance
- Current land use map
- Close up map
- Future land use map
- One mile map

PLANNING COMMISSION MEMO

- **161.18 - District R-O, Residential Office**

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *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	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet

Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	60 feet
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Height Regulations. 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 1 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.

• **161.20 - Community Services**

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites

Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.*None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 feet
-------------------------	---------

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

Rezoning written request:

Owner:

Haven Campus Communities – Fayetteville, LLC

3284 Northside Parkway, Ste 500

Atlanta, GA 30327

The current zoning of R-O will not allow the number of units needed for this development.

The proposed zoning of CS will relate very well with the RMF-24 to the west and north of the site and the site adjoins C-2 to the East.

Water and sewer is readily available with a 12" water line on the south side of the site and an 6" along the north side of the site, a 6" sanitary sewer line is located at the northeast corner of the site.

The proposed zoning of CS work very with the 2030 City Plan of City Neighborhood Areas for this section of town.

Without the proposed zoning of CS the site will not allow for enough units to justify the project.

The proposed site will have 2 entry/exits one to James St and W. Wedington St to help with traffic concerns.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Haven Campus Communities – Fayetteville LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to _____
N/A_____.

2. Other restrictions including number and type of structures upon the property are limited to _____
N/A_____.

3. Specific activities will not be allowed upon petitioner's property include _____
N/A_____.

4. The maximum building height for portions of structures and buildings located within the build-to zone along West James Street located within the property are to be no taller than three stories in height, so long as there is a single-family home immediately across West James Street from said property.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Haven Campus Communities – Fayetteville LLC, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

9/1/16
Date

John A Williams Jr
Printed Name

3284 Northside Parkway NW, Suite 500
Address
Atlanta, GA 30327

[Signature]
Signature

NOTARY OATH

STATE OF GEORGIA }
COUNTY OF Fulton } .ss

And now on this the 1 day of September, 2016, appeared before me, John A Williams Jr, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

My Commission Expires:

9-29-19

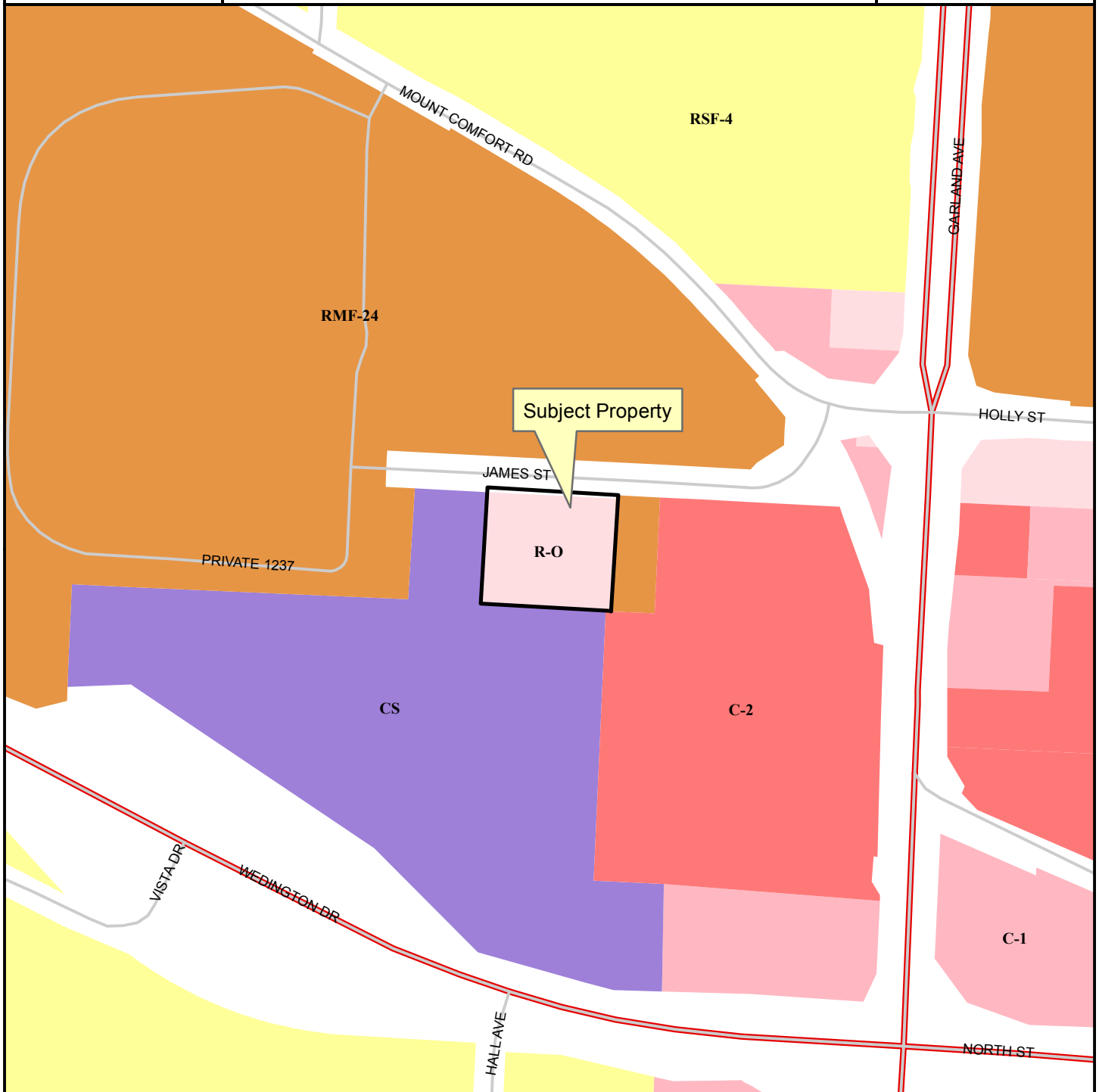
Carol Hancock
NOTARY PUBLIC



RZN 16-5548

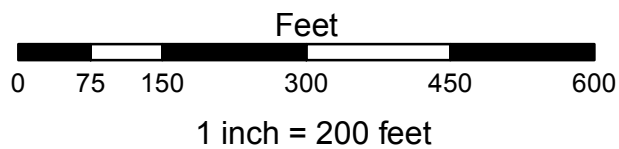
Close Up View

HAVEN CAMPUS APT



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2
- Community Services

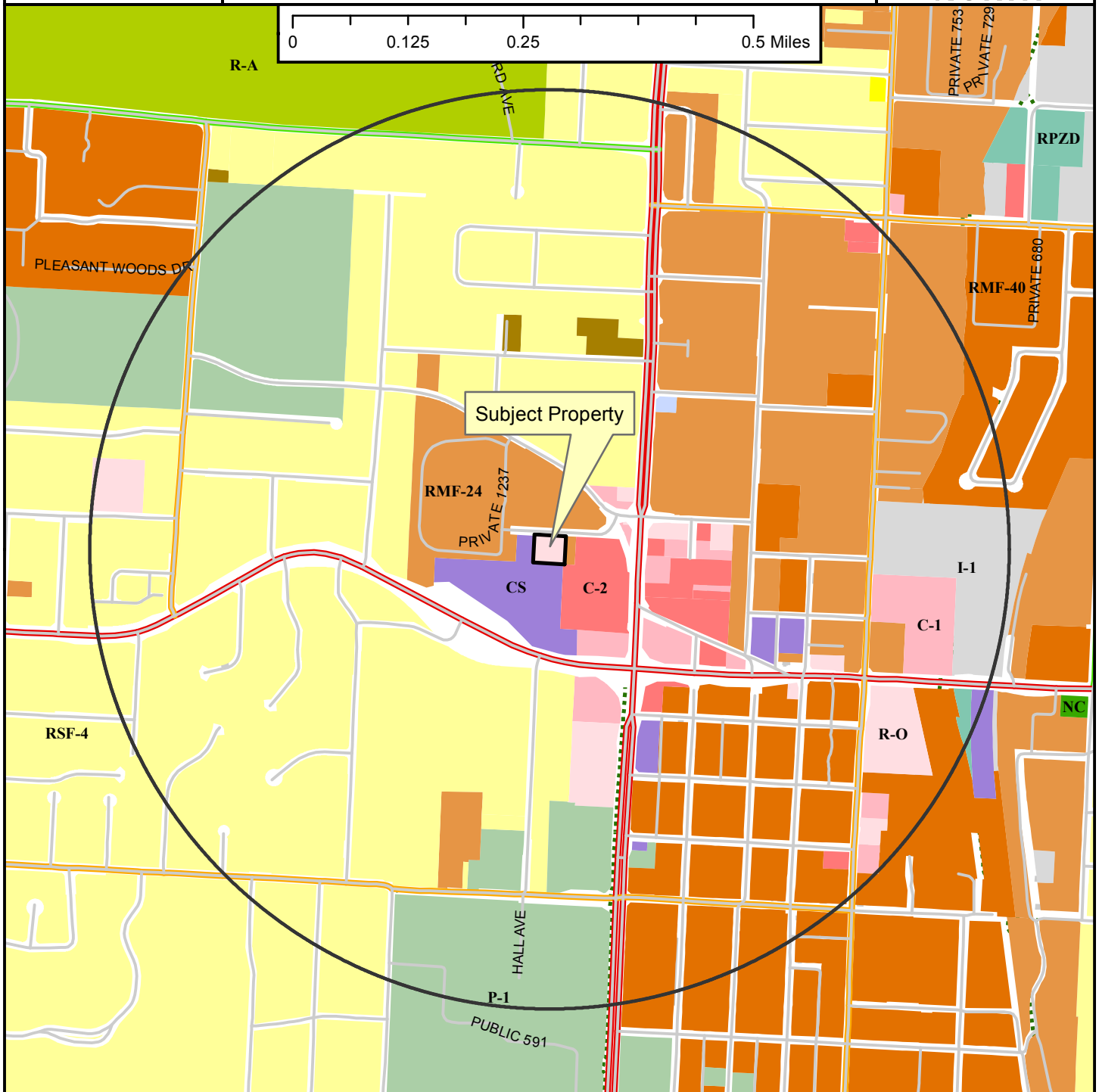
RZN 16-5548

One Mile View

HAVEN CAMPUS APT

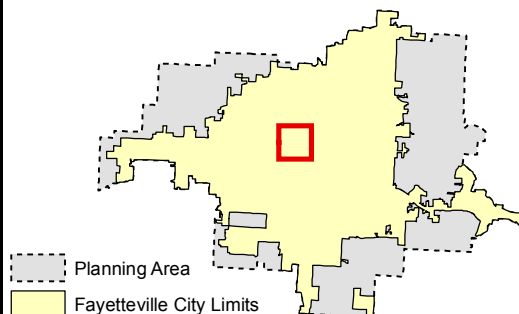


0 0.125 0.25 0.5 Miles



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RT-12 Residential Two and Three-family
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

RZN 16-5548

Current Land Use

HAVEN CAMPUS APT



Legend

— Street

Streets Existing

MSP Class

— PRINCIPAL ARTERIAL

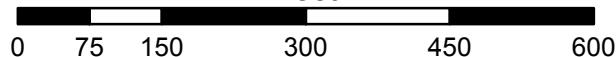
— Shared Use Paved Trail

— RZN16-5548

— Planning Area

— Fayetteville City Limits

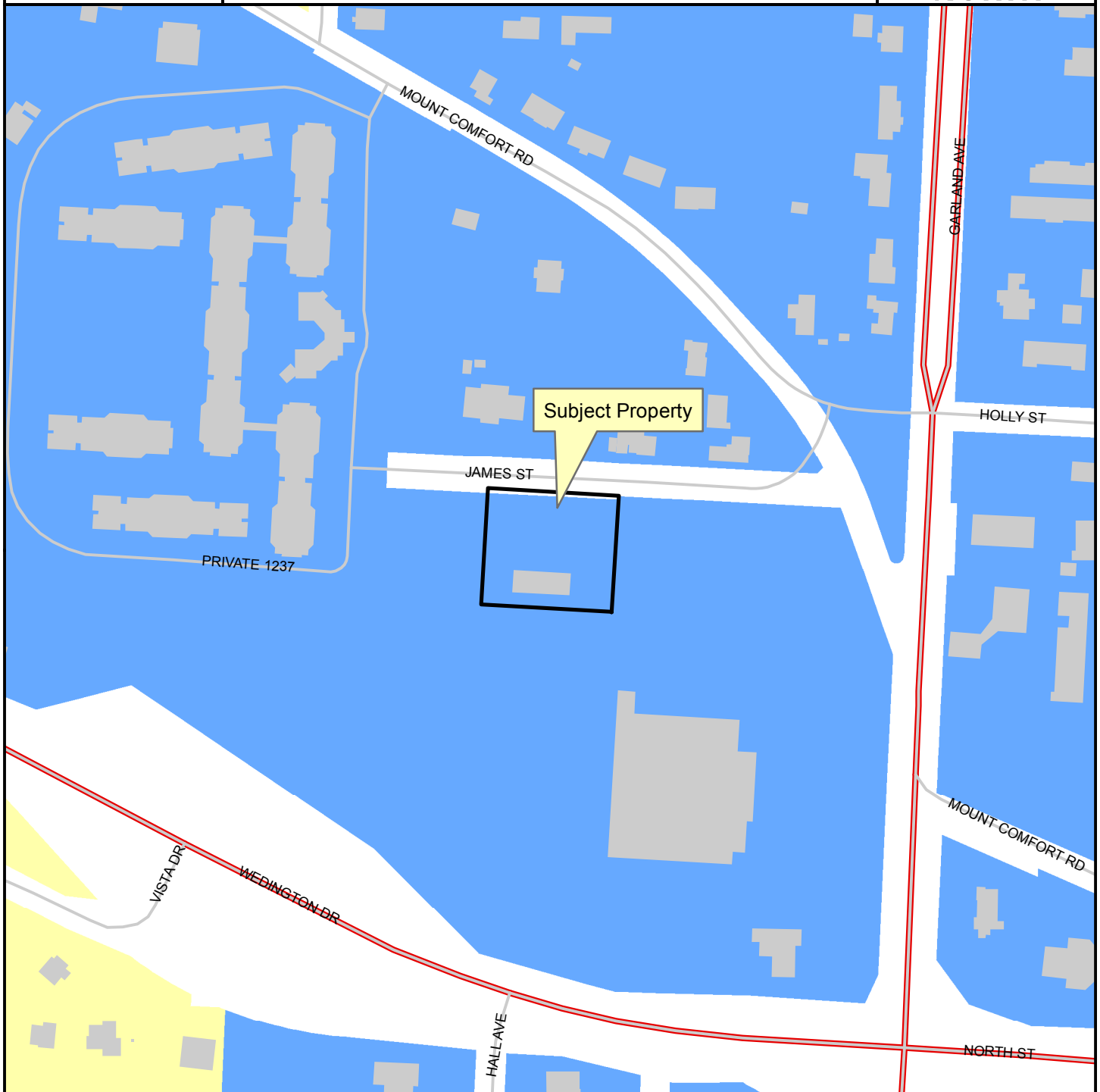
Feet



RZN 16-5548

Future Land Use

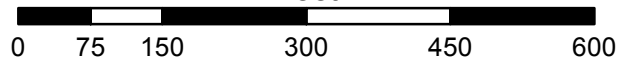
HAVEN CAMPUS APT



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint

Feet



1 inch = 200 feet

FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0432

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 73.37 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-1, Residential Single Family, 1 Unit Per Acre; RSF-4, Residential Single Family, 4 Units Per Acre and R-A, Residential Agricultural to CS, Community Services and R-A, Residential Agricultural.

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

City of Fayetteville Staff Review Form

2016-0432

Legistar File ID

10/4/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

9/16/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362): Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, Residential Agricultural.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council

FROM: Andrew Garner, Planning Director

DATE: September 16, 2016

SUBJECT: **RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

The City Planning staff recommend approval of an ordinance to rezone the property to CS, Community Services and R-A, Residential Agricultural, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for approximately 73.37 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings.

Request: The request is to rezone the property to CS, Community Services (45.90 acres) and R-A, Residential Agricultural (27.47 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would help support the surrounding uses noted above.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030 that designates the majority of the property as **City Neighborhood Area**, with the Hamestring Creek riparian corridor as **Natural Area**, area south of Hamestring Creek as **Civic and Private Open Space/Parks** (assumed that the Links at Fayetteville golf

course might expand into this area), and a small portion of **Residential Area** in the southeastern portion of the site.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that could realize this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks non-residential goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal for CS at this future busy intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 27 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

DISCUSSION:

On September 12, 2016 the Planning Commission forwarded the applicant's request for a rezoning to the City Council with a recommendation for approval by a vote of 7-1-0 (Commissioner Selby voted 'no'). At the meeting four member of the public spoke opposed to the request, primarily citing concerns with increased traffic that would result from the rezoning.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

Proposed Community Services (CS): 45.90 acres
Proposed Residential Agricultural (R-A) 27.47 acres

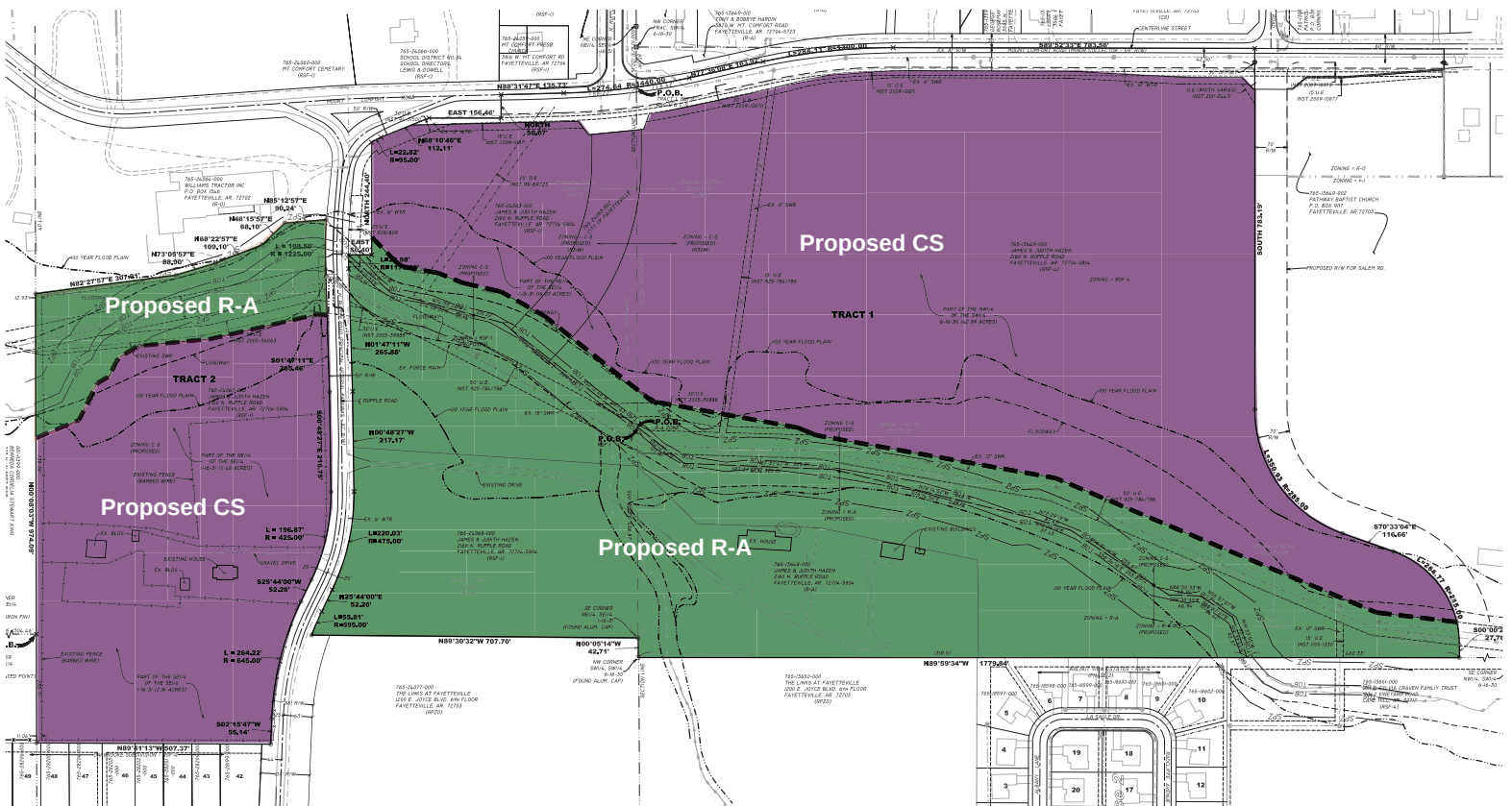


EXHIBIT 'B' RZN 16-5550

LEGAL DESCRIPTION: (RSF-4 TO RA)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 87.09 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING, thence S51°32'47"E 44.52 feet, thence N88°20'17"E 11.46 feet, thence S79°43'00"E 306.10 feet, thence S67°38'50"E 44.07 feet, thence S79°51'00"E 525.87 feet, thence S67°16'00"E 754.49 feet, thence S83°16'06"E 175.24 feet, thence along a non tangent curve to the right 50.10 feet, said curve having a radius of 215.00 feet and chord bearing and distance of S06°40'04"E 49.98 feet, thence N83°40'33"W 193.85 feet, thence N67°16'00"W 756.00 feet, thence N79°51'00"W 517.91 feet, thence N88°21'00"W 369.68 feet, thence N62°33'13"W 13.44 feet, thence N00°10'53"W 131.57 feet to the POINT OF BEGINNING: Containing 2.46 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RSF-4 TO CS)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 87.09 feet to the POINT OF BEGINNING; thence along a curve to the left 116.42 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N79°55'06"E 116.39 feet, thence N77°36'08"E 163.92 feet, thence along a curve to the right 284.11 feet, said curve having a radius of 1,300.00 feet and a chord bearing and distance of N83°51'48"E 283.55 feet, thence S89°52'33"E 783.56 feet, thence South 783.19 feet, thence along a curve to the left 350.93 feet, said curve having a radius of 285.00 feet and a chord bearing and distance of S35°16'32"E 329.18 feet, thence S70°33'04"E 116.66 feet, thence along a curve to the right 214.67 feet, said curve having a radius of 215.00 feet and a chord bearing and distance of S41°56'49"E 205.87 feet, thence N83°16'06"W 175.24 feet, thence N67°16'00"W 754.49 feet, thence N79°51'00"W 525.87 feet, thence N67°38'50"W 44.07 feet, thence N79°43'00"W 306.10 feet, thence S88°20'17"W 11.46 feet, thence N51°32'47"W 44.52 feet, thence N00°10'53"W 656.17 feet to the POINT OF BEGINNING: Containing 28.78 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RSF-1 TO RA)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence N89°30'32"W 707.70 feet, thence along a non tangent curve to the right 55.81 feet, said curve having a radius of 595.00 feet and chord bearing and distance of N23°02'47"E 55.79 feet, thence N25°44'00"E 52.26 feet, thence along a curve to the left 220.03 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of N12°27'47"E 218.07 feet, thence N00°48'27"W 217.17 feet, thence N01°47'11"W 265.88 feet, thence along a curve to the right 29.98 feet, said curve having a radius of 1,175.00 feet and a chord bearing and distance of N01°03'19"W 29.98 feet, thence East 50.40 feet, thence North 38.91 feet, thence S44°18'07"E 77.56 feet, thence S55°39'31"E 15.26 feet, thence S79°48'14"E 78.84 feet, thence S68°01'04"E 56.27 feet, thence S76°59'25"E 86.03 feet, thence S60°42'59"E 108.04 feet, thence S51°32'47"E 257.04 feet to the POINT OF BEGINNING: Containing 10.52 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RSF-1 TO CS)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet to the POINT OF BEGINNING, thence S00°10'53"E 656.17 feet, thence N51°32'47"W 257.04 feet, thence N60°42'59"W 108.04 feet, thence N76°59'25"W 86.03 feet, thence N68°01'04"W 56.27 feet, thence N79°48'14"W 78.84 feet, thence N55°39'31"W 15.26 feet, thence N44°18'07"W 77.56 feet, thence North 205.49 feet, thence along a non tangent curve to the right 22.82 feet, said curve having a radius of 95.00 feet and chord bearing and distance of N61°17'56"E 22.76 feet, thence N68°10'46"E 112.11 feet, thence East 156.46 feet, thence North 50.67 feet, thence N88°31'47"E 135.73 feet, thence along a curve to the left 158.22 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N85°22'55"E 158.14 feet to the POINT OF BEGINNING: Containing 5.67 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RSF-1 TO RA WEST OF RUPPLE ROAD)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said NE1/4, SE1/4, thence N00°08'03"W 425.71 feet to the POINT OF BEGINNING; thence N00°08'03"W 312.67 feet, thence N82°27'57"E 307.21 feet, thence N73°05'57"E 88.90 feet, thence N68°22'57"E 109.10 feet, thence N46°15'57"E 68.10 feet, thence N85°12'57"E 90.24 feet, thence along a non tangent curve to the left 108.50 feet, said curve having a radius of 1,225.00 feet and chord bearing and distance of S00°45'04"W 108.46 feet, thence S01°47'11"E 99.24 feet, thence N81°50'03"W 19.48 feet, thence S77°00'35"W 240.09 feet, thence S84°24'19"W 158.81 feet, thence S57°26'48"W 46.44 feet, thence S37°50'40"W 11.24 feet, thence S25°13'07"W 34.52 feet, thence S59°15'27"W 29.79 feet, thence S33°49'55"W 3.68 feet, thence S26°27'53"W 86.09 feet, thence S67°21'40"W 100.84 feet to the POINT OF BEGINNING: Containing 2.84 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RSF-1 TO CS WEST OF RUPPLE ROAD)

A part of the NE1/4 of the SE1/4 and a part of the SE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Beginning at the SW Corner of said NE1/4, SE1/4, said point being the POINT OF BEGINNING, thence N00°08'03"W 425.71 feet, thence N67°21'40"E 100.84 feet, thence N26°27'53"E 86.09 feet, thence N33°49'55"E 3.68 feet, thence N59°15'27"E 29.79 feet, thence N25°13'07"E 34.52 feet, thence N37°50'40"E 11.24 feet, thence N57°26'48"E 46.44 feet, thence N84°24'19"E 158.81 feet, thence N77°00'35"E 240.09 feet, thence S81°50'03"E 19.48 feet, thence S01°47'11"E 166.22 feet, thence S00°48'27"E 216.75 feet, thence along a curve to the right 196.87 feet, said curve having a radius of 425.00 feet and a chord bearing and distance of S12°27'47"W 195.12 feet, thence S25°44'00"W 52.26 feet, thence along a curve to the left 264.22 feet, said curve having a radius of 645.00 feet and a chord bearing and distance of S13°59'54"W 262.37 feet, thence S02°15'47"W 55.14 feet, thence N89°41'13"W 507.37 feet, thence N00°08'03"W 235.71 feet to the POINT OF BEGINNING: Containing 11.45 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RA TO REMAIN RA)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 87.09 feet, thence S00°10'53"E 787.74 feet to the POINT OF BEGINNING, thence S62°33'13"E 13.44 feet, thence S88°21'00"E 369.68 feet, thence S79°51'00"E 517.91 feet, thence S67°16'00"E 756.00 feet, thence S83°40'33"E 193.85 feet, thence S00°00'26"W 27.76 feet, thence N89°59'34"W 1,779.84 feet, thence N00°05'14"W 42.71 feet, thence N00°10'53"W 406.45 feet to the POINT OF BEGINNING: Containing 11.65 acres more or less subject to easements and right of way of record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5550

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

361/362

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant ☒ Representative

Applicant (person making request):

Name: James & Judith Hazen

Address: 2160 N. Ruppel Rd.
Fayetteville, AR 72704

E-mail: _____

Phone: _____
(479) 521-0715

Fax: _____
()

Representative (engineer, surveyor, realtor, etc.):

Name: Jorgensen + Associates

Address: 124 W. Sunbridge Dr. Ste 5
Fayetteville, AR 72703

E-mail: justin@jorgensenassoc.com

Phone: _____
(479) 442-9127

Fax: _____
()

Site Address / Location: SE & SW Corner of Ruppel Rd & Mount Comfort

Current Zoning District: RSF-1, RSF-4, R-A

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property: 765-24063-000, 765-13649-000, 765-13648-000, 765-24068-000
765-24067-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): _____ Date: _____

Signature: _____

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Property Owners of Record (attach additional info if necessary):

Name (printed): JAMES L. HAZEN Address: 2160 N. RUPPLE RD
Signature: James L. Hazen FAYETTEVILLE AR 72704
Date: 7.13.16 Phone: (479) 521 0715

Name (printed): JUDITH A. HAZEN Address: 2160 N. RUPPLE RD
Signature: Judith A. Hazen FAYETTEVILLE AR 72704
Date: 7.13.16 Phone: (479) 521 0715

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: September 12, 2016 *(Updated with Planning Commission results)*

SUBJECT: **RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, Residential Agricultural.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5550** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is for approximately 73.37 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential; agricultural; church; cemetery	RSF-1; R-A; CS
South	Links at Fayetteville golf course; Oakbrooke Subdivision	R-PZD (Links at Fayetteville); R-PZD (Oakbrooke)
East	Pathway Baptist Church	R-O; P-1
West	Agricultural	R-A

Request: The request is to rezone the property to CS, Community Services (45.90 acres) and R-A, Residential Agricultural (27.47 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcels have access to Mount Comfort Road (Minor Arterial) and Ruppel Road (Principal Arterial). Mount Comfort Road has been fully improved east of these parcels, but for most of the parcels' frontage it remains an unimproved two-lane road with open ditches. Ruppel Road is also unimproved along most of this parcel frontage, however, the city currently has projects in process to complete improvements on Ruppel Road all the way to Mount Comfort Road, routing the road east through the subject property with a planned traffic signal at the intersection of Mount Comfort/Ruppel. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the site. There is an existing 12" water main on the south side of Mount Comfort Road and an existing 6" water main on the east side of Ruppel Road.

Sewer: Sanitary Sewer is available to the site. There is an existing 24" sewer main available running through the properties along Hamestring Creek. There is also an 8" sewer main bisecting the property and another running on the west side of Ruppel Road. A 24" sewer force-main also follows Hamestring Creek, but is not available for connections.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. Large portions of these properties are identified as FEMA regulated floodplains and floodways. Floodplain Development permits would be required at time of development. Hamestring Creek is a protected stream that runs east-west through these parcels. No portions of these parcels lies within the Hillside-Hilltop Overlay District. However, large areas of these parcels contain 'Hydric soils' which can be an indicator of wetlands. At time of development a wetland delineation would be required to ensure compliance with all Army Corps of Engineers regulations.

Fire: This development will be protected by Ladder 7 located at 835 N. Ruppel Rd. It is 1.0 miles from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the majority of the property as **City Neighborhood Area**, with the Hamestring Creek riparian corridor as **Natural Area**, area south of Hamestring Creek as **Civic and Private Open Space/Parks** (assumed that the Links at Fayetteville golf course might expand into this area), and a small portion of **Residential Area** in the southeastern portion of the site. City Plan 2030 generally defines these designations as follows:*

- **Natural Areas** consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and

preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

- **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.
- **City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.
- **Civic and Private Open Space/Parks Areas** are sites that are permanently dedicated to open space or park land.

FINDINGS OF THE STAFF

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

Finding: *Land Use Compatibility:* The proposed zoning is compatible with surrounding land use in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would help support the surrounding uses noted above.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that result in realizing this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks non-residential goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal for CS

at this future busy intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 27 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate development of this area that has been anticipated in the City's comprehensive plan for several years. The proposed CS zoning will encourage appropriate commercial or residential development at the future busy intersection in an area that has seen intense development over the last decade, largely residential in nature. The CS 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.

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

Finding: A CS zoning allows a wide range of commercial activity and unlimited residential density. The proposed rezone would create the potential to substantially increase traffic in the area over the existing zoning. However, with the re-alignment of Ruppel Road through the site and the future traffic signal at Mount Comfort/Ruppel, increased traffic has been anticipated will be able to be accommodated. Further, non-residential goods and services that would be permitted under the CS zoning would not likely be a regional draw but would primarily accommodate people living in the area.

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 a majority of the property to CS could significantly alter population density in the area. CS zoning allows a wide range of commercial activity and unlimited residential density. The rezone request is not likely to undesirably increase load on public services given the existing and anticipated infrastructure improvements, as discussed throughout this report.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding **RZN 16-5550** to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03 (R-A); 161.05 (RSF-1); 161.07 (RSF-4); 161.20 (CS)
- Fire Marshal Comments
- Request letter
- Rezone exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 12, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Hoskins</u>			
Second: <u>Hoffman</u>			
Vote: <u>7-1-0 (Selby voted 'no')</u>		Note: <u>recommend approval</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: _____	☐ Approved	☐ Denied	

161.03 - District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

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

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses.*

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

(D) *Conditional Uses.*

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

(E) *Density.*

Units per acre	1
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(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

Building Height Maximum	45 feet
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Height Regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(I) *Building Area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

Height Regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

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

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

161.20 - Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials

Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 feet
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)



To: Andrew Garner

From: Captain J. Ashley; Assistant Fire Marshal

Date: 8/12/16

Re: RZN 16-5550 / 2155 N. Ruppel

This development will be protected by Ladder 7 located at 835 N. Ruppel.

It is 1.0 miles from the station with an anticipated response time of 2 minutes to the beginning of the development.

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

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

Captain Jeremy Ashley

Fayetteville Fire Department



JORGENSEN
+ASSOCIATES
Civil Engineering - Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 6, 2016

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Hazen Property Rezoning

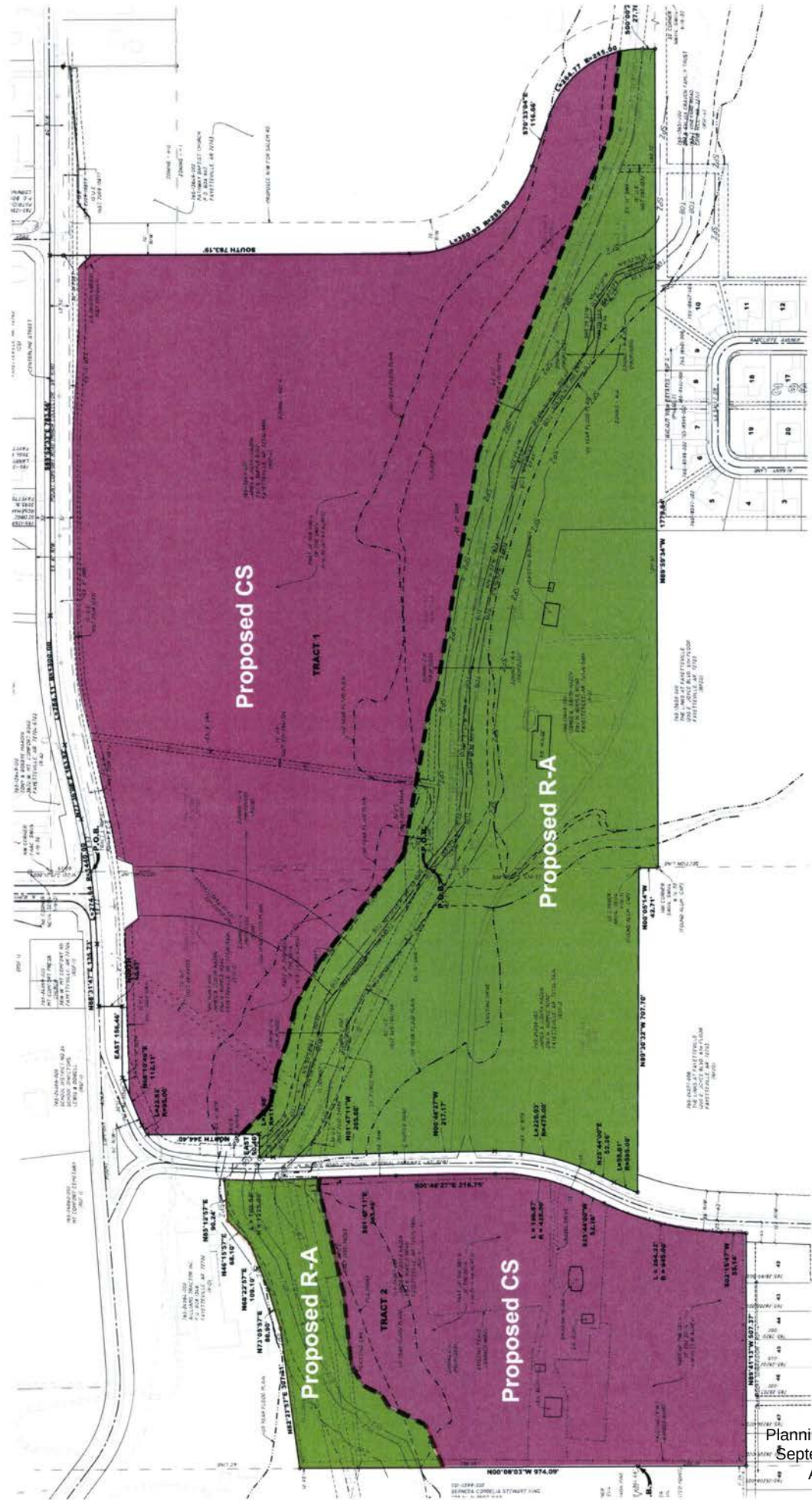
This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-13648-000 (James & Judith Hazen)
 - b. 765-13649-000 (James & Judith Hazen)
 - c. 765-24063-000 (James & Judith Hazen)
 - d. 765-24067-000 (James & Judith Hazen)
 - e. 765-24068-000 (James & Judith Hazen)
- B. Currently these properties are zoned RSF-1, RSF-4, and R-A. The reason for the requested C-S zoning is to allow this property to be developed under C-S conditions. We are also requesting R-A zoning along the creek to help create a natural buffer.
- C. There are various zoning districts around these properties. The property due west is zoned R-A. The property due south is zoned RPZD (The Links at Fayetteville). The properties due north are zoned R-O, RSF-1, R-A, and the recently rezoned C-S (proposed Dollar General at the NW corner of Salem and Mount Comfort). The properties due east are zoned R-O and P-1 (Pathway Church).
- D. Existing water and sewer are already at this site. There is an existing 12-inch water line on the south side of Mount Comfort and an existing 6-inch on the east side of Ruppel Rd. There is an existing 24-inch Hobas sewer line and 12-inch ductile iron pipe available running through the properties along the creek. There is also an 8-inch sewer bisecting the property and another running on the west side of Ruppel Rd.
- 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 the adjacent developments.
- F. Per the city's future land use plan this area is called out to be a City Neighborhood Areas which C-S is a form based zoning under this umbrella.
- G. Adjacent streets have been or are planned to be improved in the near future allow this area to grow. Mount Comfort was recently widened with traffic signal and the Ruppel Road realignment and widening is planned in the near future.
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services. The properties at question lie at the intersection of two master planned roads where significant improvements have been or will be made, and will allow for increased loads. Utilities are currently available and at a significant size to where we do not believe any adverse impacts to the existing system would occur.
- I. R-A is not conducive to any future developments in this area.

Sincerely,

Justin L. Jorgensen, PE

Proposed Community Services (CS): 45.90 acres
 Proposed Residential Agricultural (R-A) 27.47 acres



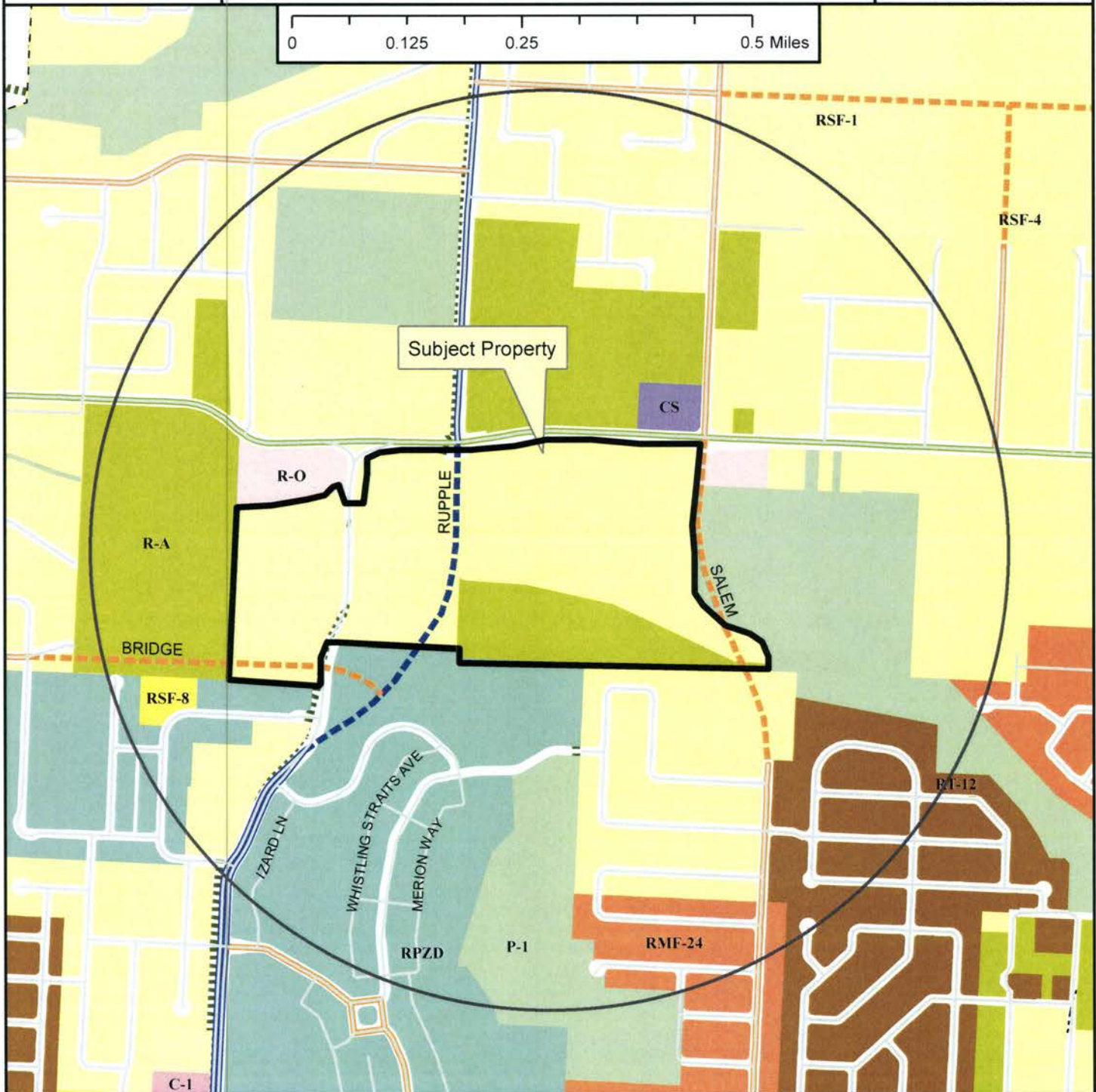
RZN 16-5550

One Mile View

2155 N. RUPPLE/HAZEN



0 0.125 0.25 0.5 Miles



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- Zoning**
- RESIDENTIAL SINGLE-FAMILY
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
 - COMMERCIAL
 - Residential-Office
 - C-1
 - C-2
 - C-3
 - FORM BASED DISTRICTS
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
 - PLANNED ZONING DISTRICTS
 - Commercial, Industrial, Residential
 - INSTITUTIONAL
 - P-1

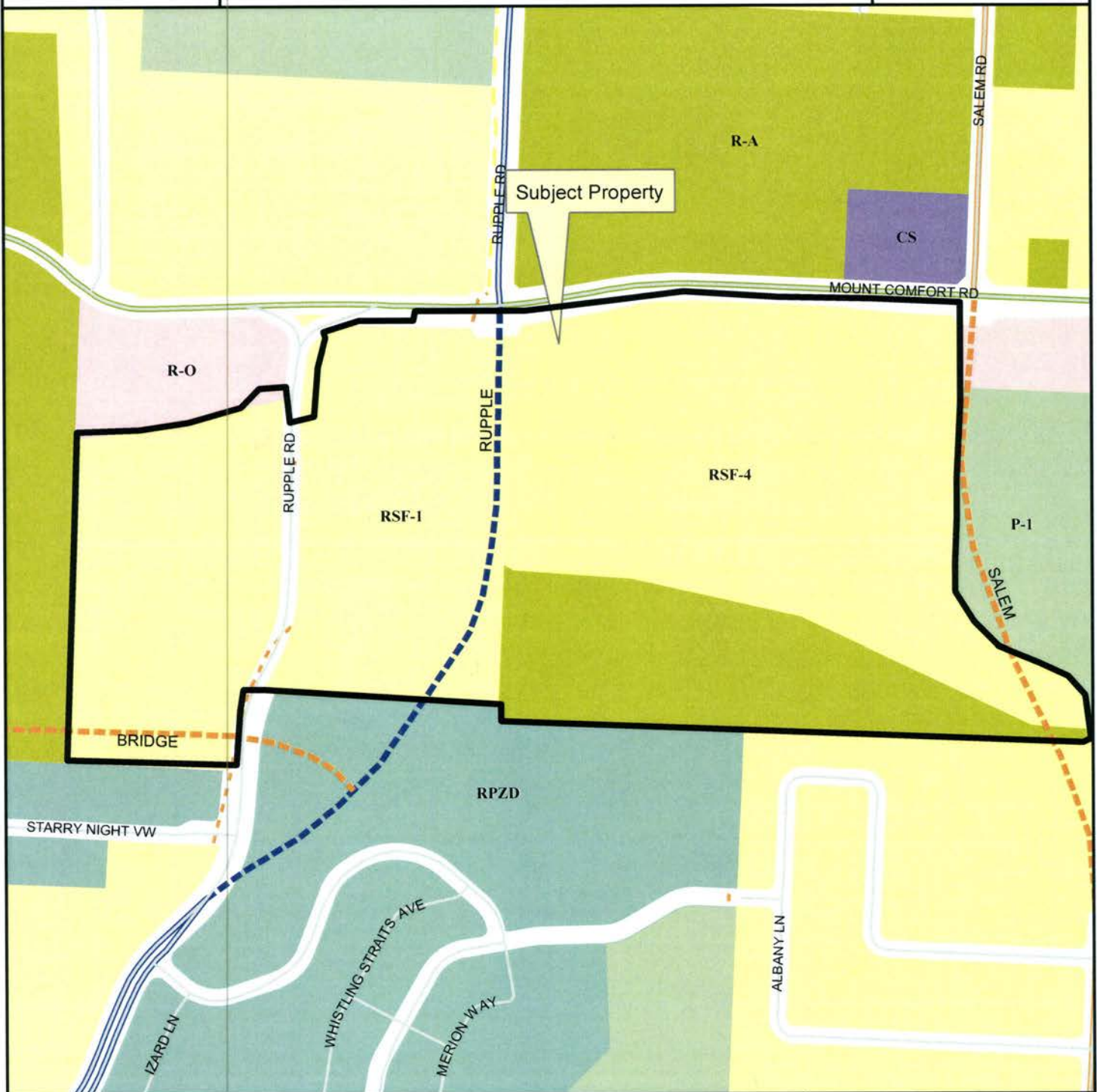
Planning Commission
September 12, 2016

Agenda Item 14
16-5550 Hazen
Page 16 of 19

RZN 16-5550

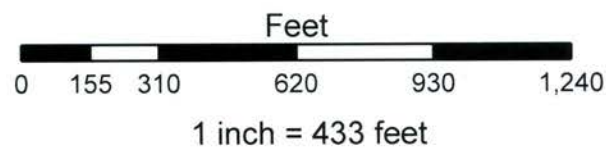
Close Up View

2155 N. RUPPLE/HAZEN



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-1
- RSF-4
- Residential-Office
- Community Services
- Commercial, Industrial, Residential
- P-1

RZN 16-5550

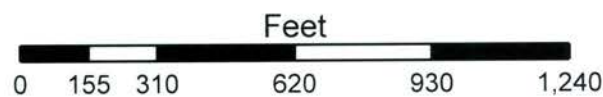
Current Land Use

2155 N. RUPPLE/HAZEN



Legend

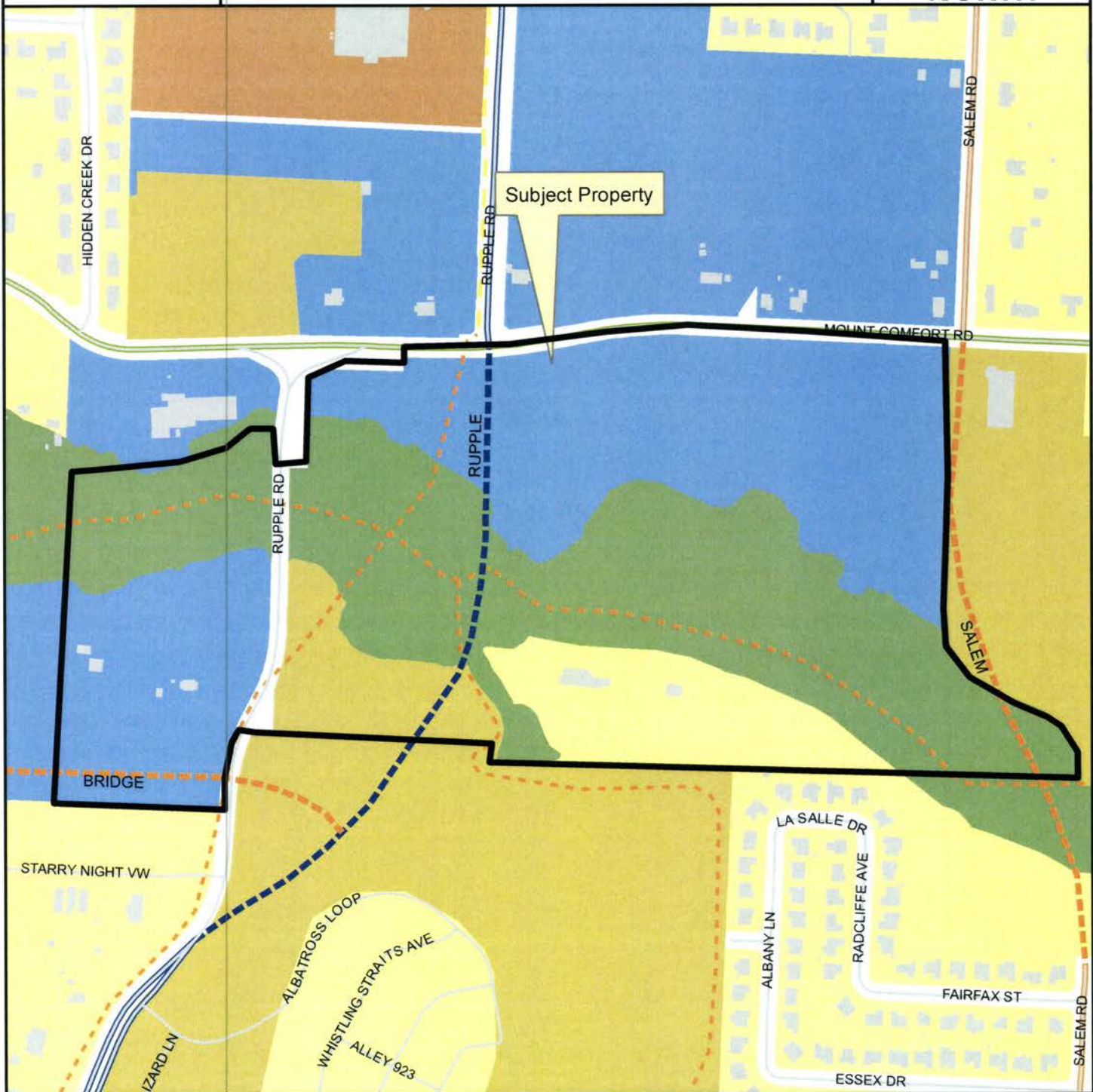
- Street
- Streets Planned**
- MSP Class**
- COLLECTOR
- PRIN ARTERIAL PKWY
- Streets Existing**
- MSP Class**
- COLLECTOR
- MINOR ARTERIAL
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)



RZN 16-5550

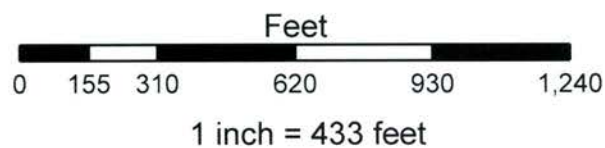
Future Land Use

2155 N. RUPPLE/HAZEN



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0434

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

RZN 16-5560 (103 N PLAINVIEW AVE./MCMAHON):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5560 FOR APPROXIMATELY 3.34 ACRES LOCATED AT 103 NORTH PLAINVIEW AVENUE FROM R-O, RESIDENTIAL OFFICE TO RT-12, RESIDENTIAL TWO AND THREE FAMILY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential Office to RT-12, Residential Two and Three Family.

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

City of Fayetteville Staff Review Form

2016-0434

Legistar File ID

10/4/2016

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

Jeremy Pate

9/16/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5560: Rezone (103 N. PLAINVIEW AVE./MCMAHON, 213): Submitted by BATES & ASSOCIATES, INC. for property at 103 N. PLAINVIEW AVE. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 3.34 acres. The request is to rezone the property to RT-12, RESIDENTIAL TWO & THREE FAMILY.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Quin Thompson, Planning
DATE: September 16, 2016

SUBJECT: RZN 16-5560: Rezone (103 N. PLAINVIEW AVE./MCMAHON, 213): Submitted by BATES & ASSOCIATES, INC. for property at 103 N. PLAINVIEW AVE. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 3.34 acres. The request is to rezone the property to RT-12, RESIDENTIAL TWO & THREE FAMILY.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to RT-12, Residential Two and Three-family, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located at 103 N. Plainview Avenue and contains approximately 3.34 acres within the R-O zoning district. The property contains a concrete footing and slab from a demolished single-family residence. An unnamed, protected stream traverses the site from southeast to northwest and floodplain covers a large portion of the site.

In September 2014, the property was rezoned from RSF-4 to R-O, Residential Office by Ordinance 5711 at the request of the applicant.

Request: The request is to rezone the property from R-O, Residential Office to RT-12, Residential Two and Three-family. The applicant has stated that the rezoning is needed so that the property can be developed with duplex units.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties, which include large areas of undeveloped property and a sole single-family residence to the north.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as City Neighborhood. This designation supports a variety of housing types, including the one, two, and three family unit types that would be allowed by the proposed zoning.

DISCUSSION:

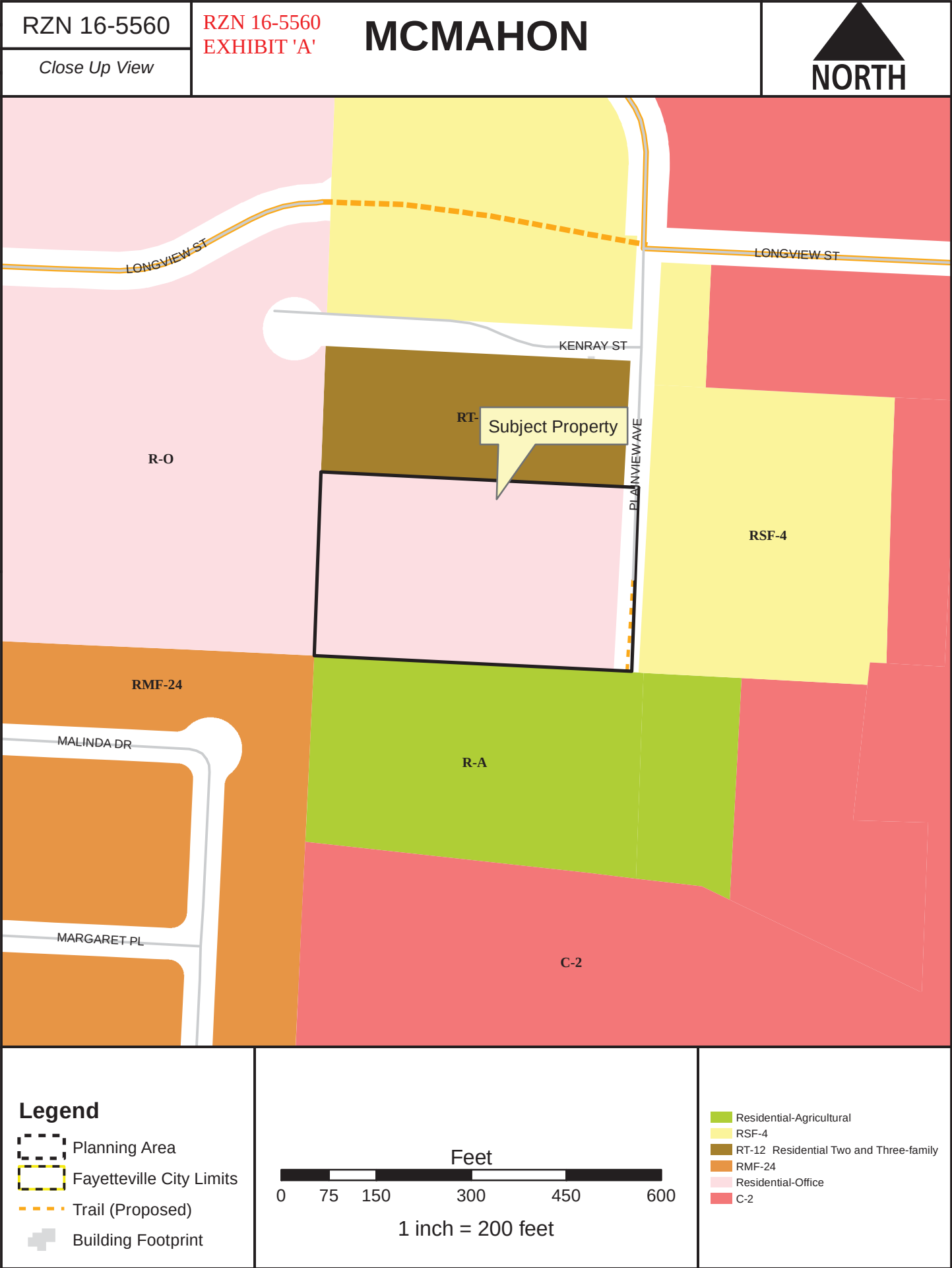
On September 12, 2016 the Planning Commission forwarded the applicant's request for a rezoning to RT-12, Residential Two and Three-family. A motion to forward the proposal to the City Council with a recommendation for approval was passed with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report



RZN 16-5560
EXHIBIT 'B'

PARCEL #765-15758-000:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT AN EXISTING ALUMINUM STATE MONUMENT MARKING THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°02'21"E 290.08' TO AN EXISTING REBAR, THENCE S87°09'23"E 501.63' TO AN EXISTING PK NAIL, THENCE S02°03'55"W 290.05' TO AN EXISTING REBAR, THENCE N87°09'35"W 501.50' TO THE POINT OF BEGINNING, CONTAINING 3.34 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF PLAINVIEW AVENUE ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant ☒ Representative

Applicant (person making request):

Name: SAME AS REPRESENTATIVE

Address:

E-mail:

Phone:

()

()

Fax:

()

Representative (engineer, surveyor, realtor, etc.):

Name: BATES & ASSOCIATES, INC.

Address: 7230 S. PLEASANT RIDGE DR.
FAYETTEVILLE, AR 72704

E-mail: JUSTIN@BATESNWA.COM

Phone:

() 479-442-9350

()

Fax:

()

Site Address / Location: 103 PLAINVIEW AVE.

Current Zoning District: R-O

Requested Zoning District: RT-12

Assessor's Parcel Number(s) for subject property: 765-15758-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

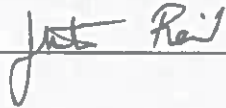
GOLDEN OAKS TRUST (TIM & JENNIFER MCMAHON)

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): JUSTIN REID

Date: 8/1/2016

Signature:



PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Property Owners of Record (attach additional info if necessary):

Name (printed): Jennifer McMahon

Address: 2355 E. Golden Oak

FAYETTEVILLE, AR 72703

Signature: Jennifer McMahon

Phone:

(479) 841-3099

Date: 8-1-16

Name (printed): TIM MACMATHON

Address: 2355 E. Golden Oak

FAYETTEVILLE, AR 72703

Signature: Tim MacMathon

Phone:

(479) 236-4663

Date: 08/01/16

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~September 12, 2016~~ **UPDATED SEPTEMBER 14, 2016**

SUBJECT: **RZN 16-5560: Rezone (103 N. PLAINVIEW AVE./MCMAHON, 213):**
Submitted by BATES & ASSOCIATES, INC. for property at 103 N. PLAINVIEW AVE. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 3.34 acres. The request is to rezone the property to RT-12, RESIDENTIAL TWO & THREE FAMILY.

RECOMMENDATION:

Staff recommends **RZN 15-5560** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at 103 N. Plainview Avenue and contains approximately 3.34 acres within the R-O zoning district. The property contains a concrete footing and slab from a demolished single-family residence. An unnamed, protected stream traverses the site from southeast to northwest and floodplain covers a large portion of the site.

In September 2014, the property was rezoned from RSF-4 to R-O, Residential Office by Ordinance 5711, at the request of the applicant in order to build a Cottage Housing development. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-Family Residential	RT-12, Residential two and three family
South	Parking lot: Fiesta Square	R-A, Residential Agricultural
East	Undeveloped	RSF-4, Residential Single-family
West	Undeveloped	R-O, Residential Office

Request: The request is to rezone the property from R-O, Residential Office to RT-12, Residential Two and Three-family. The applicant has stated that the rezoning is needed so that the property can developed with duplex units.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Plainview Avenue, a dead-end, unimproved, narrow asphalt street. On and off street improvements may be required in these areas and would be determined at the time of development proposal.

Water: Public water is available to the site. There is an existing 6" water main in the Plainview Avenue right-of-way.

Sewer: Sanitary Sewer is available to the site. There is an existing 6" sewer main in the Plainview Avenue right-of-way and a 12" sewer main bisecting the site in an existing utility easement.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. A portion of this property is identified as FEMA regulated floodplains Zone A. Floodplain Development permits would be required at time of development. An unnamed protected stream runs east-west through this property. No portions of this parcel lies within the Hillside-Hilltop Overlay District.

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

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors.*

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends forwarding RZN 16-5560 to the City Council with a recommendation for approval, finding that the proposed zoning allows development compatible with the existing adjacent uses and consistent with City Plan 2030 goals.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 12, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: QUINLAN	Second: SELBY	Vote: 8-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>October 4, 2016</u>	☐ Approved	☐ Denied	

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

Finding: *Land Use Compatibility:* The proposed zoning is compatible with the surrounding properties, which include large areas of undeveloped property and a sole single-family residence to the north.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as City Neighborhood. This designation supports a variety of housing types, including the one, two, and three family unit types that would be allowed by the proposed zoning.

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

Finding: The proposed rezoning is justified at this time, as the proposed zoning will allow infill development, a primary goal of City Plan 2030, that will be compatible with nearby residential development.

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

Finding: The site has access to Plainview, a narrow unimproved local street. The rezoning will not necessarily increase vehicle traffic, danger, or congestion over that allowed by the R-O zone. The proposed zone does not allow as much intensity of use as the existing R-O zone. Plainview will be reviewed for street improvements 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 R-O to RT-12 would not undesirably affect density or load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.11 & 161.18

- Request Letter
- Rezone Exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

161.11 - District RT-12, Residential Two (2) And Three (3) Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12
----------------	----

(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25	8 feet	5 feet	20 feet	5 feet

feet from the front property line.				
------------------------------------	--	--	--	--

(F) *Building Height Regulations.*

Building height maximum	30/45 feet
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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.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 06-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.18 - District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *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	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	60 feet
-------------------------	---------

Height Regulations. 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 1 foot for each foot of height in excess of 20 feet.

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

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5735 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)



Bates & Associates, Inc.

Civil Engineering · Land Surveying · Landscape Architecture

7230 S. Pleasant Ridge Dr. / Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.batesnwa.com

REZONING REQUEST

TIM & JENNIFER MCMAHON (OWNERS):
GOLDEN OAKS TRUST
2355 E GOLDEN OAKS DRIVE
FAYETTEVILLE, AR 72703 (MAILING ADDRESS)

This rezoning request is being made by the owners of parcel #765-15758-000, located at 103 Plainview Avenue.

The request is to rezone the above property from R-O to RT-12 to accommodate a future tract split with future development of two-family townhomes on the lots. In the current zoning, R-O, two-family townhomes are a permitted use, but the setbacks and minimum lot frontages are too restrictive to develop the style and size of townhomes that are desired. Rezoning this property to RT-12 would avoid the need for any variances or conditional uses.

Rezoning this parcel will not have an adverse effect on the surrounding uses. Like RT-12, the surrounding zonings are intended to support denser neighborhoods and multifamily developments. Plainview Avenue is a dead end street, so traffic would be limited to residents that live on this property. Rezoning and developing this property would improve the area as a whole. No signs are being proposed.

Water and sewer are available on site and to the east and south of this parcel. A 6" PVC water main is located in the west right-of-way of Plainview Avenue on the east side of the parcel. A 6" sewer main is located in the right-of-way on the east side, and flows into a 12" sewer main on the south side of the property. The size and location of these facilities would accommodate any future development.

The zoning change is consistent with the surrounding zoning and uses. Much of the area is currently zoned for a denser degree of housing and urban commercial uses. The proposed zoning would provide the opportunity for denser population growth in an area that is close to healthcare facilities, shopping areas, and close access to the Fulbright Expressway.

We feel that this rezoning request is justified because it would allow the opportunity to develop denser, multi-family population growth in an area where it is encouraged, but not yet readily available.

Respectfully,
Justin Reid
Project Manager

RE-ZONING EXHIBIT

DRAWN BY:
JUNE 20, 2015

DESIGNED BY:
CITY OF JEFFERSON, ARKANSAS

PROPERTY ZONE (EXISTING):
R-1

BUILDING FOOTPRINTS:
FRONT 150
SIDE 150 (WITH PARKING BETWEEN ROW & BUILDING)
SIDE 150 (IN HOOD)
SIDE 150 (CONCRETE/TORENTIAL)
SIDE 150 (IN HOOD)
REAR 150 (WITH DRIVEWAY AND MONUMENTALITY)
REAR 150 (CONCRETE/TORENTIAL)
REAR 150 (IN HOOD)

PROPOSED ZONING:
R-1

REAR BUILDING FOOTPRINTS:
FRONT 150 (SINGLE & FAMILY)
SIDE 150 (ALL OTHER USES)
REAR 150 (SINGLE & FAMILY)
REAR 150 (ALL OTHER USES)

OWNER/DEVELOPER:
NAME: GORDON OAKS TRUST
ADDRESS: 1111 GORDON OAKS DRIVE
JACKSONVILLE, AR 72103
765-556-0000
PARCEL: 765-556-0000
ZONING: R-1
CITY: JEFFERSON, AR

ADJACENT LAND OWNERS:
1. MATTHEW SHOPPING CENTERS HOLDINGS, LLC
PO BOX 4085
JACKSONVILLE, AR 72103-4085
PARCEL: 765-556-0000
ZONING: R-1

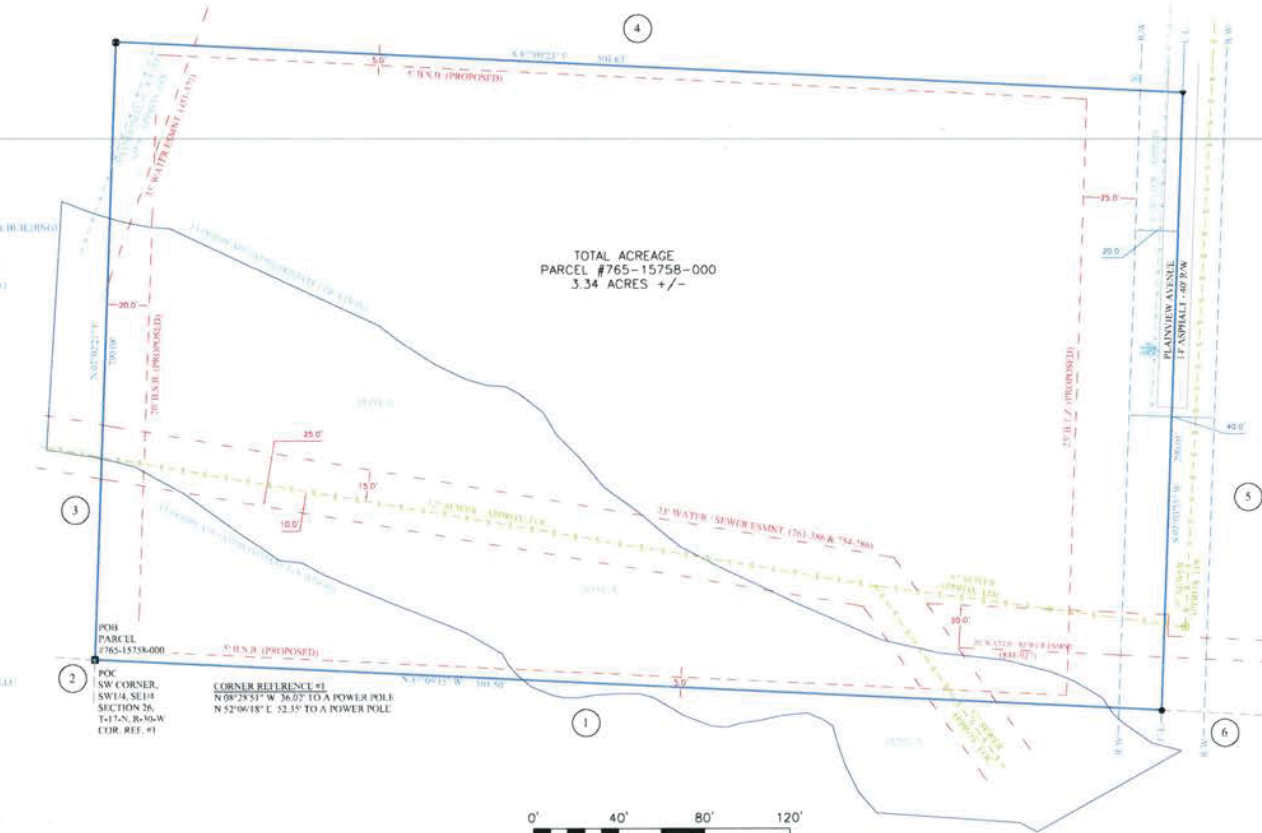
2. JENNIFER J. JONES & SONS, INC.
1000 N. MAIN STREET
JACKSONVILLE, AR 72103-4085
PARCEL: 765-556-0000
ZONING: R-1

3. WASHINGTON REGIONAL MEDICAL CENTER
AN ARKANSAS NON-PROFIT
1111 N. NORTH STREET
JACKSONVILLE, AR 72103-4085
PARCEL: 765-556-0000
ZONING: R-1

4. JEFFERSON BROTHERS LEASING CO., INC.
PO BOX 600
JACKSONVILLE, AR 72103-4085
PARCEL: 765-556-0000
ZONING: R-1

5. JAMES MICHAEL FOSTER
2000 N. MAIN STREET
JACKSONVILLE, AR 72103
PARCEL: 765-556-0000
ZONING: R-1

6. JAMES MICHAEL FOSTER
2000 N. MAIN STREET
JACKSONVILLE, AR 72103
PARCEL: 765-556-0000
ZONING: R-1



TOTAL ACREAGE
PARCEL #765-15758-000
3.34 ACRES +/-

0' 40' 80' 120'
GRAPHIC SCALE (IN FEET)
1 inch = 40 feet



ADJACENT LAND OWNERS

1. MATTHEW SHOPPING CENTERS HOLDINGS, LLC
PO BOX 4085
JACKSONVILLE, AR 72103-4085
PARCEL: 765-556-0000
ZONING: R-1

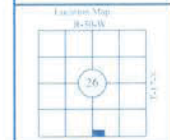
ADJACENT LAND OWNERS

2. JENNIFER J. JONES & SONS, INC.
1000 N. MAIN STREET
JACKSONVILLE, AR 72103-4085
PARCEL: 765-556-0000
ZONING: R-1

DRAWING NUMBER: 16-148REZONE



LEGEND:
1. EXISTING ZONING
2. PROPOSED ZONING
3. EXISTING ROAD
4. PROPOSED ROAD
5. EXISTING UTILITY
6. PROPOSED UTILITY
7. EXISTING BUILDING
8. PROPOSED BUILDING
9. EXISTING LOT
10. PROPOSED LOT
11. EXISTING CORNER
12. PROPOSED CORNER
13. EXISTING EASEMENT
14. PROPOSED EASEMENT
15. EXISTING RIGHT-OF-WAY
16. PROPOSED RIGHT-OF-WAY
17. EXISTING FENCE
18. PROPOSED FENCE
19. EXISTING SIGN
20. PROPOSED SIGN
21. EXISTING LIGHT
22. PROPOSED LIGHT
23. EXISTING TREE
24. PROPOSED TREE
25. EXISTING LANDSCAPE
26. PROPOSED LANDSCAPE
27. EXISTING WATER
28. PROPOSED WATER
29. EXISTING SEWER
30. PROPOSED SEWER
31. EXISTING GAS
32. PROPOSED GAS
33. EXISTING POWER
34. PROPOSED POWER
35. EXISTING TELEPHONE
36. PROPOSED TELEPHONE
37. EXISTING CABLE
38. PROPOSED CABLE
39. EXISTING RAILROAD
40. PROPOSED RAILROAD
41. EXISTING AIRPORT
42. PROPOSED AIRPORT
43. EXISTING PORT
44. PROPOSED PORT
45. EXISTING CANAL
46. PROPOSED CANAL
47. EXISTING DAM
48. PROPOSED DAM
49. EXISTING LEVEE
50. PROPOSED LEVEE
51. EXISTING DIKE
52. PROPOSED DIKE
53. EXISTING TUNNEL
54. PROPOSED TUNNEL
55. EXISTING BRIDGE
56. PROPOSED BRIDGE
57. EXISTING TOWER
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59. EXISTING ANTENNA
60. PROPOSED ANTENNA
61. EXISTING RADAR
62. PROPOSED RADAR
63. EXISTING LIDAR
64. PROPOSED LIDAR
65. EXISTING GPS
66. PROPOSED GPS
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68. PROPOSED SURVEY
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87. EXISTING SPECIFICATION
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89. EXISTING CONTRACT
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93. EXISTING DEED
94. PROPOSED DEED
95. EXISTING WILL
96. PROPOSED WILL
97. EXISTING TRUST
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99. EXISTING ESTATE
100. PROPOSED ESTATE
101. EXISTING PROBATE
102. PROPOSED PROBATE
103. EXISTING ESTATE PLANNING
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116. PROPOSED ESTATE PLANNING
117. EXISTING ESTATE PLANNING
118. PROPOSED ESTATE PLANNING
119. EXISTING ESTATE PLANNING
120. PROPOSED ESTATE PLANNING



Bates & Associates, Inc.
Engineers - Surveyors - Landscape Architects
1111 N. NORTH STREET
JACKSONVILLE, AR 72103-4085
765-556-0000
www.batesandassociates.com

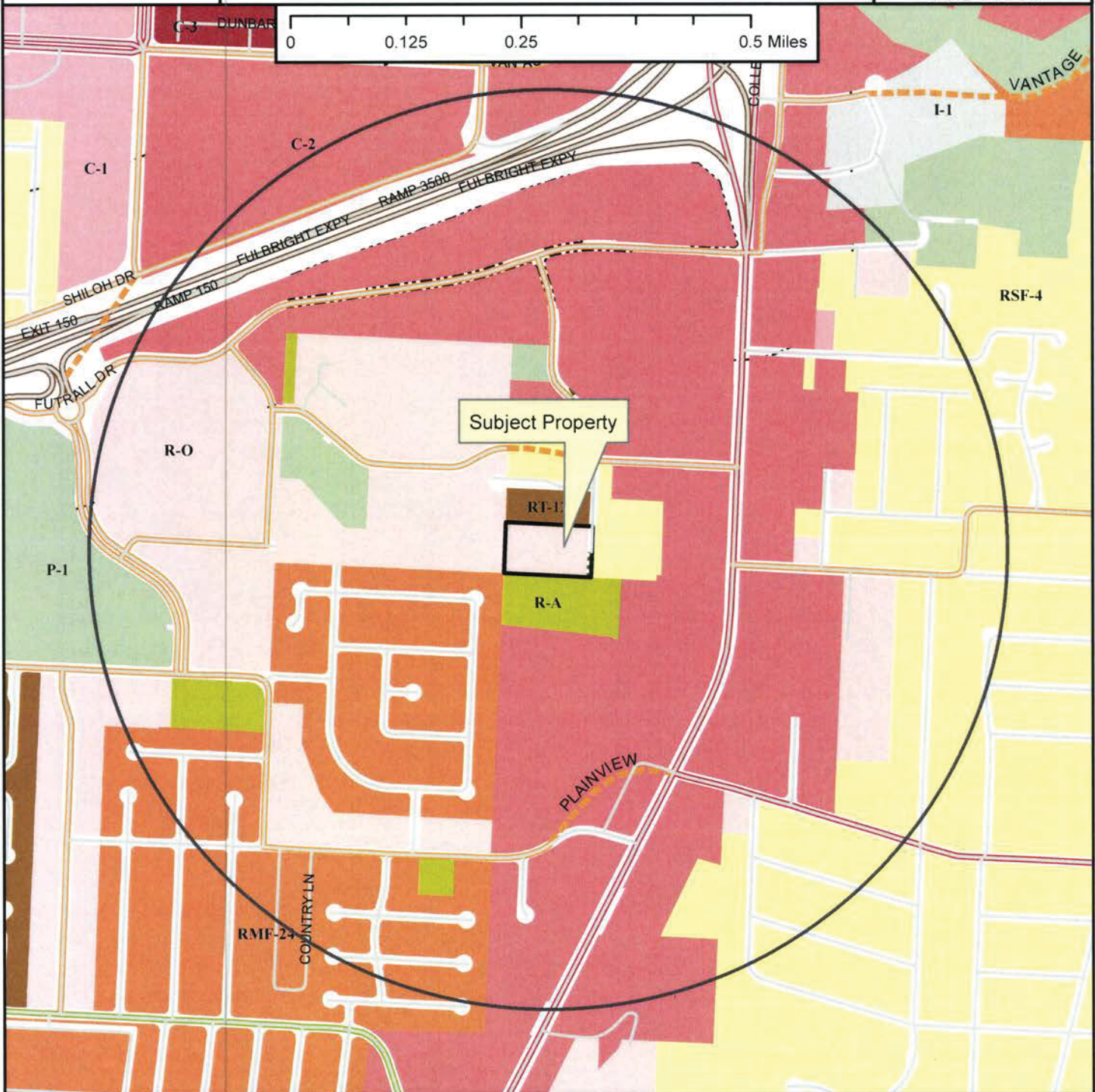
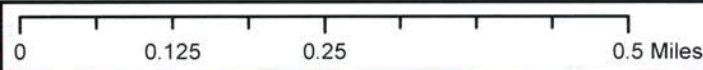
PROJECT: 16-148REZONE
DATE: 06/21/16
SCALE: 1" = 40'
DRAWN BY: JMM
CHECKED BY: JMM
APPROVED BY: JMM
CITY: JEFFERSON, AR
COUNTY: CLAY, AR
STATE: ARKANSAS
FEDERAL: 16-148REZONE
DRAWING: 16-148REZONE

RZN 16-5560

MCMAHON



One Mile View



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint



Zoning

- RESIDENTIAL SINGLE-FAMILY**
 - RSF-1 Residential-Agricultural
 - RSF-2
 - RSF-3
 - RSF-4
 - RSF-5
 - RSF-6
 - RSF-7
 - RSF-8
 - RSF-9
 - RSF-10
- RESIDENTIAL MULTI-FAMILY**
 - RMF-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-16
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial

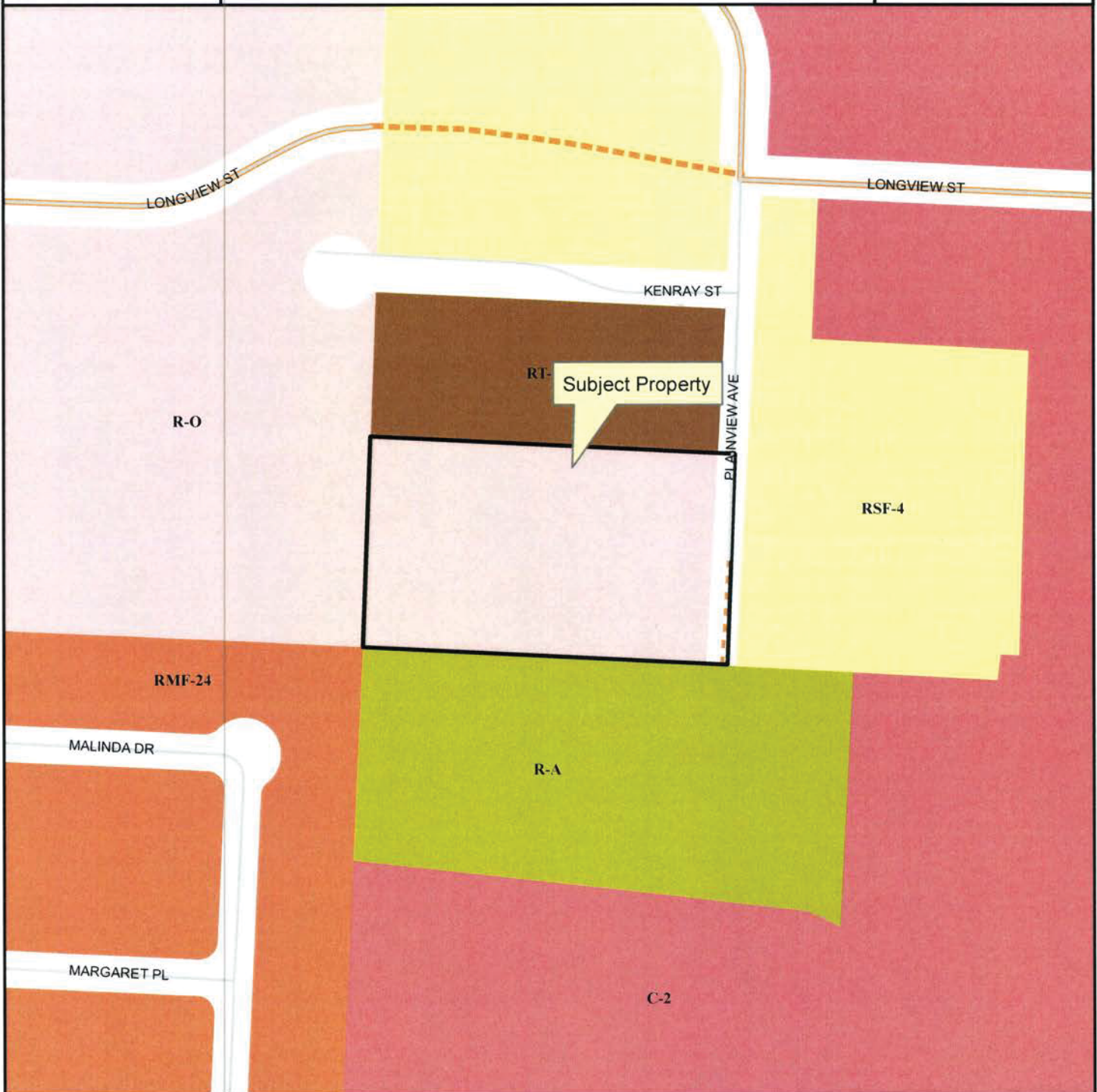
EXTRACTION

- COMMERCIAL**
 - E-1 Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

RZN 16-5560

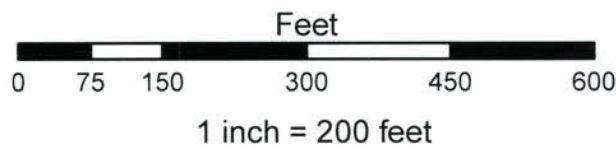
Close Up View

MCMAHON



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- Residential-Office
- C-2

RZN 16-5560

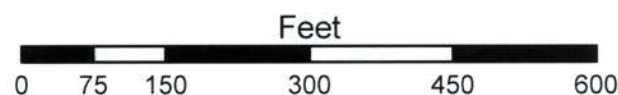
Current Land Use

MCMAHON



Legend

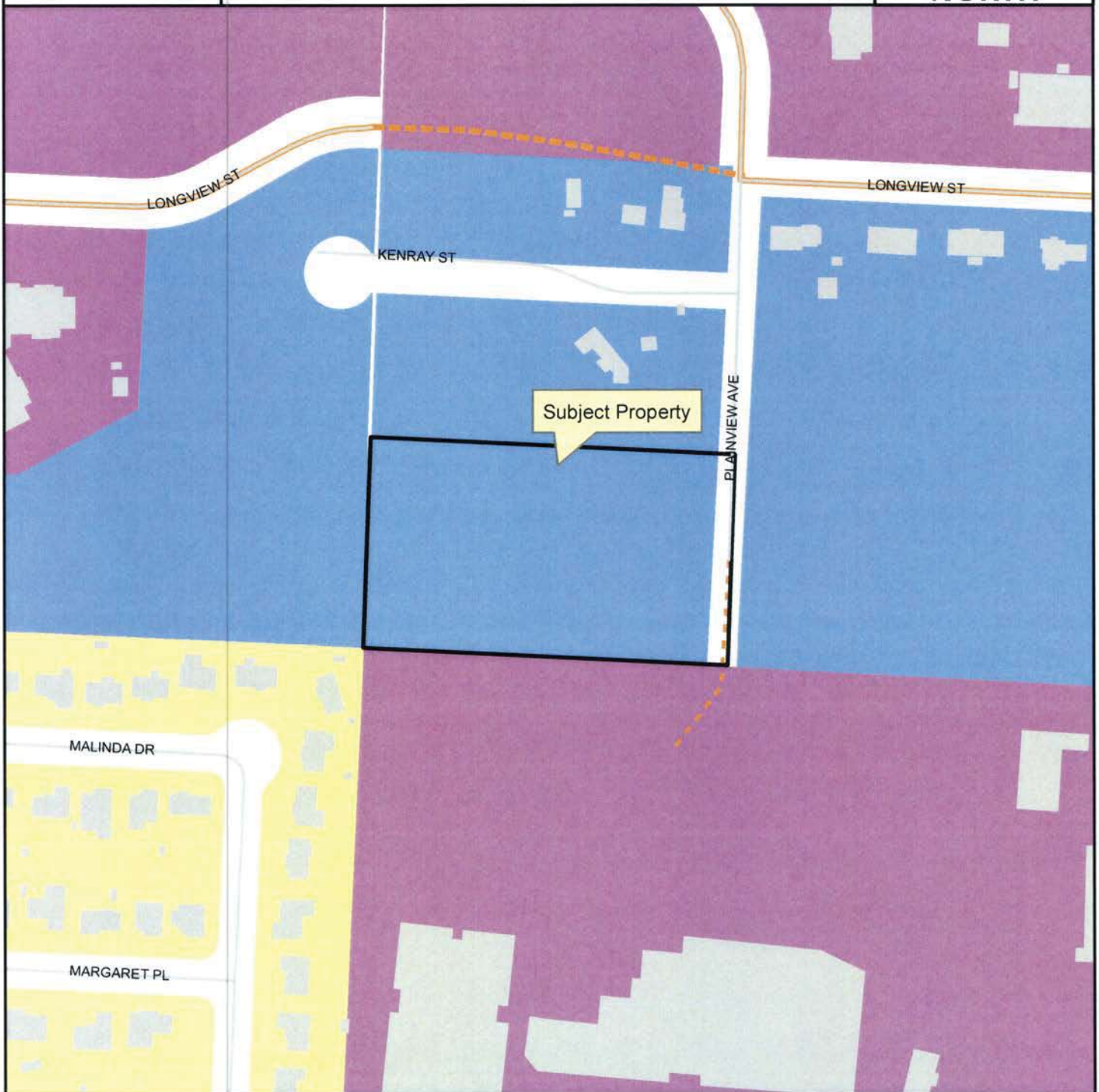
- Street
- Streets Planned**
- MSP Class**
- COLLECTOR
- Streets Existing**
- MSP Class**
- COLLECTOR
- Trail (Proposed)
- RZN16-5560
- Planning Area
- Fayetteville City Limits



RZN 16-5560

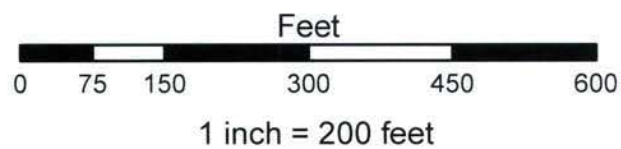
Future Land Use

MCMAHON



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0436

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 6

ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT):

AN ORDINANCE TO AMEND ORDINANCE NO. 5015 WHICH ENACTED RESIDENTIAL PLANNED ZONING DISTRICT 07-2452 (THE LINKS) TO ALLOW A CLUBHOUSE AND SWIMMING POOL TO BE CONSTRUCTED ON A 0.4 ACRE PARCEL OF THE R-PZD

WHEREAS, on May 15, 2007, the Fayetteville City Council passed Ordinance No. 5015 which created R-PZD 07-2452 (The Links); and

WHEREAS, the owner of The Links now requests permission to add provisions into R-PZD 07-2452 to authorize the construction and use of a clubhouse and swimming pool on a 0.4 acre portion of R-PZD 07-2452.

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 approves the owner's request to amend Residential Planned Zoning District 07-2452 (The Links) to authorize the construction and use of a clubhouse and swimming pool in the central greenspace square area of the development (about 0.4 acres) to provide amenities and a gathering space for residents of the neighborhood. All other terms and conditions remain in full force and effect.

City of Fayetteville Staff Review Form

2016-0436

Legistar File ID

10/4/2016

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

Jeremy Pate

9/16/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 16-5564: Administrative Item (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT, 400): Submitted by HUGH JARRETT for property located at 1530 GOLF CLUB DR. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.40 acres. The request is to amend R-PZD 07-2452 to add a clubhouse and swimming pool.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Director

FROM: Andrew Garner, City Planning Director

DATE: September 16, 2016

SUBJECT: **ADM 16-5564: Administrative Item (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT, 400):** Submitted by HUGH JARRETT for property located at 1530 GOLF CLUB DR. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.40 acres. The request is to amend R-PZD 07-2452 to add a clubhouse and swimming pool.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of ADM 16-5564 to amend the Links at Fayetteville PZD to add a clubhouse and swimming pool subject to the following conditions:

Conditions of Approval:

1. All conditions of approval from the previously approved R-PZD 07-2452 Links at Fayetteville shall apply.
2. Approval of this PZD modification does not grant approval of the development details for the project. The proposed clubhouse will be required to be reviewed for compliance with all Unified Development Code requirements as part of the standard development review process. Development improvements include but will not be limited to new sidewalk and street trees around the street frontage of the square.

The proposed PZD amendment is depicted in Exhibits 'A' and 'B' (attached).

BACKGROUND:

The property contains 152.23 acres and is located on the north side of Wedington Drive and east of Ruppel Road, with frontage on both of those streets. The property is developed with the Links at Fayetteville apartment complex and golf course. Bryce Davis Park is located directly adjacent to the east, as well as some single family subdivisions and multi-family development. To the north is undeveloped farmland. On May 15, 2007 the City Council approved R-PZD 07-2452 (Links at Fayetteville). The approval granted zoning and land use approval for development of 1,221 residential dwelling units, 91,800 square feet of non-residential/commercial space, and 16,388 square feet of recreational buildings.

Request: The applicant proposes to amend the Links at Fayetteville PZD to allow for the development of a pool and clubhouse in the greenspace 'square' portion of the site. The original PZD showed greenspace in the middle of the square (see PZD master plan).

Public Comment: Staff has received no public comment.

DISCUSSION:

The subject property is the greenspace island in the central 'square' portion of the Links development. Staff finds that permitting a clubhouse building and pool as proposed at this location would provide valuable amenities and a gathering place for residents in the neighborhood. There is an existing clubhouse located closer to Wedington Drive, however, given the scale of this 152-acre site having multiple common gathering places is appropriate. The clubhouse will be accessed from on-street angled parking spaces located around the perimeter of the square. The conceptual design of the building is consistent with the other clubhouse building and multi-family buildings in the development.

On September 12, 2016 the Planning Commission forwarded the applicant's request to amend the Links at Fayetteville R-PZD with a recommendation for approval by a vote of 8-0-0 on consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

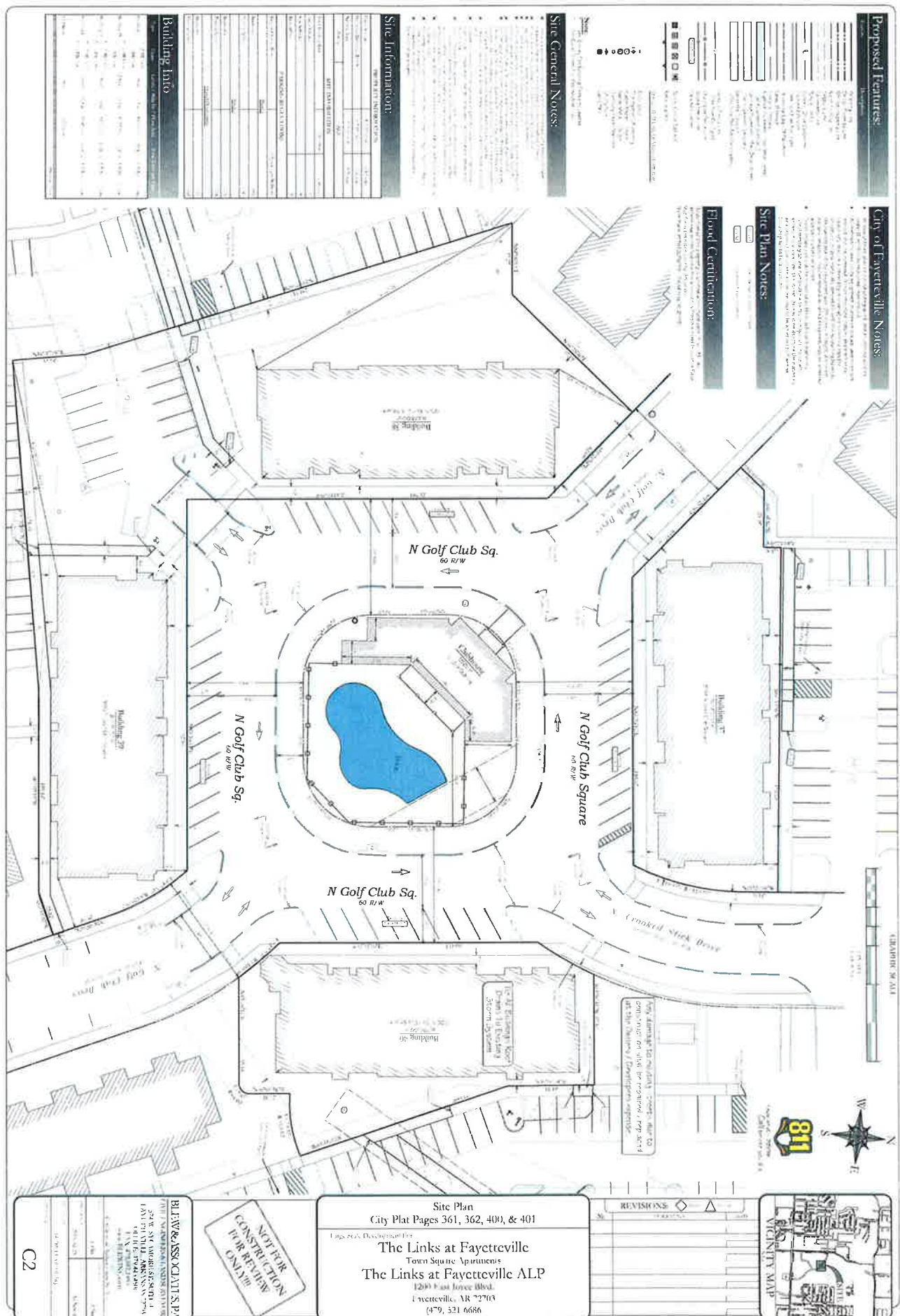


EXHIBIT 'B'
ADM 16-5564



CITY OF FAYETTEVILLE, ARKANSAS

ADMINISTRATIVE ITEM

FOR STAFF USE ONLY	FEE: \$75.00 (if applicable)
Date Application Submitted:	SIGN FEE: \$5.00 (if applicable)
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PPA:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: ☒ Applicant ☐ Representative:

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: LYNKS AT FAYETTEVILLE
A LEASED DEVELOPMENT

Name: MR. HUGH SARGENT

Address: 1701 S. JEFF DOWD
FAYETTEVILLE, AR 72715

Address: _____

Phone: (479) 521-6686

Phone: _____

Fax: _____

Fax: _____

Email: _____

Email: _____

Site Address Location: LYNKS AT FAYETTEVILLE DEVELOPMENT

OWNER/APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submission of incorrect or false information is grounds for revocation of application completion, determination, or approval. I understand that the City might not approve what I am applying for, or might require modifications or approval.

Name (printed): HUGH SARGENT, AGENCY AT LAW Date: 8/11/16

Signature: _____

Checklist:

Attach the following items to this application:

- ☐ Complete written description of this request for public hearing.
- ☐ CD containing a PDF of application and all submitted items.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: August 22, 2016 Updated with Planning Commission results

SUBJECT: **ADM 16-5564: Administrative Item (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT, 400):** Submitted by HUGH JARRETT for property located at 1530 GOLF CLUB DR. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.40 acres. The request is to amend R-PZD 07-2452 to add a clubhouse and swimming pool.

RECOMMENDATION:

Staff recommends approval of a modification to the Links at Fayetteville R-PZD to allow a clubhouse and pool in the central 'square' portion of the development.

BACKGROUND:

Approval Schedule: On May 15, 2007 the City Council approved R-PZD 07-2452 (Links at Fayetteville). The approval granted zoning and land use approval for development of 1,221 residential dwelling units, 91,800 square feet of non-residential/commercial space, and 16,388 square feet of recreational buildings.

Property: The property contains 152.23 acres and is located on the north side of Wedington Drive and east of Ruppel Road, with frontage on both of those streets. The property is developed with the Links at Fayetteville apartment complex and golf course. Bryce Davis Park is located directly adjacent to the east, as well as some single family subdivisions and multi-family development. To the north is undeveloped farmland. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Largely agricultural	RSF-1, RSF-4, R-A
South	Commercial strip center, mini-storage	C-2, R-A
East	Single family, multi-family homes, church	RSF-4, R-O, C-1
West	Developing subdivisions and single family homes	RSF-4, RSF-1

DISCUSSION:

Proposal: The applicant proposes to amend the Links at Fayetteville PZD to allow for the development of a pool and clubhouse in the greenspace 'square' portion of the site. The original PZD showed greenspace in the middle of the square (see attached PZD master plan).

This portion of the Links at Fayetteville PZD is within Planning Area IV, Town Center/Mixed Use which allows Use Unit 4, Cultural and Recreational Facilities, the use unit for a clubhouse. However, the master plan concept did not show buildings or a clubhouse in the square.

A copy of the relevant pages in the PZD booklet for this Planning Area along with a proposed site plan and elevation of the clubhouse has been attached to this report.

Public Comment: The applicant notified all property owners in writing within 100 feet of the Links PZD and also posted a public notice sign on the property. No public comment has been provided.

Recommendation: The subject property is the greenspace island in the central 'square' portion of the Links development. Staff finds that permitting a clubhouse building and pool as proposed at this location would provide valuable amenities and a gathering place for residents in the neighborhood. There is an existing clubhouse located closer to Wedington Drive, however, given the scale of this 152-acre site having multiple common gathering places is appropriate. The clubhouse will be accessed from on-street angled parking spaces located around the perimeter of the square. The conceptual design of the building is consistent with the other clubhouse building and multi-family buildings in the development.

Recommended Motion: Staff recommends forwarding **ADM 16-5564 Links at Fayetteville R-PZD Modification** to the City Council for approval with the following conditions:

Conditions of Approval:

1. All conditions of approval from the previously approved R-PZD 07-2452 Links at Fayetteville shall apply.
2. Approval of this PZD modification does not grant approval of the development details for the project. The proposed clubhouse will be required to be reviewed for compliance with all Unified Development Code requirements as part of the standard development review process. Development improvements include but will not be limited to new sidewalk and street trees around the street frontage of the square.

PLANNING COMMISSION ACTION:	☐ Approved	☐ Denied
<u>Date:</u> August 22, 2016		
<u>Motion:</u> <u>Autry</u>	<u>Vote:</u> 8-0-0	
<u>Second:</u> <u>Quinlan</u>		
<u>Note:</u> <u>Forwarded on consent agenda.</u>		

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant's letter request
- Proposed site plan and elevations
- Links at Fayetteville PZD booklet pages
- Close Up Map
- One Mile Map

HUGH JARRATT,
ATTORNEY AT LAW
1200 EAST JOYCE BLVD., 6TH FLOOR
FAYETTEVILLE, ARKANSAS 72703
TELEPHONE 479.521.6686 / FACSIMILE 479.527.8870

Licensed in Arkansas, Oklahoma
& Missouri

July 28, 2016

City of Fayetteville
ATTN: Andrew Garner
113 W. Mountain Street
Fayetteville, AR 72703

RE: Links at Fayetteville R-PZD 07-2452

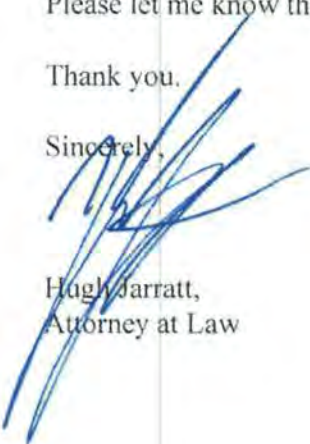
Dear Andrew:

Please treat this letter as a formal request to amend the Links at Fayetteville R-PZD 07-2452 to include an additional apartment management clubhouse and pool in the middle of the "square" located in the middle of the property.

Please let me know the approval process schedule at your earliest convenience.

Thank you.

Sincerely,



Hugh Jarratt,
Attorney at Law

Proposed Clubhouse



PAVILION



FUGITT & ASSOCIATES
ARCHITECT
WILLIAM KIM FUGITT, AIA

TOWNCENTER CLUBHOUSE
THE GREENS AT FAYETTEVILLE
FAYETTEVILLE, AR

Worksheet: 01-0000
Sheet: 1 of 1
A-2.1

PZD Zoning Criteria (1 of 2)

Planning Area IV – Town Center/Mixed Use

The town center is positioned in the center of the project, so that it becomes a destination spot for the community and surrounding neighborhoods. The area can host a myriad of occupants and offers a slightly more urban feel with the option of 1 and 2 bedroom spaces over small retail, local service and cultural businesses. The professional living area will have permitted uses that include cultural and recreational facilities, government facilities, single family, two family, three family, multi-family dwellings, office, studios and related services, home occupations and professional offices. It is the intention of the design of this area to offer unique high quality cultural goods and services while providing attached residences. This area requires a reduced setback to create the urban style development pattern intended for the site.

(a) Permitted Uses

- Unit 1 City wide uses
- Unit 4 Cultural and recreational facility
- Unit 5 Government facilities
- Unit 12 Offices, studios and related services
- Unit 13 Eating places
- Unit 15 Neighborhood shopping goods
- 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 14 Hotel, Motel, and amusement facilities
- Unit 17 Trades and Services
- Unit 24 Home Occupation
- Unit 34 Liquor store
- Unit 35 Outdoor music establishment

(c) Residential Density and Non-residential Intensity

- Planning area acreage: 3.04 acres
- Number of Dwelling Units: 108
- Non-Residential square feet: 26300
- Residential Density: 36 units/acre
- Non-residential Intensity (square feet/acre): 8651

PZD Zoning Criteria (2 of 2)

Bulk and Area Regulations

- (d) Min Lot width none
- (e) Min Lot area none
- (f) Land Area per Dwelling Unit: 1700 sq ft
- (g) Min Front Setback none
- Min Side Setback none
- Min Rear Setback none
- (h) Buildings are to be 3 stories with a maximum building height of 50 feet. Auxiliary buildings such as gazebo's will be permitted.
- (i) On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Site Planning

- (j) Landscaping – In accordance to the Fayetteville Landscape Ordinance
- (k) Parking will be in accordance with the Unified Development Code
- (l) Architectural Design standards shall be in accordance with the attached building elevations that follow this planning area description. They shall also be consistent with the description of buildings as identified on page 6 of the PZD booklet. All buildings are to be 70% brick/masonry.
- (m) Signage shall be in accordance with the Unified Development Code

Proposed Building Elevations

PZD Master Plan



PZD
Master
Plan

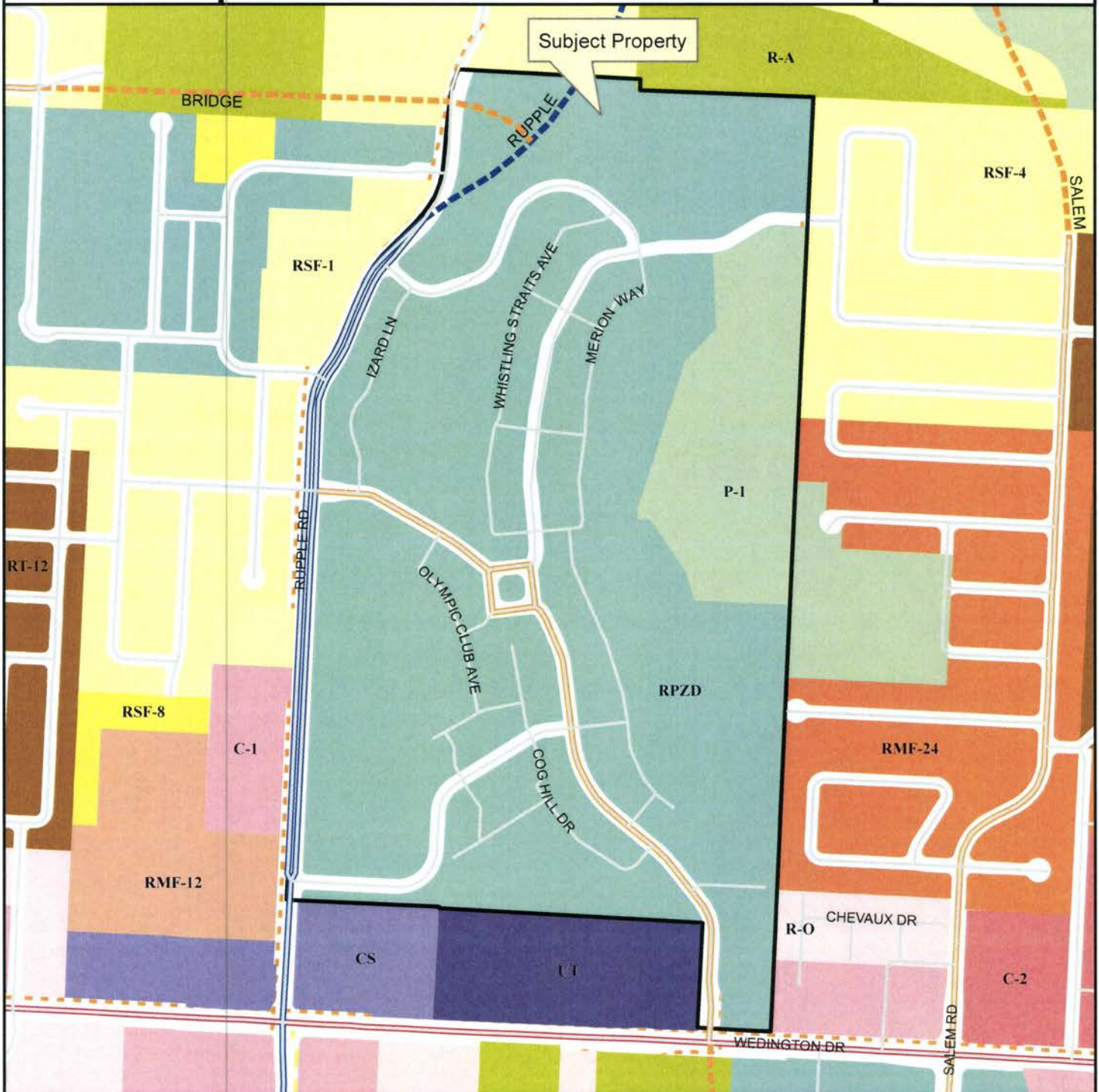
Proposed
Clubhouse
Location



ADM 16-5564

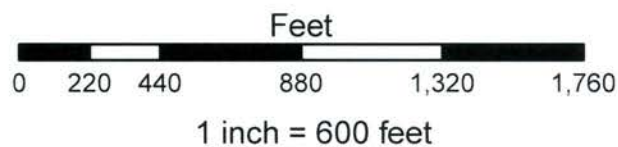
Close Up View

THE LINKS CLUBHOUSE PZD AMEND.



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

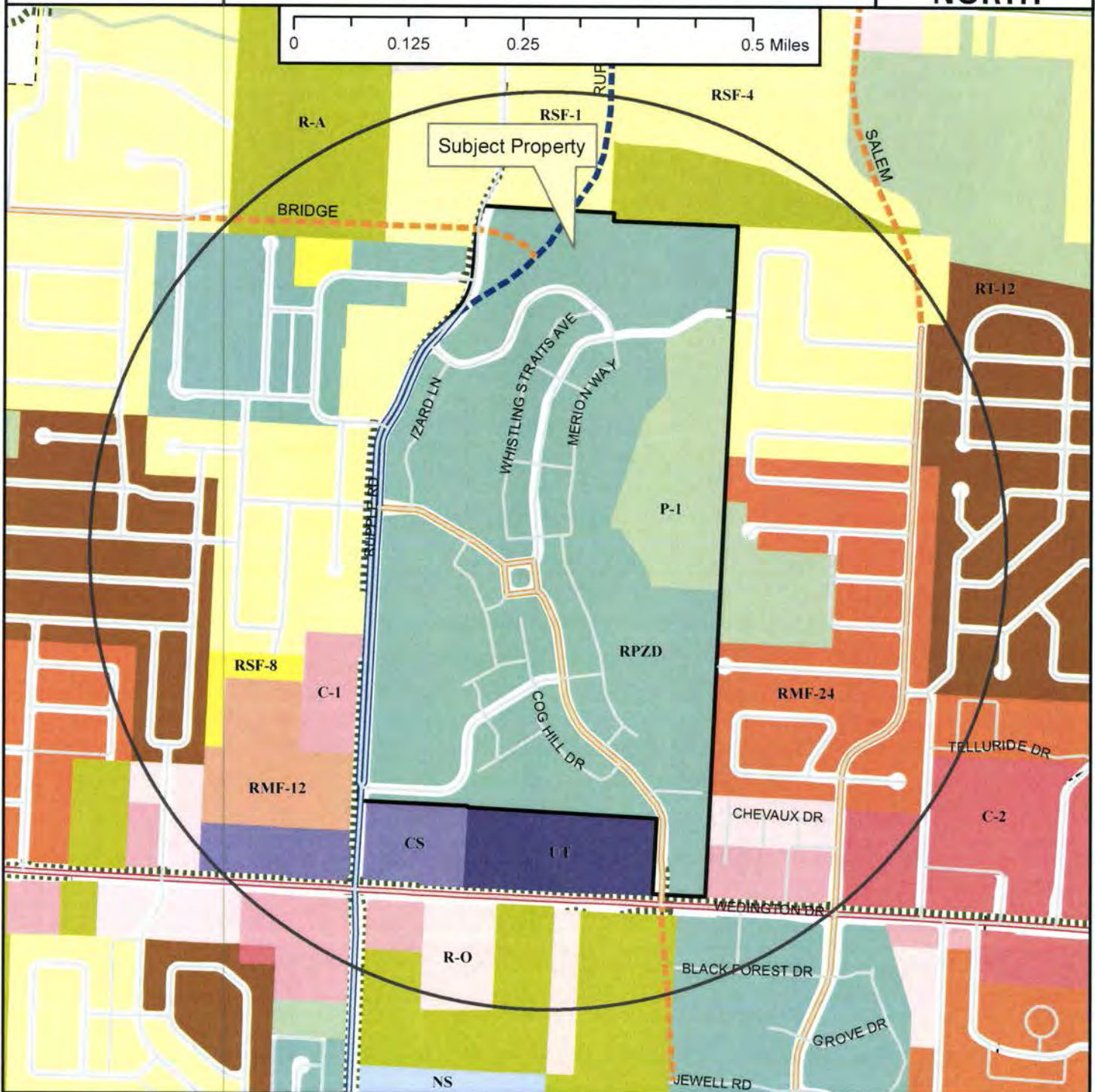
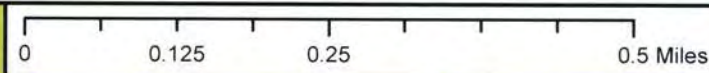


- Residential-Agricultural
- RSF-1
- RSF-4
- RSF-8
- RT-12 Residential Two and Three-family
- RMF-12
- RMF-24
- Residential-Office
- C-1
- C-2
- Urban Thoroughfare
- Community Services
- Commercial, Industrial, Residential
- P-1

ADM 16-5564

One Mile View

THE LINKS CLUBHOUSE PZD AMEND.



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- | | |
|---|---|
| Zoning
RESIDENTIAL SINGLE-FAMILY
RSF-5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18
RESIDENTIAL MULTI-FAMILY
RMF-8
RMF-12
RMF-18
RMF-24
RMF-40
INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial | EXTRACTION
E-1
COMMERCIAL
Residential-Office
C-1
C-2
C-3
FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation
PLANNED ZONING DISTRICTS
Commercial-Industrial-Residential
INSTITUTIONAL
P-1 |
|---|---|



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0404

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 7

STARTUP JUNKIE CONSULTING, LLC:

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH STARTUP JUNKIE CONSULTING, LLC TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF ENTREPRENEURSHIP AND INNOVATION IN THE AMOUNT OF \$300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Startup Junkie Consulting, LLC was competitively selected by a City selection committee to provide economic development consulting services to the City of Fayetteville in the areas of entrepreneurship and innovation in the amount of \$12,500.00 per month.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached two (2) year contract with Startup Junkie Consulting, LLC to provide economic development consulting services to the City of Fayetteville in the areas of entrepreneurship and innovation in the amount of \$300,000.00.

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.

City of Fayetteville Staff Review Form

2016-0404

Legistar File ID

10/4/2016

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

Jeremy Pate

9/2/2016

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a contract with Startup Junkie Consulting for Economic Development Services - Entrepreneurship and Innovation, and approving a budget adjustment

Budget Impact:

1010.050.0500-5315.00

General Fund

Account Number

Fund

Contract Services

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 300,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 300,000.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: August 31, 2016

SUBJECT: RFP 16-06 Economic Development Contract for Services –
Entrepreneurship & Innovation

RECOMMENDATION:

Staff recommends the selection of and a two-year contract with Startup Junkie Consulting to provide economic development consulting services related to Entrepreneurship and Innovation.

BACKGROUND:

In May of this year, the Council unanimously adopted Fayetteville First, the City's newly updated Economic Development Strategic Plan. This plan engaged over 1600 citizens and businesses to structure the City's economic future. Fayetteville First gives policy direction for the City to achieve its stated goals, along with an implementation plan as a roadmap. The Implementation Plan is a fluid, dynamic document placing more tangible timeframes and action items to be accomplished over the next five years. Establishing the economic delivery service model was identified as one of our first steps, and staff is following the adopted strategy of a three-pronged approach: 1) Contract Business Recruitment, Retention and Expansion Services, 2) Contract Entrepreneurship and Innovation Services and 3) Create an internal Economic Development program to provide a city contact and to lead efforts in coordinating all efforts related to recruiting, retaining and supporting business, industry, and startup efforts in the City.

The City issued RFP 16-06 on July 06 and received proposals on July 29. After interviewing the selected candidates, the selection committee (including Council Member Adella Gray) recommended entering into negotiations with Startup Junkie Consulting to provide the requested services.

DISCUSSION:

A major component of Fayetteville's economic potential was identified with the Fayetteville First Strategic Plan, and it is one that has not seen a great deal of focus in the past by the City. The Kauffman Foundation estimates that at least 85% of net new job creation comes from startup companies. With the University's innovation and talent supply, a vibrant entrepreneurial culture and access to the right resources, Fayetteville's current entrepreneurial and innovation sector ecosystem has the potential to become a leading destination for world-class, scalable ventures and vibrant, sustainable small businesses. It is with this in mind that the City desires to contract

with Startup Junkie to become the Startup City of the South, with outcomes to include high wage job creation, graduate retention in the region and enhanced quality of life.

Startup Junkie Consulting is a leader in the development of viable, lasting and inclusive startup and venture ecosystems in emerging regions. Their work since 2008 has resulting in the creation and acceleration of hundreds of new ventures, thousands of new jobs and over \$265 million in private and public investment. Support for their efforts have come through funding and partnerships with the likes of Innovate Arkansas, the US Department of Commerce, ARK Challenge startup accelerator, Ozarks Regional Innovation Cluster, ScaleUp America, AEDC, Winrock International, the Walton Family Foundation, Small Business Administration, NWA Council and so on. The selection committee found a high-energy, committed and professional local team that will lead Fayetteville First's entrepreneurial target sector. Specific tasks outlined in the contract include supporting a collaborative entrepreneurial/innovative environment; increasing high-tech job growth through university and ARTP partnerships; creating and maintaining innovative spaces and programs to support entrepreneurs; providing an online directory of the startup community to support and encourage mentoring opportunities, technology support networks, entrepreneurial initiatives and events/education; exploring affordable housing options for entrepreneurs; inventory and expand educational opportunities; support the growing artisan food and craft beverage industry; and supporting talent attraction, retention and development so support the growth of small business here in Fayetteville.

BUDGET/STAFF IMPACT:

The proposed contract is for a two-year period, with an option to renew (with City Council approval) for three additional two-year periods. The terms of the contract are included, and the amount of the contract is \$150,000 per year. Staff proposes a budget adjustment to cover the contract term of two years from the use of Fund Balance.

Attachments:

Proposed Contract and Attachments

Budget Adjustment

**CONTRACT FOR
ECONOMIC DEVELOPMENT CONSULTING SERVICES
BETWEEN
THE CITY OF FAYETTEVILLE, ARKANSAS
AND
STARTUP JUNKIE CONSULTING**

WHEREAS, the City of Fayetteville, Arkansas wishes to contract for Economic Development Consulting Services, and;

WHEREAS, Startup Junkie Consulting wishes to provide certain Economic Development Consulting Services to the City of Fayetteville, Arkansas, and;

WHEREAS, Startup Junkie Consulting has been selected to perform Economic Development Consulting Services for the City of Fayetteville utilizing the competitive Request for Proposal selection process (via RFP 16-06, Economic Development Consulting Services – Entrepreneurship and Innovation), and;

WHEREAS, the City Council of Fayetteville, Arkansas has approved a contract for Economic Development Consulting Services with Startup Junkie Consulting,

NOW THEREFORE:

In consideration of the mutual promises contained in this Agreement and other good and valuable consideration,

1. Agreement is made this _____ day of _____, 2016 by and between the City of Fayetteville, Arkansas located at 113 W. Mountain, Fayetteville, Arkansas 72701 and the Startup Junkie Consulting located at 1 East Center Street, Suite 270, Fayetteville, Arkansas 72701. **Term:** This Agreement shall be for a two year period, for a term ending September 30, 2018. This contract may be canceled by either party with thirty days written notice.
2. **Renewals:** This agreement may only be renewed by approval of the City Council and with mutual agreement of the Startup Junkie Consulting. The City may exercise an option to renew the contract for three (3) additional two (2) year terms with approval of both parties.
3. **Attachments:** The Contract documents which comprise the contract between the City of Fayetteville and the Fayetteville Startup Junkie Consulting consist of this Contract and the following documents attached hereto, and made a part hereof:

a.) Exhibit A - Schedule Detail for Deliverables and Performance Measures

** The City of Fayetteville shall coordinate with the Fayetteville Chamber of Commerce for modifications to this schedule. Any modifications to Exhibit A shall not reduce the quality or quantity of the services to be provided pursuant to this contract, as determined by the Mayor or his/her designee. Any modifications shall be agreed upon by both the City and Fayetteville Chamber of Commerce; however, any changes affecting price shall have prior approval by the Fayetteville City Council. In the event Exhibit A is revised and price is not modified, such revised document shall be provided to the City Council at the next regularly scheduled update.*

4. **Services to be Provided:** During the terms of this Agreement, Startup Junkie Consulting shall:

- Serve as the first point of contact for economic development services as the City's contractor for Entrepreneurship and Innovation services;
- Maintain clear and open communication with the City on all economic development services and activities provided under the scope of this contract; and clearly articulate when communicating on behalf of Startup Junkie Consulting versus City-contracted initiatives to create clear accountability;
- Provide all deliverables and performance measures outlined in the attached Exhibit A

5. **Fees and Expenses:** The City of Fayetteville agrees the consulting fee shall be paid upon invoice as follows:

Consultation Services shall be invoiced for each month in the amount of \$12,500 per month. Total fees for consultation services shall not exceed \$300,000, from the date of contract. Startup Junkie Consulting shall track, log and report hours and expenses directly related to this Agreement along with invoice for payment for each month. Invoices shall be itemized.

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

7. **Applicable Law:** This Agreement shall be governed by and construed in accord with the laws of the State of Arkansas.

8. **Entire Agreement:** This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with respect to the subject matter of this Agreement other than those as expressly provided herein.

9. **Amendments and Waivers:** Changes, modifications, or amendments in cost or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in cost or fees. No modification of this Agreement shall be binding unless made in writing and executed by both parties. No waiver by either party or any breach or obligation of the other party under this Agreement shall constitute a waiver of any other prior or subsequent breach or obligation.
10. **Performance Measures:** Startup Junkie Consulting shall provide the deliverables as outlined in the attached Exhibit A, which serves to implement the adopted Fayetteville First Economic Development Strategic Plan. Performance measures are included for each item and will be used to evaluate the work performed throughout the entire term of the contract.
11. **Contract Administration:** The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. Startup Junkie Consulting Principal or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract. While it is understood that many facts pertaining to projects must be held in the strictest confidence, Startup Junkie Consulting Principal will insure that the Mayor is kept abreast of details and progress made pertaining to Economic Development prospects considering development in Fayetteville to the greatest extent possible.
12. **Freedom of Information Act:** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the Fayetteville Startup Junkie Consulting will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.), exempting those records that, “if disclosed would give advantage to competitors or bidders,” as described in Section (b)(9)(A). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties have executed this Agreement.

Startup Junkie Consulting

By: Jeff Amerine
Jeff Amerine, Principal

Date: 8/25/2016

Witness: Brett Amerine

Date: 8/25/2016

The City of Fayetteville, Arkansas

By: _____
Lioneld Jordan, Mayor

Date: _____

Attest:

Sondra E. Smith, City Clerk/Treasurer

Date: _____

Exhibit “A”

Contract for Economic Development Services-

Entrepreneurship & Innovation

Schedule of Deliverables and Performance Measures

As outlined herein, Startup Junkie Consulting shall provide the following services, more generally referred to as Entrepreneurship & Innovation economic development services:

- One.** Support a collaborative entrepreneurial/innovative environment
- Two.** Increase high-tech job growth and University partnerships
- Three.** Create innovative spaces and programs to support entrepreneurs
- Four.** Expand entrepreneurship education programs
- Five.** Support the growing local artisan food and craft beverage industry
- Six.** Support Talent Attraction, Retention and Development
- Seven.** Collaborate with the City for communication to the public
- Eight.** Report Outcomes

One: Support a collaborative entrepreneurial/innovation environment

- 1.** *Serve as a direct point of contact for entrepreneurship/innovation and startup efforts.*
 - a.** Coordinate with all entities involved in entrepreneurial efforts in the City of Fayetteville, and serve as the point person in addressing any city-related processes that impact entrepreneurs.
 - b.** Maintain a bright line of communication with the City’s Economic Development team to maintain accountability and address issues as they arise.
 - c.** Work with the City’s internal economic development team to brand and market the Startup City of the South concept.
- 2.** *Assist the City in creating and staffing a Fayetteville Innovation Council.* Focused on creating a collaborative environment that addresses the needs and challenges of entrepreneurs and innovators in Fayetteville, this group should be comprised of successful entrepreneurs or representatives of a broad cross-section of startups based in Fayetteville, including the University of Arkansas.
- 3.** *Online Directory.* Develop and maintain an online directory of the startup community, accessible from the City’s Economic Development web site, with hotlinks to notable successes and best practices, entrepreneurial initiatives, calendar of meet-ups, events and educational and mentoring opportunities, technology support networks, etc.

4. *Start-up/Entrepreneurial Business Retention and Expansion.* Coordinate with the City's contractor for Economic Development Business Retention and Expansion services to provide and share information on needs for capital, talent, data, infrastructure, skills, etc. to promote a welcoming and sustainable environment for startups. **BR&E services for this target sector will be provided by a separate contractor.*

Two: Increase High-Tech Job Growth and University partnerships

1. *Develop and maintain a close working relationships with the Arkansas Research and Technology Park (ARTP) executive staff.* The contractor's relationship with the ARTP shall be a strong working relationship, with a clear understanding of their direction, opportunities and constraints related to funding, space needs, physical infrastructure limitations, and how the City might assist. Regular meetings to discuss both formal topics for consideration and informal ideas are critical to maintaining the working relationship.
2. *Identify affordable housing options for entrepreneurs and startups.* In order to provide affordable housing and encourage additional collaboration among U of A entrepreneurs who are working with the University and ARTP to launch a startup business, explore relationships with private developers and other opportunities that would provide housing at reduced costs and/or within close proximity to reduce transportation costs and time so that student entrepreneurs can funnel their time, energy and funds into their business.
3. *Explore the creation of a Startup Village.* In the vein of projects such as Kansas City Startup Village and the Innovation District concept in Fayetteville, investigate and report on the concept of a Fayetteville Startup Village, coined around the "Startup City of the South," idea to focus efforts, energy and knowledge sharing that ideally produces an increase in the opportunity for startups to succeed and job growth to accelerate.
4. *Partner with the University to further address capital needs.* Working closely with the University, ARTP, City and others, the selected contractor shall regularly inventory capital needs and map out potential resources to meet those needs, over the course of time giving specific time parameters for each action step.

Three: Create innovative spaces and programs to support entrepreneurs

1. *Develop and define an Innovation District.* Innovation Districts are creative ecosystems where innovative design and development patterns can help entrepreneurs, established companies, and leaders build unexpected relationships, resulting in transformative

solutions. These districts are designed to make unusual collaborations more likely to happen. There is already a burgeoning creative ecosystem in downtown Fayetteville with the presence of numerous startup companies, the proposed Innovation Hub, and the University of Arkansas Community Design Center (UACDC), which advances creative development through design, research, and education solutions from its downtown facility that houses a full-time design and planning staff who deliver professional services for communities and organizations nationwide. These businesses, all of which are located on the Fayetteville Square, are the epicenter of this creative ecosystem that is developing and should become part of the proposed Fayetteville Innovation District. Startup Junkie Consulting will lead a discussion with the appropriate parties currently involved in the development of the entrepreneurial/startup ecosystem in Fayetteville to define the geography of the proposed Innovation District.

2. *Create and provide collaboration space.* Clustering the physical spaces in which entrepreneurs can collaborate is one way to encourage idea generation, maturation and sharing of resources. Startup Junkie Consulting will provide collaboration space free to the public in the form of Centerspace, currently located on the 2nd floor of the Pryor Center. In addition to maintaining the existing Centerspace free and open to the public, Startup Junkie Consulting will conduct an inventory of additional shared space opportunities for entrepreneurs, innovators, inventors and creatives. Support the development of an inventory of available spaces, facilitate a strategic plan to create them, and guide a governance structure for operational sustainability.
3. *Develop incentive ideas for startup companies locating downtown.* Explore a breadth of incentives and develop ideas to support startup companies locating in downtown, as well as elsewhere within the identified Innovation District. Funding, parking, transit or bicycle incentives, development of attainable housing in close proximity, etc. are some options worthy of consideration, among others. Work with the City, entrepreneurs and others to formally launch incentives that will attract and retain entrepreneurial ventures in the downtown and Innovation District.
4. *Support maker space and robotics training center development.* Support a maker space and robotics training center development already occurring in the downtown, and explore other relationships to link interested users of the space and related programs to make it a successful venture.

Four: Expand Entrepreneurship Education Opportunities at all levels

1. *Understand existing industry and targeted business sector needs.* Review and participate in workforce analysis studies done for the region to gain an understanding of the workforce availability related to the occupations required of the targeted business sectors, potentially partnering with the NWA Council on this initiative. Care should be taken to not duplicate efforts already underway.
2. *Research and conduct a survey of regional higher educational institutions.* Develop an understanding of enrollment, degrees offered and graduates of regional institutions of higher education that may serve Fayetteville, meeting as appropriate with leaders of the various educational institutions independently and reporting back to the City the results of these conversations.
3. *Convene regional educational leadership.* Coordinate with the Northwest Arkansas Council to participate in discussions with local institutions of higher education, public school career and technical education program leaders, as well as local industry and targeted sectors, and determine whether the workforce and training needs of the identified target markets can be met. Work with these institutions to determine possible new program development in the future to meet the needs of the targeted business sectors and existing business and industry. Once established, create and measure performance standards to fill gaps in the workforce and training needed.

Five: Support the growing local artisan food and craft beverage industry

1. *Partner to support burgeoning local craft beverage and artisan food business plans.* Identify and work to expand efforts to ensure high value artisan food and craft beverage companies flourish in Fayetteville, particularly where there is growth opportunity in the market. Work with the Northwest Arkansas Council, the Fayetteville Visitors Bureau, the U of A Food Innovation Center and other parties to ensure the artisan food and beverage industry is supported and that any challenges to existing companies in Northwest Arkansas are identified and addressed. Conduct a targeted online survey focused on understanding how the city and region can support the future growth of the craft beverage and artisan food industry and potentially attract larger operations in the future. Develop a base of knowledge through research of benchmark cities with similar craft/artisan industry clusters, such as Asheville, NC and report these results.
2. *Assess need for educational programs.* Assess the need for additional educational programs in the region to support the craft beverage and artisan food industry as part of the online survey.

Six: Support Talent Attraction, Retention and Development

Being able to attract, develop and maintain talent is critical for sustaining the startup business ecosystem. With the presence of the U of A and Northwest campus of the University of Arkansas for Medical Science (UAMS) in the city, and NWACC and Northwest Technical Institute in the region, Fayetteville is positioned to provide young and educated talent, as well as research and development, to support existing and new business/industry. The contractor must provide expertise and resources to gain a comprehensive understanding of the workforce and training needs of the entrepreneurial target sector.

1. *Attract and retain the workforce of today and tomorrow.* Work with the city to identify and support quality of life initiatives that attract the appropriate workforce and skillsets needed in the target sector of entrepreneurship and innovation. Enable discussions to maintain and enrich an authentic Fayetteville culture for residents, coordinating the various focus areas of Fayetteville First and the City's adopted policies, including a focus on walkable neighborhoods, high quality school choices, mixed-use and urban amenities, diversity, transportation alternatives and amenities such as arts, culture and entertainment/dining options. Care for the environment and a desire to live in communities that practice sustainable development are hallmarks of tomorrow's workforce, and should be part of the foundation to make Fayetteville the Startup City of The South.
2. *Ensure workforce and training needs can be met.* Develop and lead programs that enrich talent development, starting at the youngest ages, as a key part of workforce development. Focus on diversity of population in all aspects of entrepreneurship. Continue to lead youth entrepreneurship programs such as E-Teen Ventures and AR Girls Code. Support efforts such as AR Code Festival, Congressional App Challenge, Dream B.I.G. and Lemonade Day of Northwest Arkansas.
3. *Millennial advisory panel.* Work with the City to create a millennial advisory panel that can recommend policies, education and development practices that provide the best quality of life amenities and environment for this diverse population. Promote, foster, and seek development opportunities that help create an environment and amenities that attract the new millennial worker and/or business owners.

Seven: Collaborate with the City for Communication with the Public

1. The City's Economic Development web site will be used to communicate the implementation of the Fayetteville First plan, using the City's branding and marketing.

All communication and engagement with the business community via surveys and questionnaires will be done from a link within the City's Economic Development web site pages and will be promoted on the City's social media channels via coordination with the City's Communications and Marketing Team. All performance measures and reports will be updated on a regular basis via the City's web site. Startup Junkie Consulting will work with the City's Communications and Marketing Team to ensure that the deliverables from this contract remain up to date on the City's Economic Development web site.

2. Communications from Startup Junking Consulting related to economic development initiatives within the scope of this contract, major decisions and/or development matters, and public-facing activities should be coordinated with the Mayor's office or his assigned staff. This includes statements at City Council meetings, Agenda Sessions, public presentations, press conferences, etc.

Eight: Reports and Presentations

1. Reporting results and milestones will be done as deliverables are met in the implementation of the Fayetteville First Economic Development Strategic Plan and will be formatted to fit within the City's Economic Development branding on the city web site. The City's internal Economic Development team will meet regularly with Startup Junkie Consulting (at a minimum on a monthly basis) to discuss the status of deliverables. The Mayor and/or City Council may request periodic updates and public engagement for citizens to be kept informed of the city's economic development goals.
2. Startup Junking Consulting shall provide written reports and prepare a brief presentation to the Mayor and City Council on at least a bi-annual basis. Reports and presentations should outline the tasks accomplished, outcomes achieved and include statistics for each performance measure outlined herein.
3. A schedule for completion of outlined performance measures and a monthly status report shall be submitted for each month of the contract, delivered during regular monthly meetings with the City's internal team.

Startup Junkie Consulting

Startup Junkie Consulting is a globally proven social venture, headquartered in Fayetteville.
www.StartupJunkieConsulting.com.

Our Purpose: Improve lives through entrepreneurship and innovation.

Our Mission: Inspire, educate, and support entrepreneurs and innovators through no-cost consulting, programs, events, and access to capital and talent.

Our Mantra: We help ventures win and communities thrive.

What do we do day in and day out?

- Free 1:1 consulting, mentoring, counseling, training, support, and assistance to entrepreneurs and innovators. We work with the earliest idea stage entrepreneurs up to ventures with significant revenue. We work with entrepreneurs from all industries, ranging from aerospace, digital, and biotech, to food, apparel, retail, and ecommerce. We work with innovators and inventors at no cost to them, within university systems and outside of, who are working on commercializing their research. We are the Ellis Island for entrepreneurs and innovators in need of assistance.
- Free events, workshops, programs, and placemaking aimed at uplifting the entrepreneurial and innovation community.
- Education of community stakeholders on the value and importance of entrepreneurship and innovation, in addition to helping show them how engagement and adoption of entrepreneurship and innovation can help them thrive.
 - Community building initiatives focused on entrepreneurship and innovation



Jeff Amerine

**Principal,
Startup Junkie Consulting**

Jeff is one of the key leaders in the state of Arkansas and Northwest Arkansas region involved with the creation of a lasting tech-focused venture/startup ecosystem. Jeff was previously Associate Vice Provost, Research and Economic Development and Director of the University of Arkansas Technology Ventures team, leading the commercialization of world-class research. He has held senior leadership positions in eight startup ventures and three Fortune 500 companies. In addition, Jeff teaches entrepreneurship at the Sam M. Walton College of Business. Jeff is an advisor for Innovate Arkansas, which is chartered with the creation and support of a knowledge-based economy in Arkansas that has accounted for \$208 million in public and private financing for Arkansas-based startups. Jeff graduated from US Naval Academy in 1984 and holds a Master of Science in Operations Management from the University of Arkansas.



Brett Amerine

**Chief Operating Officer,
Startup Junkie Consulting**

Brett is the Chief Operating Officer at Startup Junkie Consulting. In this role, he has become a leader in developing and deploying entrepreneurial programs and initiatives throughout the country. He helps administer the Gravity Ventures Arkansas Funds 1 & 2, and he is a managing member of the Tonic Fund. Prior to this, Brett served nearly 5 years in Honolulu, Hawaii, and Los Angeles, California, as a United States Air Force Officer specializing in project management. Brett led project and contract teams that managed multimillion- and billion-dollar service, construction, and aerospace initiatives. Brett began his career as a Financial Analyst at Walmart's Headquarters in the Optical Department. He holds a master's degree in Operations Management from the University of Arkansas's College of Engineering, and a bachelor's degree in Business Administration from the University of Arkansas Sam M. Walton College of Business. Northwest Arkansas Business Journal named Brett as one of the region's "Fast 15" in 2014. Brett is a certified Project Management Institute Project Management Professional (PMP)

Community Venture Foundation

Community Venture Foundation is a nationally known IRS approved 501c3, headquartered in Fayetteville. www.CommunityVentureFoundation.org

Our Mission: To build the entrepreneurial community in the regions in which we operate. Our primary goal is to use entrepreneurship as a tool for social and economic empowerment.

Our Aim: We are committed to building the entrepreneurial community in Fayetteville, Northwest Arkansas and our surrounding regions. We provide a wide range of programs and services including youth entrepreneurship education and community entrepreneurship education, capacity building and support for nonprofits and social ventures, and micro lending opportunities through Kiva. All of our programs are project based and led and supported by our community.



Jessica Boyd

**Executive Director,
Community Venture
Foundation**

Jessica is an experienced leader in non-profit industry specializing in strategic planning, program and organizational development, and program evaluation. She is focused on empowering individuals, particularly those in underserved communities, to achieve their full potential and fulfill their dreams. At the Community Venture Foundation (CVF), she has singlehandedly built the non-profit into a recognized organization, and has developed youth entrepreneurship and social venture support programs. Prior to working at CVF, Jessica was an inaugural American Dream Fellow for the Cisneros Center for New Americans, working on immigrant integration strategies for Northwest Arkansas. At the Cisneros Center, she was the small business and entrepreneurship lead, engaging hundreds of immigrants in financial literacy and small business education programs. Jessica has also worked with The Sustainability Consortium as the social

sustainability research lead, Habitat for Humanity Colombia as the funding diversity expert, and Nisolo as the student engagement lead.

She is actively involved in her community, and is currently serving her third year as the Volunteer Chair for the Susan G. Komen Ozark Race for the Cure, and is working with Magdalene Serenity House to build the non-profit and develop its long-term strategy. Jessica received her Bachelors of Arts (BA) in Anthropology, Spanish, and Latin American Studies from the University of Arkansas, her Masters of Public Service (MPS) from The Clinton School of Public Service, and her MBA from the University of Arkansas Sam M. Walton College of Business.

Past & Present Funders of Community Venture Foundation & Startup Junkie Consulting via grant, contract, and subcontract:

- U.S. Small Business Administration
- U.S. Economic Development Administration
- Delta Regional Authority
- State of Arkansas via AEDC and Innovate Arkansas
- Winrock International
- AT&T
- Walton Family Foundation
- University of Central Arkansas
- Innovate Manitoba
- Navigate Startup
- And many more!

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

Budget Year 2016	Division /Org2 DEVELOPMENT SERVICES (620) Requestor: Jeremy Pate	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$300,000 is requested in the Economic Development Services account. These funds will be used for a 2-year contract, billed monthly at a rate of \$12,500, with Startup Junkie Consulting. The funds are being requested from the Use of Fund Balance.

RESOLUTION/ORDINANCE	COUNCIL DATE:	10/4/2016
	LEGISTAR FILE ID#:	2016-0404
	<i>Barbara Fell</i>	
	9/7/2016 8:28 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	300,000	300,000	v.20160722			
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
1010.050.0500-5315.00	300,000	-			EX	Contract Services - :
	-	-				
1010.001.0001-4999.99	-	300,000			RE	Use Fund Balance - Current
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0405

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 8

FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF BUSINESS RECRUITMENT, RETENTION, AND EXPANSION IN THE AMOUNT OF \$360,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the Fayetteville Chamber of Commerce was competitively selected by a City selection committee to provide economic development consulting services to the City of Fayetteville in the areas of business recruitment, retention, and expansion in the amount of \$45,000.00 per quarter.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached two (2) year contract with the Fayetteville Chamber of Commerce to provide economic development consulting services to the City of Fayetteville in the areas of business recruitment, retention, and expansion in the amount of \$360,000.00.

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.

City of Fayetteville Staff Review Form

2016-0405

Legistar File ID

10/4/2016

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

Jeremy Pate

9/12/2016

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a contract with the Fayetteville Chamber of Commerce for Economic Development Services - Business Recruitment, Retention and Expansion, and approving a budget adjustment

Budget Impact:

1010.050.0500-5315.00

General Fund

Account Number

Fund

Contract Services

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 360,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 360,000.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 04, 2016

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: September 12, 2016

SUBJECT: **RFP 16-05 Economic Development Contract for Services –
Business Recruitment, Retention and Expansion**

RECOMMENDATION:

Staff recommends the selection of and a two-year contract with the Fayetteville Chamber of Commerce to provide economic development consulting services related to Business Recruitment, Retention and Expansion.

BACKGROUND:

In May of this year, the Council unanimously adopted Fayetteville First, the City's newly updated Economic Development Strategic Plan. This plan engaged over 1600 citizens and businesses to structure the City's economic future. Fayetteville First gives policy direction for the City to achieve its stated goals, along with an implementation plan as a roadmap. The Implementation Plan is a fluid, dynamic document placing more tangible timeframes and action items to be accomplished over the next five years. Establishing the economic delivery service model was identified as one of our first steps, and staff is following the adopted strategy of a three-pronged approach: 1) Contract Business Recruitment, Retention and Expansion Services, 2) Contract Entrepreneurship and Innovation Services and 3) Create an internal Economic Development program to provide a city contact and to lead efforts in coordinating all efforts related to recruiting, retaining and supporting business, industry, and startup efforts in the City.

The City issued RFP 16-05 on July 06 and received proposals on July 29. After interviewing the selected candidate, the selection committee (including Council Member Adella Gray) recommended entering into negotiations with the Fayetteville Chamber of Commerce to provide the requested services.

DISCUSSION:

A critical component of Fayetteville's economic development future was confirmed with the Fayetteville First Strategic Plan, that we must have a robust retention and expansion program focused on legacy industry, regional headquarters and startups; that in the retail sector, gaps exists in Fayetteville that need to be inventoried, analyzed and for which a focused strategy developed; that workforce training and education remains a high priority and need for the City and

region; and that future development opportunities should create an environment that attracts the new millennial workforce and business owner, given the diversity of the workforce today.

Given these tasks, the Chamber of Commerce brings a wealth of experience and relationships in the City and region, having performed the City's economic development services since 2009 and having conducted business in Fayetteville for over 127 years. This new contract continues some of those same functions, while focusing efforts identified in Fayetteville First. The City continues to have a need for a point of contact with AEDC; maintaining a database of property, data and building availability for targeted business sectors; a proven method of using survey instruments and interviews to gauge the needs and hurdles for legacy industries, businesses that are headquartered here, and startup/entrepreneurial companies that have growth, location or other challenges; and a coordinated central point for workforce and training needs for all business sectors. In addition, we have asked the Chamber to focus efforts more into identifying gaps that need attention, supporting programs and initiatives that improve the outstanding lifestyle quality, and fostering development opportunities consistent with the City's adopted goals and policies.

BUDGET/STAFF IMPACT:

The proposed contract is for a two-year period, with an option to renew (with City Council approval) for three additional two-year periods. The terms of the contract are included, and the amount of the contract is \$180,000 per year. Staff proposes a budget adjustment to cover the contract term of two years from the use of Fund Balance.

Attachments:

Proposed Contract and Attachments
Budget Adjustment

**CONTRACT FOR
ECONOMIC DEVELOPMENT CONSULTING SERVICES
BETWEEN
THE CITY OF FAYETTEVILLE, ARKANSAS
AND
THE FAYETTEVILLE CHAMBER OF COMMERCE**

WHEREAS, the City of Fayetteville, Arkansas wishes to contract for Economic Development Consulting Services, and;

WHEREAS, the Fayetteville, Arkansas Chamber of Commerce wishes to provide certain Economic Development Consulting Services to the City of Fayetteville, Arkansas, and;

WHEREAS, the Fayetteville, Arkansas Chamber of Commerce has been selected to perform Economic Development Consulting Services for the City of Fayetteville utilizing the competitive Request for Proposal selection process (via RFP 16-05, Economic Development Consulting Services – Business Retention and Expansion), and;

WHEREAS, the City Council of Fayetteville, Arkansas has approved a contract for Economic Development Consulting Services with the Fayetteville, Arkansas Chamber of Commerce,

NOW THEREFORE:

In consideration of the mutual promises contained in this Agreement and other good and valuable consideration,

1. Agreement is made this ____ day of _____, 2016 by and between the City of Fayetteville, Arkansas located at 113 W. Mountain, Fayetteville, Arkansas 72701 and the Fayetteville, Arkansas Chamber of Commerce located at 21 West Mountain Street, Suite 300, Fayetteville, Arkansas 72701. **Term:** This Agreement shall be for a two year period, for a term ending September 30, 2018. This contract may be canceled by either party with thirty days written notice.
2. **Renewals:** This agreement may only be renewed by approval of the City Council and with mutual agreement of the Chamber of Commerce. The City may exercise an option to renew the contract for three (3) additional two (2) year terms with approval of both parties.
3. **Attachments:** The Contract documents which comprise the contract between the City of Fayetteville and the Fayetteville Chamber of Commerce consist of this Contract and the following documents attached hereto, and made a part hereof:

a.) Exhibit A - Schedule Detail for Deliverables and Performance Measures

** The City of Fayetteville shall coordinate with the Fayetteville Chamber of Commerce for modifications to this schedule. Any modifications to Exhibit A shall not reduce the quality or quantity of the services to be provided pursuant to this contract, as determined by the Mayor or his/her designee. Any modifications shall be agreed upon by both the City and Fayetteville Chamber of Commerce; however, any changes affecting price shall have prior approval by the Fayetteville City Council. In the event Exhibit A is revised and price is not modified, such revised document shall be provided to the City Council at the next regularly scheduled update.*

4. **Services to be Provided:** During the terms of this Agreement, the Fayetteville Chamber of Commerce shall:

- Serve as the first point of contact as the City's contractor for Business Retention and Expansion services for economic development as defined in the Fayetteville First Economic Development Strategic Plan and maintain good relations with the Arkansas Economic Development Commission and other economic development partners locally, nationally and internationally;
- Maintain clear and open communication with the City on all economic development services and activities provided under the scope of this contract; and clearly articulate when communicating on behalf of the Chamber of Commerce versus City-contracted initiatives to create clear accountability;
- Provide all deliverables and performance measures outlined in the attached Exhibit A

5. **Fees and Expenses:** The City of Fayetteville agrees the consulting fee shall be paid upon invoice as follows:

Consultation Services shall be invoiced for each quarter in the amount of \$45,000 per quarter. Total fees for consultation services shall not exceed \$360,000, from the date of contract. The Fayetteville Chamber of Commerce shall track, log and report hours and expenses directly related to this Agreement along with invoice for payment for each month. Invoices shall be itemized.

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

7. **Applicable Law:** This Agreement shall be governed by and construed in accord with the laws of the State of Arkansas.

8. **Entire Agreement:** This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with

respect to the subject matter of this Agreement other than those as expressly provided herein.

9. **Amendments and Waivers:** Changes, modifications, or amendments in cost or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in cost or fees. No modification of this Agreement shall be binding unless made in writing and executed by both parties. No waiver by either party or any breach or obligation of the other party under this Agreement shall constitute a waiver of any other prior or subsequent breach or obligation.
10. **Performance Measures:** The Fayetteville Chamber of Commerce shall provide the deliverables as outlined in the attached Exhibit A, which serves to implement the adopted Fayetteville First Economic Development Strategic Plan. Performance measures are included for each item and will be used to evaluate the work performed throughout the entire term of the contract.
11. **Contract Administration:** The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. The Fayetteville Chamber of Commerce President and CEO or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract. While it is understood that many facts pertaining to projects must be held in the strictest confidence, the Fayetteville Chamber of Commerce President and CEO will insure that the Mayor is kept abreast of details and progress made pertaining to Economic Development prospects considering development in Fayetteville to the greatest extent possible.
12. **Freedom of Information Act:** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the Fayetteville Chamber of Commerce will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.), exempting those records that, "if disclosed would give advantage to competitors or bidders," as described in Section (b)(9)(A) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties have executed this Agreement.

Fayetteville Chamber of Commerce

By: 
J. Steven Clark, President and CEO

Date: 9/9/16

Witness: _____

Date: _____

The City of Fayetteville, Arkansas

By: _____
Lioneld Jordan, Mayor

Date: _____

Attest:

Sondra E. Smith, City Clerk/Treasurer

Date: _____

Exhibit "A"

Contract for Economic Development Services-

Business Retention and Expansion

Schedule of Deliverables and Performance Measures

As outlined herein, the Chamber of Commerce shall provide the following services, more generally referred to as Business Retention and Expansion or BR&E services:

- One.** Create a robust retention and expansion program for the business community, with a more focused strategy for the target sectors of legacy industry, regional headquarters and startup/entrepreneurial businesses;
- Two.** Determine property availability, data and building needs for targeted business sectors;
- Three.** Develop a focused retail development strategy based on a thorough inventory and analysis of the city's existing retail base and gaps;
- Four.** Coordinate with NWA Council and others to ensure workforce and training needs can be met, with a thorough understanding of existing and future industry and targeted sector needs; coordinate with area educational providers and business sectors to ensure appropriate skilled trade programs and training are available;
- Five.** Support programs and initiatives that improve the outstanding lifestyle quality in Fayetteville. Promote, foster, and seek development opportunities that help create an environment and amenities that attract the new millennial worker and/or business owners.
- Six.** Collaborate with the City for communication with the public
- Seven.** Report Outcomes

One: Create a robust business retention and expansion (BR&E) program

1. At a minimum the following deliverables shall be included for each of the action items identified in the BR&E program:
 - a. Goals for the number of businesses to be visited each year within the identified business sectors, coordinating closely with the Northwest Arkansas Council so as to not duplicate regional economic development services and business visits related to employer retention and expansion, workforce development and education efforts. The city expects at least 100 businesses to be visited through the contract period, based on employment numbers, sales impact, relationship to target sectors, or other criteria.

- b. The development of a survey or questionnaire to be used during interviews with existing businesses with results tabulated in a regularly updated and shared reporting document
 - c. The development of a process for addressing any business needs or challenges that were identified during the visit and survey;
 - d. Use of a shared spreadsheet for timely tracking of visits, employer input, business challenges or needs, and other data identified as needed for tracking purposes;
 - e. A summary report of the accomplishments of the program that year, including the information above, as well as the number of new expansion projects, jobs created or saved, average wages (when disclosed) and investment related to the program(s);
 - f. Demonstrate efforts to acquire and track the following:
 - i. An increased number of businesses established in the city over time;
 - ii. An increase in annual sales from businesses located in the city over time;
 - iii. An increase in the percentage of residents employed over time;
 - iv. A decrease in the unemployment rate of residents over time; and
 - v. Various business sector employee wages, and how they increase or decrease as jobs are gained/lost.
2. *Legacy Industry:* Develop and maintain an up-to-date directory of legacy industries (including but not limited to manufacturers) within the City. Develop a BR&E program with questions and data designed to meet this business sector's needs, exploring questions related to facility retention and expansion, new equipment investment, workforce attraction and training, and physical infrastructure needs such as rail, broadband, transportation or utilities.
3. *Regional Headquarters:* Develop and maintain an up-to-date directory of businesses headquartered in Fayetteville, whether they maintain a home office or a regional headquarters within the City. Develop a questionnaire to explore the corporate services sector, including healthcare, to develop good working relationships with local management teams and to identify and establish relationships with parent headquarters outside of Fayetteville when deemed valuable.
4. *Start-up/Entrepreneurial Businesses:* Develop a BR&E program for interviewing and gathering data for the start-up/entrepreneurial business sector. Customize questions to understand how the City can best support the creation and sustaining of start-up companies created in Fayetteville, coordinating closely with other City-initiated entrepreneurial efforts. Support the advertising of appropriate seminars or training for Fayetteville or NWA in coordination with other City-initiated entrepreneurial efforts.

Two: Assess and meet property, building and data needs of targeted business sectors

Fayetteville First identifies five targeted business sectors: Corporate Services, Entrepreneurs and Innovators, Legacy Manufactures, Retail and Specialized Technologies. Each of these target sectors will have varying needs, and some will have similarities.

1. *Determine available properties.* Create a comprehensive inventory of all sites and buildings that are available for potential development and ensure that the AEDC sites and buildings database are kept updated accordingly.
2. *Assess site and building needs of targeted business sectors.* Assess the potential site, building, and data needs of each of the targeted sectors, determine the need to identify additional sites and encourage the development of appropriate property in the future. Consideration must be given to match a company's requirements to the types of service available, which shall be assessed using measurable criteria through the BR&E surveys.

Three: Develop a focused retail development strategy

1. *Conduct a thorough inventory and analysis of Fayetteville's existing retail base and gaps.* Working with the Northwest Arkansas Council and/or others, identify and inventory the existing retail base and gaps in the city.
2. *Examine local and regional demographic and retail trends.* Demonstrate a clear understanding of the demographics of the city and region (to include Fort Smith as well as Northwest Arkansas), evaluating typical factors considered by the retail sector in its location decisions, which often include population, population growth, educational attainment and income. A retail infographic deliverable, coordinated with the City's Communications and Marketing team, shall reflect the results of this analysis and be used to market Fayetteville and the region to potential retailers and retail developers, with the goal of filling identified gaps.
3. *Identify potential commercial properties.* Identify potential commercial properties, large to small, to be mapped and marketed to potential retailers and retail developers, where appropriate as identified through the retail analysis. Potential redevelopment sites that may be appropriate for retail shall also be identified and catalogued, particularly in targeted redevelopment areas identified by the City.
4. *Identify potential retail targets.* Based on the outcome of the retail base and gap analysis, as well as the commercial property inventory, identify potential specialty retailers to focus marketing efforts.
5. *Attend the designated International Council of Shopping Centers (ICSC) national and/or Regional conventions and participate with the City of Fayetteville representatives and regional economic development efforts at the National and Regional ICSC Show.*

Coordinate with the Mayor's designated staff to determine who should attend the ICSC convention or an applicable regional event, arrange for interviews, and coordinate with the City's Marketing and Communications team to provide marketing or information materials.

Four: Ensure Workforce and Training needs can be met

1. *Understand existing industry and targeted business sector needs.* Review and participate in workforce analysis studies conducting for the region to gain an understanding of the workforce availability related to the occupations required of the targeted business sectors, potentially partnering with the NWA Council on this initiative.
2. *Research and conduct a survey of regional higher educational institutions.* Develop an understanding of enrollment, degrees offered and graduates of regional institutions of higher education that may serve Fayetteville.
3. *Convene regional educational leadership.* Coordinate with the Northwest Arkansas Council to participate in discussions with local institutions of higher education, public school career and technical education program leaders, as well as local industry and targeted sectors, and determine whether the workforce and training needs of the identified target markets can be met. Work with these institutions to expand skilled trade programs and training, and determine possible new program development in the future to meet the needs of the targeted business sectors and existing business and industry. Once established, create and measure performance standards to fill gaps in the workforce and training needed.

Five: Support initiatives and programs that continue to improve the outstanding lifestyle quality in Fayetteville

1. *Explore redevelopment opportunities.* During the stakeholder engagement process, many mentioned that they would like to see redevelopment along 71B (College Avenue and South School Avenue). In line with the CityPlan 2030 goals to prioritize infill over sprawl, to accommodate growth, and to bring more people to live, shop and play along Fayetteville's original Main Street, redevelopment of 71B is important for the city and should include improvement in walkability, new retail, residential and business development. Initiate a process to create immediate, short- and long-term priorities to explore and encourage redevelopment opportunities along 71B, as well as other areas of the city that should be identified as priorities for redevelopment.
2. *Attract and retain the workforce of today and tomorrow.* With the presence of the U of A and the lifestyle quality the city offers, Fayetteville should be a prime location for the millennial population, as well as the future Generation Z, and attracting and retaining that population must be a focus related to talent. Maintaining and enhancing an

authentic culture for its residents and student population to remain in the city requires coordination in many of the identified focus areas. Walkable neighborhoods with commercial areas, including urban mixed-use developments, diversity, transportation alternatives and amenities like arts, culture and restaurant choices appear in numerous studies identifying where millennials want to be. Care for the environment and the desire to live in communities that practice sustainable development are also prevalent. The Chamber of Commerce will collaborate with and support the City and other City-led entrepreneurial efforts in the creation of a millennial advisory panel that can recommend policies, education and development practices that provide the best quality of life amenities and environment for this diverse population.

3. Promote, foster, and seek development opportunities that help create an environment and amenities that attract the new millennial worker and/or business owners. Work with the development community and City to explore initiatives meeting these stated goals.

Six: Collaborate with the City for Communication with the Public

1. The City's Economic Development web site will be used to communicate the implementation of the Fayetteville First plan, using the City's branding and marketing. All communication and engagement with the business community via surveys and questionnaires will be done from a link within the City's Economic Development web site pages and will be promoted on the City's social media channels via coordination with the City's Communications and Marketing Team. All performance measures and reports will be updated on a regular basis via the City's web site. The Chamber of Commerce will work with the City's Communications and Marketing Team to ensure that the deliverables from this contract remain up to date on the City's Economic Development web site. Responses to requests for information and updates shall be timely and within reason.
2. Communications from the Chamber of Commerce related to economic development initiatives within the scope of this contract, major decisions and/or development matters, and public-facing activities should be coordinated with the Mayor's office or his assigned staff. This includes statements at City Council meetings, Agenda Sessions, public presentations, press conferences, etc.

Seven: Reports and Presentations

1. Reporting results and milestones will be done as deliverables are met in the implementation of the Fayetteville First Economic Development Strategic Plan and will be formatted to fit within the City's Economic Development branding on the city web site. The City's internal Economic Development team will meet regularly with the

Chamber of Commerce (at a minimum on a monthly basis) to discuss the status of deliverables. The Mayor and/or City Council may request periodic updates and public engagement for citizens to be kept informed of the city's economic development goals.

2. The Chamber of Commerce shall provide written reports and prepare a brief presentation to the Mayor and City Council on at least a bi-annual basis. Reports and presentations should outline the tasks accomplished, outcomes achieved and include statistics for each performance measure outlined herein.
3. A schedule for completion of outlined performance measures and a monthly status report shall be submitted for each month of the contract, delivered during regular monthly meetings with the City's internal team.



ECONOMIC DELIVERY SYSTEM

CREATE AN EFFECTIVE ECONOMIC
DELIVERY SYSTEM

There are various ways as to how a city can organize its delivery system for its economic development efforts. What is most important is that there is a clear direction on which entities are responsible for the various functions and that there is accountability for those functions. In the case of Fayetteville, regionalism is also a critical factor related to the activities of the Northwest Arkansas Council. Economic development does not result from the efforts or actions of any single person, organization or institution, but rather through collective energies of multiple entities working together in partnerships toward consistent and mutually acknowledged objectives.

In the benchmark locations reviewed as part of this process, which included Asheville, North Carolina; Boulder, Colorado; Chapel Hill, North Carolina; Fort Collins, Colorado; and Lawrence, Kansas; most of the city economic development departments, except one, Chapel Hill, have at least one dedicated staff member providing economic development services with the majority having two or three, and one, Asheville, having nine staff, many of which are focused specifically on economic development issues.



CURRENT STRUCTURE

- Economic development services in the City of Fayetteville are currently managed at the city level. The Development Services Department, which is the city's planning arm, manages the contract for economic development services. The Fayetteville Chamber of Commerce was contracted for business recruitment and retention services beginning in 2009 at a cost of \$165,000 per year.
- The Office of Sustainability was created in 2007 to partner with city divisions to promote and incorporate ecological practices into city projects and planning.⁶¹
- The Fayetteville Visitor's Bureau promotes tourism in Fayetteville. The Fayetteville Advertising and Promotion Commission was created in 1977 with the passage of the Hotel/Motel/Restaurant Tax in the city, which it administers today.⁶²

- The Northwest Arkansas Council is a private, non-profit organization that undertakes regional issues important to the growth of the regional economy. The Council is the regional economic development organization lead. Those economic development leads appropriate for Fayetteville are directed to the Chamber for follow-up and response. As previously referenced, the City of Fayetteville contracts with the Chamber for business recruitment and retention services. The Council also provides funding assistance to the Chamber to support existing industry.



GENERAL OBSERVATIONS OF CURRENT ECONOMIC DEVELOPMENT DELIVERY SYSTEM

- Accountability is more important than ever in the economic development arena in order for organizations to create the environment of trust and respect that is critical to fulfilling their leadership role. Specific, realistic, and quantifiable metrics, such as increases in jobs, investment, and average wages, should be put in place related to Fayetteville's economic development efforts to measure success of business recruitment and expansion activities. These metrics will focus on results, rather than process, and provide a true barometer of performance.
- Entrepreneurship and innovation present a significant opportunity for Fayetteville. There is not currently an organized economic development effort focused on this area, and this must be addressed by working with all of the parties currently involved in this area in Fayetteville.
- Arts and culture is another area that needs focus in Fayetteville.
- There is a need for at least one economic development position at the city that coordinates for all services.
- There may also eventually need to be a position at the city that focuses on entrepreneurship/innovation.



ECONOMIC DEVELOPMENT DELIVERY SYSTEM RECOMMENDATION

Three functions of an economic development program are recommended moving forward:

1. Business Recruitment Services
2. Business Retention & Expansion (BRE) Services
3. Entrepreneurial/Startup Support Services

Business recruitment and BRE services are two of the most critical components of economic development today and entrepreneurial/startup support services is a growing area of focus of an economic development program, and a significant opportunity for Fayetteville as previously noted.

Responsibilities for each of these functions would need to be clearly defined. The city must ensure that each of these functions are properly addressed and that performance metrics are put in place to measure effectiveness of delivery of each role. Based on this, there should be two delivery system options:

1. The city can issue an RFP(s) to contract out these three services to one or more entities.
2. If the city does not get adequate or strength of responses in one or more of these areas, create a comprehensive economic development program at the City of Fayetteville to address these services.

Regardless of the delivery system option put in place, there should be at least one new position created at the city that may be called the Director of Economic Vitality that coordinates all services, giving specific attention to entrepreneurship/innovation, and there may eventually need to be another new position at the city that focuses specifically on entrepreneurship/innovation that may be called the Director of Innovation.

Specific performance metrics will be developed related to each of the three services and delivered separately from this document.



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

Budget Year 2016	Division /Org2 DEVELOPMENT SERVICES (620) Requestor: Jeremy Pate	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$360,000 is requested in the Economic Development Services account. These funds will be used for a 2-year contract, billed quarterly at a rate of \$15,000, with the Fayetteville Chamber of Commerce. The funds are being requested from the Use of Fund Balance.

RESOLUTION/ORDINANCE	COUNCIL DATE:	10/4/2016
	LEGISTAR FILE ID#:	2016-0405
	<i>Barbara Fell</i>	
	9/12/2016 4:05 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	360,000	360,000	v.20160722			
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name
	Expense	Revenue	Project	Sub		
1010.050.0500-5315.00	360,000	-			EX	Contract Services - :
	-	-				
1010.001.0001-4999.99	-	360,000			RE	Use Fund Balance - Current
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0439

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 9

PARTNERS FOR BETTER HOUSING, INC. AGREEMENT:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND TO APPROVE THE CONTRACTUAL AGREEMENT ATTACHED TO THE ENGINEERING DEPARTMENT'S AGENDA MEMO IN THE FORM OF A COST SHARE AGREEMENT WITH PARTNERS FOR BETTER HOUSING, INC. IN THE AMOUNT OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) PURSUANT TO RESOLUTION NO. 117-13

WHEREAS, the Fayetteville City Council passed Resolution No. 117-13 which was approved and signed by Mayor Jordan on May 21, 2013; and

WHEREAS, Resolution No. 117-13 expressed the City Council's "intent to invest up to One Million Dollars (\$1,000,000.00) to cost share the construction of city infrastructure within the Houses at Willow Bend development with the nonprofit development corporation if proper safeguards, assurances and guarantees are in place..."; and

WHEREAS, Partners for Better Housing, Inc. has submitted its booklet "*The Homes At Willow Bend, A Traditional Neighborhood Housing Development*" to the City Council to detail its plans for this development; and

WHEREAS, Partners for Better Housing, Inc. has signed the Contractual Agreement (which incorporates its booklet as an exhibit) and requests the City Council to approve this Contractual Agreement; and

WHEREAS, the City intends to pay for some construction costs for city infrastructure after it is fully constructed and has been accepted by the City; and

WHEREAS, Partners for Better Housing, Inc. has promised to use all the savings it will receive from the City's cost share payment for city infrastructure to fund low income "soft second" mortgages to help lower income citizens to purchase homes in Willow Bend.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines that the facts stated above create an extraordinary situation in which normal competitive bidding is not feasible or practical and therefore waives competitive bidding and, in reliance upon all statements, promises,

commitments and examples within *The Homes At Willow Bend* booklet and the Contractual Agreement, approves the Contractual Agreement and authorizes Mayor Jordan to sign said Agreement.

City of Fayetteville Staff Review Form

2016-0439

Legistar File ID

10/4/2016

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

Chris Brown

9/16/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends entering into a cost-share agreement with the Partners for Better Housing for One Million Dollars (\$1,000,000) for the construction public infrastructure for the Homes at Willow Bend. \$500,000 is currently budgeted and \$500,000 is scheduled for inclusion in the 2017 CIP.

Budget Impact:

2100.410.5500-5809.00

Transportation

Account Number

Fund

15001.1

Willow Bend Development Cost Share

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 500,000.00

Funds Obligated \$ -

Current Balance \$ 500,000.00

Does item have a cost? Yes

Item Cost \$ 1,000,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ (500,000.00)

V20140710

Previous Ordinance or Resolution # 117-13

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 4, 2016

TO: Mayor and City Council

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

CC: Peter Nierengarten, Sustainability Director

FROM: Chris Brown, City Engineer

DATE: September 16, 2016

SUBJECT: Cost Share Agreement for the Homes at Willow Bend

RECOMMENDATION:

Staff recommends entering into a cost-share agreement with the Partners for Better Housing for up to One Million Dollars (\$1,000,000) for the construction of public infrastructure for the Homes at Willow Bend subdivision.

BACKGROUND:

The Homes at Willow Bend is a 9 acre infill mixed-income Traditional Neighborhood Development in the Walker Park Neighborhood in south Fayetteville that aims to create a replicable model of sustainable and attainable housing. The Homes at Willow Bend is a project of the Partners for Better Housing, a 501(c)(3) organization, with a goal of providing homeownership opportunities for Fayetteville Citizens making less than 100% of area median income.

The conceptual design development for the Homes at Willow Bend was supported by a 2010 Home Depot Foundation/SCI Pilot Cities Grant that was managed by the City of Fayetteville and the National Center for Appropriate Technology. Design development for the project was completed in 2013 and on May 21st, 2013 the City Council passed a resolution expressing intent to invest up to One Million Dollars (\$1,000,000) to cost share the construction of city infrastructure within the project.

Throughout the project stakeholders have stressed the inclusion of all elements of sustainability, not only environmental, but economic and social elements as well. Willow Bend's infill location is surrounded by the existing traditional street grid near downtown Fayetteville. The neighborhood lacks quality affordable housing and was selected by stakeholders for its walkable location and associated transportation affordability, with its close proximity to major employers, retail centers, and the City's multi-use trail system. In addition, the existing tree canopy and storm water features on the site have provided an idyllic setting for demonstrating the integration of both ecology and placemaking principles into one. The master plan was informed by the City's form based zoning code and cottage court ordinance which together encourage a

mix of unit types and higher densities. The project is also being used to demonstrate many of the low impact development (LID) techniques in the City's new Drainage Criterial Manual.

Fayetteville's adopted City Plan 2030 contains six overarching goals:

- 1) We will make appropriate infill and revitalization our highest priorities.**
- 2) We will discourage suburban sprawl.**
- 3) We will make traditional town form the standard.**
- 4) We will grow a livable transportation network.
- 5) We will assemble an enduring green network.
- 6) We will create attainable housing opportunities.**

The Homes at Willow Bend project aligns very closely with four of these goals due to its location within the long-standing Walker Park Neighborhood and by virtue of the objective to provide homeownership opportunities for Fayetteville citizens making less than 100% of the median income.

DISCUSSION:

The proposed contractual agreement provides for a payment to Partners for Better Housing in the amount of up to \$1,000,000 for documented City infrastructure expenses on the project, to include streets, drainage, water and sewer lines and appurtenances. This payment will be made upon completion of all infrastructure by Partners for Better Housing, and upon acceptance of the work by the City.

The Homes at Willow Bend will utilize the City of Fayetteville's \$1 Million investment to support construction of the project's estimated \$1.6 Million of public infrastructure within the public rights of way within the Willow Bend site. The City's contribution to the public infrastructure will allow the Partners for Better Housing to deliver a third of the 76 homes to buyers with household incomes at 50 – 80% of area median income and a third of the homes to buyers at 81 – 100% of area median income. The remaining homes will be sold to market rate buyers without any income stipulations. Partners for Better Housing will utilize a combination of a soft second mortgage program, down payer assistance programs, low interest mortgage loan programs and a lease/purchase program to meet affordability goals.

BUDGET/STAFF IMPACT:

\$500,000 has been budgeted in the 2016 Transportation Fund and \$500,000 is in the 2017 CIP to support this project. Reimbursement for this project is expected in 2017.

Attachments:

Contractual Agreement

Exhibit A - Project Booklet: The Homes at Willow Bend, A Traditional Neighborhood Development

Partners for Better Housing – Board Resolution

Letter: The Homes at Willow Bend – Sales Price of the homes

Resolution 117-13 (May 21, 2013) – Resolution of Intent to invest \$1M in Willow Bend

CONTRACTUAL AGREEMENT

This Contractual Agreement is made and entered into this _____ day of September, 2016, by and between the City of Fayetteville, Arkansas and Partners for Better Housing, a 501 (c)(3) Arkansas non-profit corporation.

Whereas, Partners for Better Housing, Inc. was incorporated and organized as an Arkansas Non Profit Corporation on May 1, 2006; and

Whereas, Partners for Better Housing, Inc. has a Board of Directors and is managed by its Executive Director, Michael Ward, who submitted the 21 page booklet entitled "*The Homes At Willow Bend*" (attached) to describe their development and its financing and solicit the City's potential cost share for public infrastructure in the amount of up to One Million Dollars (\$1,000,000.00); and

Whereas, Partners for Better Housing, Inc. will build approximately 76 homes on the subject site, with a minimum of two thirds of these homes to be sold to households at 50% to 100% of the Area Median Income with soft second mortgages in the total amount of the cost share paid by the City of Fayetteville to facilitate the affordability of these homes; and

Whereas, Partners for Better Housing, Inc. has engaged in substantial community outreach in designing the project, called The Homes at Willow Bend; and

Whereas, it will benefit the City of Fayetteville and its citizens to quickly increase opportunities for affordable and workforce home ownership within the Walker Park Neighborhood consistent with the City of Fayetteville's Comprehensive Plan policies.

NOW, THEREFORE, the **City of Fayetteville and Partners for Better Housing, Inc. agree as follows:**

1. In consideration of the promises and commitments made by Partners for Better Housing, Incorporated in paragraph 2 of this contract and its representations within its booklet "*The Homes At Willow Bend, A Traditional Neighborhood Housing Development*" presented to and relied upon by the City of Fayetteville and attached as Exhibit A to this contract, **the City of Fayetteville hereby agrees and promises** that upon Partners for Better Housing, Inc.'s successful construction of public infrastructure (streets, water mains, sewer mains, drainage facilities, etc.) and their acceptance by the City of Fayetteville, the City **will pay its cost share portion** of those documented expenses for public infrastructure up to a maximum of **One Million Dollars (\$1,000,000.00)**.

2. **Partners for Better Housing, Inc.** in consideration of the City's payment of the up to One Million Dollar (\$1,000,000.00) cost share, agrees and promises as follows:

- A. Partners for Better Housing, Inc. will provide the necessary and normal engineering, construction, project management, inspection, and testing as necessary for a complete installation of the water mains and fire hydrants, sanitary sewer mains, storm drain facilities, roadway subgrades, paved sections, curbs, gutters, sidewalks (which may be installed after house construction per the Unified Development Code), striping, and signage consistent with the Preliminary and Final Plat approved by the City of Fayetteville. Partners for Better Housing, Inc. is not entitled to any cost share payments for expenses related to infrastructure construction or improvements until that infrastructure has been fully inspected, approved and accepted by the City of Fayetteville.
- B. Partners for Better Housing, Inc. will provide all copies of the invoices from its Consultants, Engineers, Architects and Contractors and a complete lien waiver executed by its Contractor and any subcontractors related to public infrastructure construction prior to acceptance by the City of all improvements in the public right of way.
- C. Within three years of receiving the City of Fayetteville's cost share payment for city infrastructure within the Willow Bend development, Partners for Better Housing, Inc. commits and promises to make its best, good faith effort to ensure that at least fifty (50) of the houses will have been purchased or occupied pursuant to lease to purchase option by qualified buyers/lessees (household earning 100% or less of the Area Median Income at the time of purchase as shown on page 12 of the Booklet).
- D. Partners for Better Housing, Inc. agrees that each of these qualified home buyers will receive the Partners for Better Housing, Inc.'s "soft second mortgage" to assist their purchase as detailed in *The Homes At Willow Bend* Booklet at least until the amount of funds equal to the City's cost share payment have been utilized for such soft second mortgages.
- E. Partners for Better Housing, Inc. commits and promises to make their best, good faith efforts to assist all eligible purchasers to obtain all possible benefits provided by the Arkansas Development Finance Authority including its Down Payment Assistance, Move Up loan, Low interest loan, HOME assistance funds and credit counseling programs as referred to in its Booklet.

- F. Partners for Better Housing, Inc. promises to faithfully analyze potential home buyers' applications to ensure their eligibility for a soft second mortgage and provide such assistance ONLY to properly qualified potential buyers.
 - G. Partners for Better Housing, Inc. promises to ensure provisions are included in every soft second mortgage to ensure ownership is not conveyed to a non-eligible entity nor leased or rented during the period of the soft mortgage without full repayment of the existing amount due on such mortgage. This payment shall be used by Partners for Better Housing, Inc. to exclusively fund other soft-second mortgages within Willow Bend.
 - H. Partners for Better Housing, Inc. promises to present to the Fayetteville City Council annual updates on the progress of the Homes at Willow Bend development during the first City Council Agenda Session in April of each year (and at any other time if specifically requested by the City Council) until the development is complete and all soft second mortgages have been paid.
3. Partners for Better Housing, Inc. agrees that the City of Fayetteville has no contractual obligations to the Consultants, Architect, Engineer, Contractor or any subcontractors associated with this development, nor may any of these parties be considered third party beneficiaries of this contractual agreement.
4. The City of Fayetteville is intending to invest up to One Million Dollars (\$1,000,000.00) in order to quickly spur the construction and sale to qualified buyers of 76 homes with at least one third to be purchased by households earning less than 80% of the Average Median Income for Fayetteville (\$37,568.00 for a household of two) and another third to be purchased by households earning less than the Average Median Income for Fayetteville (\$46,960.00 for a household of two) as explained on page 12 of the Booklet. The final third can be sold at market rate with no soft second mortgage assistance.
5. The investment by the City and its taxpayers of up to One Million Dollars to cost share public infrastructure is partially supported by the anticipated increased real property tax millage that the 76 new houses will provide to the City by these new taxpayers. Additionally, providing affordable or attainable work force housing in Fayetteville will help workers live and shop in Fayetteville which should increase sales tax revenue and HMR tax revenue.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:

CITY OF FAYETTEVILLE

PARTNERS FOR BETTER HOUSING, INC.

Lioneld Jordan, Mayor

By: Michael Ward

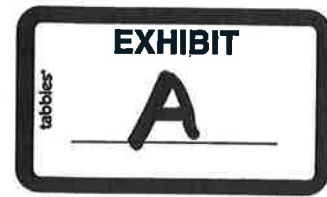
Title: Executive Director

ATTEST:

Date: 9/16/2016

Sondra Smith, City Clerk

Date: _____



THE HOMES AT WILLOW BEND



A Traditional Neighborhood Housing Development
Fayetteville, Arkansas

25 July 2016

Dear Mayor Jordan and City Council Members,

We are grateful for your consideration of a cost-share agreement with Partners for Better Housing, a 501(c)(3) organization, for the development of the Homes at Willow Bend, a proposed mixed-income Traditional Neighborhood Development in the Walker Park neighborhood of Fayetteville. Willow Bend has been in the works for many years, and the project is finally coming to fruition. With the immense help of our consultants, we have put together a robust plan for developing 76 single-family homes on a 9-acre infill site that we believe will become a successful and cherished community for decades to come.

We ask that you take the time to review the Willow Bend package. The package provides an overview of design and intent of the neighborhood, including specific information about Sources and Uses, house typology, and details regarding the affordability programs for qualified low- and mid-income families that Partners for Better Housing will implement, including soft-second mortgages, down payment assistance, and a lease-to-purchase option.

Willow Bend will set a new benchmark for building quality communities throughout Northwest Arkansas. The City of Fayetteville's approval of the cost-share agreement for Willow Bend demonstrates the City's commitment to building great neighborhoods, ensuring quality housing for all demographics, and continuing to make Fayetteville a wonderful place to live.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Ward". The signature is fluid and cursive, with the first name "Michael" and last name "Ward" clearly distinguishable.

Michael Ward
Executive Director
Partners for Better Housing

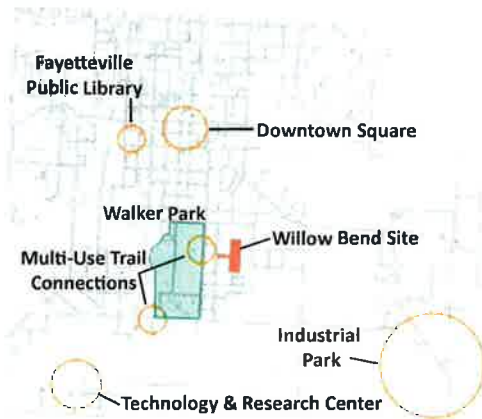
Willow Bend, an attainable housing infill site located in Fayetteville, Arkansas, is envisioned as a neighborhood that will focus on sense of place and the human experience. This focus will facilitate the creation of a neighborhood that will be loved by its inhabitants for generations to come, contributing to all aspects of sustainability through prolonged existence and a distinct community identity.

The primary developer of the Homes at Willow Bend is Partners for Better Housing (PfBH), a private 501(c)(3) organization that was founded to provide quality, attainable housing in Fayetteville, Arkansas. PfBH sees the Homes at Willow Bend as an opportunity to create a replicable model of sustainable and attainable housing for Northwest Arkansas.

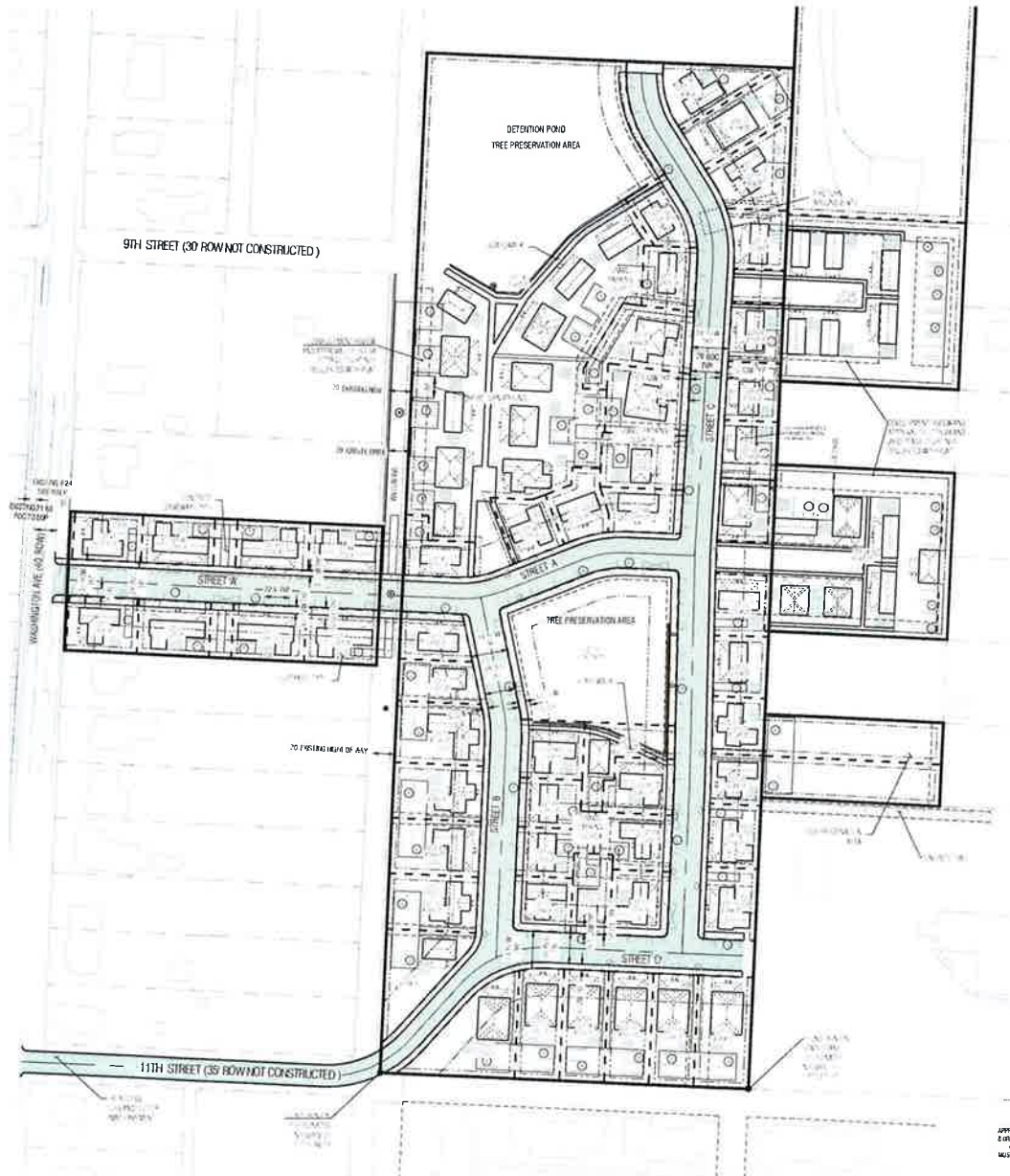


CONTEXT & SITE PLAN

Context Map



5 Minute Walking Distance



SOURCES & USES

Homes at Willow Bend, LLC

12-Aug-16

Project Scope: Design, Entitlement, and Site Development to Produce 76 Finished Lots

Total Project Cost

\$2,947,900

Sources of Funds

Equity

Housing Authority Grant	\$150,000
Home Depot Foundation Grant	\$137,500
Equity Investment; Dr. Hershey Garner	\$500,000
	\$787,500 subtotal
HOME Funds*	\$0
City of Fayetteville Cost Share Reimbursement**	\$1,000,000

Subtotal: **\$1,787,500**

Senior Debt

Loan amount prior to City reimbursement: **\$1,360,000** **46.1% Loan to Cost (LTC)**

Development Loan (with of \$1,000,000 assignment of City reimbursement) **\$2,360,000** **80.1% Loan to Cost (LTC)**

Use of Funds

Project Costs

		Paid with equity	To be paid with loan
Land Purchases	\$416,000	\$416,000	
Design, Entitlement, and Engineering	\$327,500	\$247,000.00	\$80,500
Park Fees (-in lieu of land dedication)	\$72,000		\$72,000
Site Development and Infrastructure	\$1,650,000		\$1,650,000
Interest Carry	\$212,400		\$212,400
G&A	\$30,000	\$15,000	\$15,000
Project Management	\$170,000	\$110,000.00	\$60,000
Contingency	\$70,000		\$70,000
Subtotal:	\$2,947,900	\$788,000	\$2,159,900

Loan vs Equity check \$2,160,400

\$200,100 Residual/Contingency

Valuation assumption:	Appraised Lot Value	\$27,500
	Discounted Lot Value	\$22,368.42 Assumes 4 year absorption period - discounted value
	77 lots	\$1,700,000 Total Discounted Value

80% LTV \$1,360,000

\$1,360,000 Loan amount

\$17,662.34 loan amount per lot

\$20,779.22 value per lot needed
for 85% payoff = 65 lots

\$23,549.78 value per lot needed
for 75% payoff = 57 lots

\$27,172.83 value per lot needed
for 65% payoff = 50 lots

*Applying for \$900,000 in HOME funds to be applied to infrastructure

** City Reimbursement upon completion of improvements in public rights of way and acceptance for dedication.
(assigned to the construction lender).

PRODUCT MIX & VALUATION

House Type	Rate per SF	SF	Sale Price	Number of Buildings	Total SF	Total Revenue
The Joplin 2BR 1BA	\$ 150.00	816	\$ 122,400	10	8,160	\$ 1,224,000
The Lincoln 2BR 2BA (1 story)	\$ 145.00	1,064	\$ 154,280	14	14,896	\$ 2,159,920
The Siloam 2BR 2BA	\$ 145.00	1,192	\$ 172,840	10	11,920	\$ 1,728,400
The Spring 3BR 1BA	\$ 145.00	1,308	\$ 189,660	10	13,080	\$ 1,896,600
The Lincoln 3BR 2BA (2 story)	\$ 145.00	1,383	\$ 200,535	12	15,696	\$ 2,406,420
The Gentry 3BR 2BA	\$ 145.00	1,568	\$ 227,360	11	17,248	\$ 2,500,960
The Farmington 4BR 2BA	\$ 145.00	1,596	\$ 231,420	10	15,960	\$ 2,314,200
				77	96,960	\$ 14,230,500

ENGINEER'S COST ESTIMATES

Community By Design
100 West Center Street, Suite 300
Fayetteville, Arkansas 72701
Phone: (479) - 790 - 6775

Schedule 1 - 072016
Engineers Opinion of Probable Cost
Estimate based on Willow Bend Construction Plans Dated 051616
This estimate only includes the items in the proposed ROW or items associated with work in proposed ROW
Fayetteville, Arkansas

	Quantity	Unit	Unit Cost	Total
SITE WORK				
1 Clearing and Grubbing	3.11	Acre	\$7,340.00	\$22,827.40
2 4 inch -Top Soil Remove and Stockpile (4.51 Acres)	2.173	C.Y.	\$6.80	\$14,776.40
3 Unclassified Excavation - Cut to Fill	5.344	C.Y.	\$8.20	\$43,820.80
4 Unclassified Excavation - Cut to Fill (Trenching Spoils)	3.341	C.Y.	\$11.75	\$39,256.75
5 Unclassified Excavation - Cut to Fill (Undercut Bottom Subgrade)	1.000	C.Y.	\$11.75	\$11,750.00
6 Compacted Red Hillside	5.831	C.Y.	\$18.40	\$107,290.40
7 Topsoil Disturbed Areas (2.84 Acres)	1.510	C.Y.	\$20.00	\$30,200.00
8 Rock Excavation	1	C.Y.	\$350.00	\$350.00
9 Stone Wall	0	L.F.	\$372.00	\$0.00
Sitework Sub-total				\$270,271.75

EROSION CONTROL				
10 Silt Fence or Compost Wattle	1,002	L.F.	\$3.00	\$3,006.00
11 Tree Protection Fence	5,367	L.F.	\$4.05	\$21,736.35
12 Erosion Control System (Rock Check Dam, Inlet Protection)	1	Lump Sum	\$27,215.00	\$27,215.00
13 Concrete Washout	1	Lump Sum	\$2,440.00	\$2,440.00
14 Seed and Straw	123,666	S.F.	\$0.10	\$12,366.60
15 Slope Stabilization Matting	1	S.F.	\$1.10	\$1.10
16 Construction Entrance ("B"Stone)	2	Lump Sum	\$3,835.00	\$7,670.00
Erosion Control Sub-total				\$74,435.05

STREETS				
17 3 inch - Asphalt Surface Course, Type 3	6,103	S.Y.	\$17.35	\$105,887.05
18 8 inch - Crush Stone Base Course, Class 7	6,103	S.Y.	\$11.00	\$67,133.00
19 6 inch - Portland Cement Concrete	0	S.Y.	\$54.55	\$0.00
20 2 inch - Crush Stone Base Course, Class 7	0	S.Y.	\$6.00	\$0.00
21 Standard Curb	4,578	L.F.	\$17.75	\$81,259.50
22 Pavement Testing	1	Lump Sum	\$4,345.00	\$4,345.00
Streets and parking Sub-total				\$258,624.55

DRAINAGE				
23 14x23 inch Elliptical - Class 4 Reinforced Concrete Pipe	64	L.F.	\$72.00	\$4,608.00
24 18 inch - Class 3 Reinforced Concrete Pipe	104	L.F.	\$47.00	\$4,888.00
25 24 inch - Class 3 Reinforced Concrete Pipe	0	L.F.	\$66.00	\$0.00
26 29x45 inch Elliptical - Class 3 Reinforced Concrete Pipe	0	L.F.	\$120.00	\$0.00
27 29x45 inch Elliptical - Class 4 Reinforced Concrete Pipe	105	L.F.	\$141.00	\$14,805.00
28 48 inch - Class 3 Reinforced Concrete Pipe	20	L.F.	\$182.00	\$3,640.00
29 30"x72" Reinforced Concrete Box Culvert	197	L.F.	\$353.00	\$69,541.00
30 14x23 inch - Reinforced Concrete Flared End Section	4	EACH	\$1,015.00	\$4,060.00
31 24 inch - Reinforced Concrete Flared End Section	0	EACH	\$685.00	\$0.00
32 Headwall For 29x45 elliptical or 30x72 box	4	EACH	\$4,790.00	\$19,160.00

33	6 foot Diameter - Junction Box with Frame and Lid	1	EACH	\$5,845.00	\$5,845.00
34	6 foot Diameter - Type B Inlet Box with Frame and Grate	0	EACH	\$6,065.00	\$0.00
35	4 foot Diameter - Type A Inlet Box with Frame, Grate, and Curb Box	9	EACH	\$6,805.00	\$61,245.00
36	4 foot Diameter - Type C Inlet Box with Frame and Grate	1	EACH	\$5,705.00	\$5,705.00
37	Neeneah Frame and Grate 3506 A2	1	EACH	\$5,885.00	\$5,885.00
38	4 foot - Sidewalk Underdrain	12	EACH	\$1,835.00	\$22,020.00
39	NDS Catch Basin and Atrium Grate with 3" schedule 40 pipe	0	EACH	\$650.00	\$0.00
40	Bioretention area	3856	S.F.	\$31.75	\$122,428.00
41	Infiltration basin with 12" CPP pipe	9	EACH	\$6,205.00	\$55,845.00
Drainage Sub-total					\$399,675.00

WATER

42	Tap 6" CIP Washington Ave - 6x6x8 Tap Sleeve, Valve, Pavement Repair	2	EACH	\$5,485.00	\$10,970.00
43	8 inch - PVC Water Line C-900, Class 200	2,476	L.F.	\$47.30	\$117,114.80
44	2 inch - PVC Water Line Schedule 40	183	L.F.	\$51.00	\$9,333.00
45	8 inch - Gate Valve	16	EACH	\$1,680.00	\$26,880.00
46	2 inch - Gate Valve	8	EACH	\$820.00	\$6,560.00
47	Fire Hydrant Assembly	5	EACH	\$5,615.00	\$28,075.00
48	Ductile Iron Fittings	1	Lump Sum	\$24,435.00	\$24,435.00
49	New Service and Double Meter Box on Proposed Line	18	EACH	\$1,545.00	\$27,810.00
50	New Service and Single Meter Box on Proposed Line	25	EACH	\$1,350.00	\$33,750.00
51	16 inch - Steel Encasement Pipe	119	L.F.	\$95.70	\$11,388.30
52	Testing	1	EACH	\$2,340.00	\$2,340.00
Water Sub-total					\$298,656.10

SANITARY SEWER

53	Connection to Existing Sanitary Sewer	0	Lump Sum	\$1,516.00	\$0.00
54	8" PVC Sewer Line SDR-26	1,678	L.F.	\$70.30	\$117,963.40
55	10" PVC Sewer Line SDR-26	188	L.F.	\$74.60	\$14,024.80
56	4 foot Diameter - Sanitary Sewer Manhole 0-7 foot depth	17	EACH	\$2,485.00	\$42,245.00
57	4 inch Sanitary Sewer Service (Average Length = 20 feet)	54	EACH	\$1,495.00	\$80,730.00
58	16 inch - Steel Encasement Pipe	77	L.F.	\$99.00	\$7,623.00
59	Testing	1	Lump Sum	\$31,600.00	\$31,600.00
Sanitary Sewer Sub-total					\$294,186.20

FRANCHISE UTILITIES

60	Concrete Pad for Electric Transformer	0	EACH	\$1,145.00	\$0.00
61	Utility Conduit Trench	487	L.F.	\$73.00	\$35,551.00
Miscellaneous Sub-total					\$35,551.00

LANDSCAPING

62	Mitigation Trees (2" Caliper)	24	EACH	\$330.00	\$7,920.00
63	Street Trees (2" Caliper)	0	EACH	\$330.00	\$0.00
64	Detention Trees (2" Caliper)	0	EACH	\$360.00	\$0.00
65	Detention Large Shrub (3 Gal)	0	EACH	\$38.50	\$0.00
66	Detention Small Shrub (1 Gal)	0	EACH	\$20.00	\$0.00
67	Sod	1	S.Y.	\$3.00	\$3.00
Landscaping Sub-total					\$7,923.00

CONTRACTORS BONDS AND INSURANCE

68	Payment and Performance Bond	1	EACH	\$18,160.00	\$18,160.00
69	Maintenance Bond	1	EACH	\$18,160.00	\$18,160.00
Bonds and Insurance Sub-total					\$36,320.00

TOTAL INFRASTRUCTURE (Onsite)					\$1,675,642.65
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AFFORDABLE HOMEOWNERSHIP & SOFT-SECOND MORTGAGE PROGRAM

Program Description

The Willow Bend Soft Second Mortgage is an income-qualified mortgage program modeled on the programs operated by NeighborWorks Community Development Corporations and the Fannie Mae *Community Seconds* mortgage program.

Partners for Better Housing (PfBH), a 501(c) (3) non-profit housing developer will offer second mortgages to income qualified home buyers to reduce their monthly mortgage payment to 30% of their household's gross income. These mortgages are considered "soft" because the mortgage does not accrue interest, require monthly payments of principal or interest, and are incrementally forgiven over a 12-year period if the buyer continues to occupy the home.

The use of soft second mortgages allows all the homes at Willow Bend to post sales with the local Multiple Listing Service and the County Recorder's Office at the market price while income-qualified home buyers are able to receive a limited subsidy with the soft second mortgage without distorting the sale price for future appraisals prepared for market rate purchases.

The program is available to home buyers making less than 101% of the Washington County Area Median Income, adjusted by household size.

The Willow Bend Soft Second Mortgage will be used in conjunction with Down Payment Assistance and low interest loan programs provided by the Arkansas Development Finance Authority (ADFA)

Income qualified home buyers are required to complete the ADFA 8 hour homebuyer-training course which covers budgeting tools, insurance, avoiding foreclosure, private mortgage insurance, and refinancing. Credit Counseling of Arkansas is the local provider of the ADFA course.

Income qualified homebuyers using the Willow Bend Soft Second Mortgage Program will execute an agreement to offer to resell their home to PfBH at appraised value, prior to selling to other parties, should they decide to sell. PfBH will be required to respond to a homeowner's written notice of intent to sell their home within 45 days. This repurchase agreement will provide an opportunity for PfBH to sell the home to another income-qualified buyer, maintaining long-term affordability in the South Fayetteville neighborhood.

Affordability Targets

The City of Fayetteville's Cost Share Agreement reimbursing \$1,000,000 in improvements within the public rights of way within the Willow Bend site creates enough value in the project's finished building lots to allow PfbH to provide the soft second mortgages needed to deliver a third of the projects 76 homes to income qualified buyers with household incomes at 50-80% of Area Median Income (AMI) and a third of the homes to income qualified buyers with household incomes at 81 - 100% of AMI. The remaining third of the homes will be sold to market rate buyers with household incomes of greater than 100% of AMI.

The table below shows how soft second mortgage funds could be applied across the range of income qualified buyers to deliver the project's Affordability Targets:

Target Loan Distribution / Household Income	Second Mortgage Amount	Total
10 Soft Second Mortgages / Buyers at 50-60% of AMI.	\$50,000	\$500,000
15 Soft Second Mortgages / Buyers at 61-80% of AMI.	\$20,000	\$300,000
25 Soft Second Mortgages / Buyers at 81-100% of AMI.	\$10,000	\$250,000
50 Income Qualified Soft Second Mortgages		\$1,050,000

During the construction and sale of the homes at Willow Bend, PfbH will provide the City of Fayetteville with annual reports on the project's progress in the issue of soft second mortgages and the income levels of the buyers compared with the Affordability Targets.

Layering the Willow Bend Soft Second Mortgage with ADFA Programs

ADFA currently provides several down payment assistance program and low interest mortgage loan programs. When these programs are be used in conjunction with the Willow Bend Soft Second Mortgage, the income qualified home buyer has the equivalent of a down payment exceeding the minimum 20% required to eliminate the requirement Private Mortgage Insurance in an FHA or VA mortgage.

ADFA also provides the ADFA MoveUp loan program for buyers with incomes greater than 80% of AMI or buyers who are not first time homeowners with an interest rate of 3.25%. Income limits for the ADFA Move Up loan program are \$100,000 for households of 1 to 2 persons, \$130,000 for households of 3 or more.

ADFA also provides down payment assistance of up to \$6,000 for buyers above 80% of AMI as a soft second mortgage at 4% interest, repaid over 10 years.

All of ADFA's first mortgage programs limit the purchase price for the home to a maximum of \$250,000. Seven of the eight homes planned for the Willow Bend project are priced below that limit. The ADFA first mortgage programs require a minimum FICO score of 660 and a maximum Debt to Income Ratio (DTI) of 45%.

The example below shows a layering of \$10,000 from the ADFA ADDI down payment assistance program which is a soft second mortgage forgiven over 5 years without monthly payment, with \$25,000 in HOME assistance funds for 50-60% AMI homebuyers, and a PFBH soft second mortgage of \$25,000.

The first mortgage is the ADFA Advantage Bond Fund loan for first time homebuyers or veterans with FHA 203(b) underwriting and 2.5% interest. ADFA defines first time homebuyers as households that have not owned a home within the last three years.

The use of the layered programs makes monthly payment for mortgage principal & interest, property taxes, and insurance (PITI) for each of the example houses affordable to a household with income at 50% of AMI. The layered ADDI down payment assistance, HOME grant, and the PFBH Soft Second brings the down payment for a 50% AMI buyer above the minimum 20% that will allow the homebuyer to qualify for the mortgage without Private Mortgage Insurance (PMI).

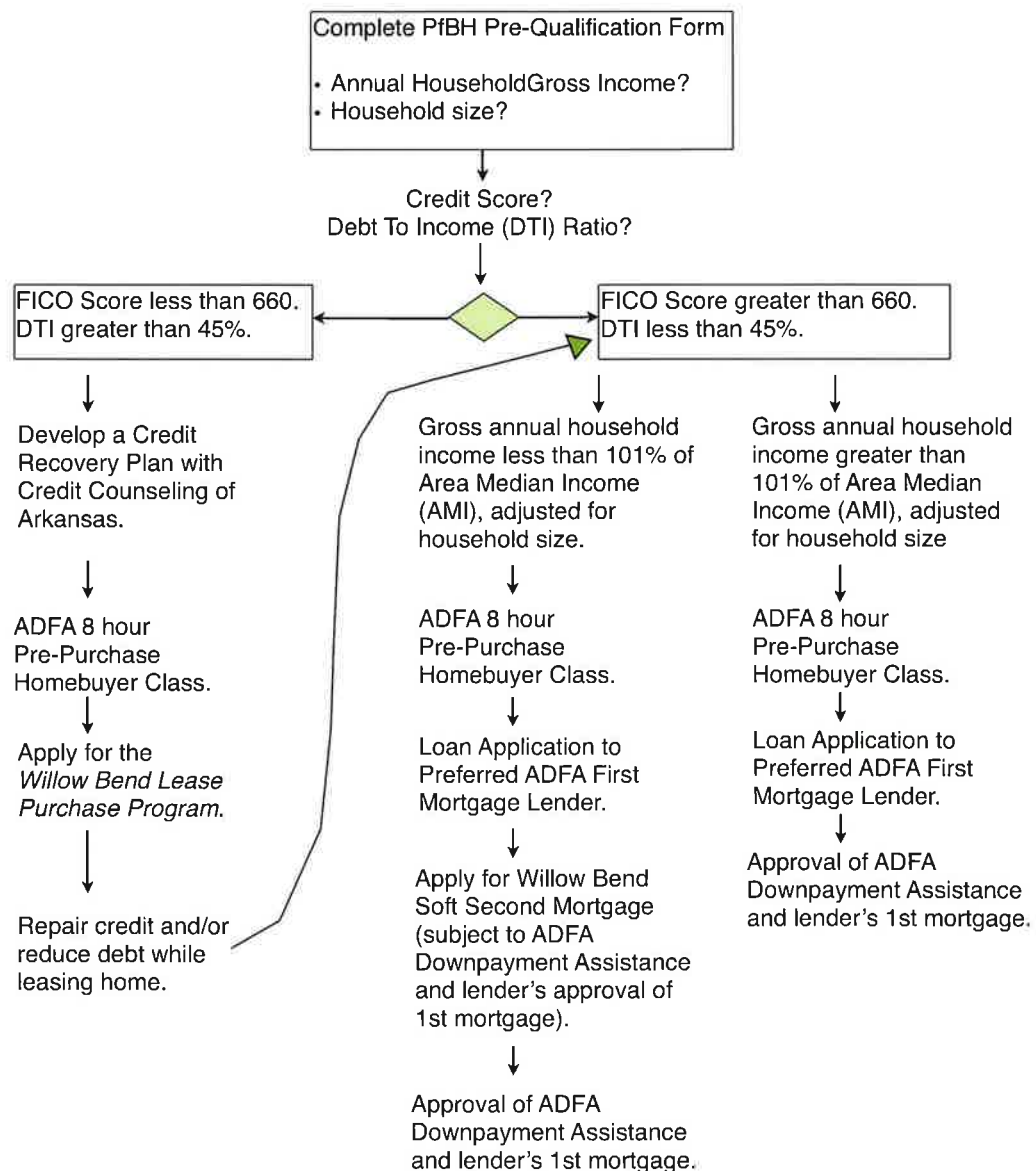
Household Size	Annual Income @ 50% of AMI	Max. Monthly Payment @ 30% of Gross Income
1	\$20,545	\$514
2	\$23,480	\$587
3	\$26,415	\$660

Example Home	Sales Price	ADFA ADDI	HOME*	PFBH Soft 2nd	Loan Amount	Interest Rate	PITI Monthly Payment
2 Bedroom/1 Bath 861 SF	\$133,455	\$10K	\$25K	\$25K	\$73,455	2.5%	\$512
2 Bedroom/2 Bath 900 SF	\$139,500	\$10K	\$25K	\$25K	\$79,500	2.5%	\$543
2 Bedroom/2 Bath 1064 SF	\$159,600	\$10K	\$25K	\$25K	\$99,600	2.5%	\$643
* PFBH is applying to ADFA for HOME funds with local CHDO; Community Development Corporation of Bentonville/Bella Vista.							

Mortgage Application Process

The chart below shows how a prospective homebuyer starts the process by completing the Partners for Better Housing Pre-Qualification form. If the homebuyer's credit score is above 660 and debt to income ratio is below 45%, then their households gross income (adjusted for household size) determines which of the layered ADFA programs can be used. If the homebuyer's household income is below 101% of the Area Median Income they can apply for a BfBH Soft Second Mortgage to bring their annual mortgage payments within 30% of their gross income.

PfBH Mortgage Application Process



Mortgage Applications and Underwriting

PfBH's preferred mortgage lender (an ADFA Approved Lender) will process applications for ADFA first and second mortgage loans. Prospective homebuyers applying for a PfBH soft second mortgage will submit a pre-qualification form listing household income and the number of persons in the household for review by the PfBH finance committee. Approval of a PfBH soft second mortgage is subject to the applicant receiving approval by PfBH's preferred first mortgage lender, which must be an ADFA participating lender.

Household size	50% AMI	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI
Low Income				Moderate Income		
1	\$20,545	\$24,654	\$28,763	\$32,872	\$36,981	\$41,090
2	\$23,480	\$28,176	\$32,872	\$37,568	\$42,264	\$46,960
3	\$26,415	\$31,698	\$36,981	\$42,264	\$47,547	\$52,830
4	\$29,350	\$35,220	\$41,090	\$46,960	\$52,830	\$58,700

The table below shows the loan programs and forms of down payment assistance available from ADFA and the PfBH Soft Second Mortgage across the range of qualifying household income levels:

Program	50-60% AMI	61-80% AMI	81-100% AMI	101% AMI and above
ADFA ADDI Down Payment Assistance \$10K in a soft 2 nd forgivable over 5 years.	✓	✓		
ADFA HOME Funds Grant \$25K	✓			
ADFA Home Assist Down Payment Assistance Loan @ 4% interest over 10 years			✓	✓
ADFA FHA 203(b) 30 year fixed rate mortgage @2.5% interest. (Available for first time homebuyers or veterans)	✓	✓		
ADFA FHA 203(b) 30 year fixed rate mortgage @ 3.25% interest. For repeat homeowners and higher income households. *			✓	✓
PfBHA Soft Second Mortgage final layer to bring mortgage payments to a maximum of 30% of annual gross income. For affordable home buyers	✓	✓	✓	

*Limited to \$62,342 for household or 1 or 2, \$71,693 for households of 3 or 4.

PfBH Lease/Purchase Program

Prospective homebuyers with an insufficient credit score or too much debt for their income cannot qualify for the ADFA first mortgage. By completing the ADFA 8 hour Pre-Purchase Homebuyer Class and developing a Credit Recover Plan with the staff of Credit Counseling of Arkansas, homebuyers with credit issues can apply for PfBH's Lease/Purchase Program.

Lease term is limited to 2 years, during which the tenant/prospective homebuyer is expected to close on the sale of the home after raising their FICO score to at least 660 or reducing their DTI ratio to 45% or less. Lease payments are set at 30% of the tenant's gross household income.

A tenant seeking a one-year extension of the original two year lease/purchase agreement will need to demonstrate that they can qualify for mortgage to purchase the home within the next 12 months by submitting a current credit repair plan developed with Credit Counseling of Arkansas staff no less than three months prior to the end of the two year lease term.

PfBH Pre-Qualification Form

By submitting this application, you are authorizing Partners for Better Housing to run a credit report and verify employment and assets for the purposes of pre-qualifying for a soft second mortgage loan.

Date:

Monthly Income

Submitting income from alimony, child support, or separate maintenance income is optional if you do not want to use that income for qualification purposes.

Base Income:	
Bonuses:	
Commissions:	
Other Income:	
Total	

Assets

Checking Account Balance	
Savings Account Balance	
Retirement Accounts	
Mutual Funds or Securities	
Estimated Home Equity	
Other	
Total	

First Name:

Marital Status:

Middle Name:

Are you a US Citizen?

Last Name:

Date of Birth:

Email Address:

Social Security Number:

Mobile Phone:

Number of people in Household:

Work Phone:

14 Steps to Home Ownership at Willow Bend

1. **Pre-qualification** - This is an informal determination of the maximum amount you are eligible to borrow and which loan programs or forms of down payment assistance for which you may be eligible. (Pre-qualification is not a guarantee of a loan).
2. **Pre-approval** - Pre-approval is similar to a pre-qualification, but with the pre-approval, the first mortgage lender reviews your income, credit history, debt. All of those are verified to determine what type of loan product and amount of loan we can approve you for. Obtaining a pre-approval gives you the advantage of knowing what home you can afford to purchase.
3. **Select Your Home** - Now you now what you can afford to pay for a home, select your home from those available in the Willow Bend neighborhood. If the home you want to purchase is not available from completed inventory or homes currently under construction, establish a schedule for the delivery of your home in the next release of homes for construction.
4. **Purchase Contract** - Once you have selected your home, have your Realtor® draft your Purchase and Sale Agreement with clearly stated terms for submission to the seller. Include your pre-approval.
5. **Loan Application** - Once you have an executed purchase contract, you need to start the process of securing the financing. If you didn't do the pre-approval, you now need to start your loan application.
6. **Documents** - All conforming loan applications require supporting documentation. This list typically includes two years' tax returns, pay stubs, account statements to verify the source of the down payment and funds to close the loans as well as cash reserves. Again, if you got pre-approved, you have already completed this step of the process.
7. **Appraisal** - The first mortgage lender will require that the property be appraised. The Appraisal is ordered to make sure there is no discrepancy between market value and the price you are paying. While this can happen on occasion, it is rare.
8. **Title Search** - A title company will assign an escrow officer and their team to begin their process. During this, a search for liens against the property will be conducted. Occasionally, liens will be placed against a property to make sure that payments of outstanding debts are paid before a title can be transferred to a new owner.

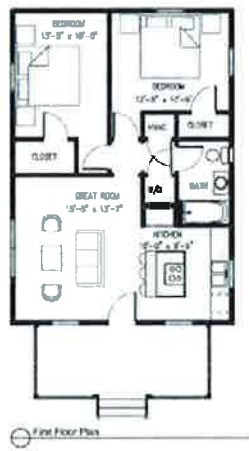
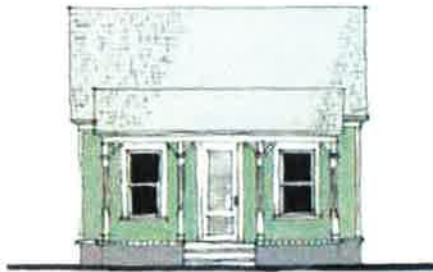
- 9. Loan Processing** – The first mortgage lender’s loan processing team will review and package all relevant information related to your loan to be sent to their underwriter. This will include any explanations or supplemental documentation. You will either hear from the loan processor assigned to your loan or your loan officer if the lender finds that additional documentation is needed.
- 10. Underwriting** – The lender’s underwriter will review your file as presented by your loan officer. The underwriter will make the final determination on whether or not your loan is approved. All lenders are looking for borrowers that will keep their mortgage payments current. We are also looking to finance properties that will maintain their value in the event of a foreclosure and the underwriter determines both these.
- 11. Mortgage Insurance** – All conforming loans (Conventional and FHA) will require that some form of Private Mortgage insurance (PMI) is in place for all loans that are below a 20% down payment or 20% in owners’ equity. Be sure to talk to your loan officer about this and which products require the insurance for the life of the loan and how much such coverage will cost.
- 12. Loan Approval** – Predominantly, when a borrower has a good credit score and a good debt-to-income ratio, the loan will be approved. However, there are cases in which a borrower will need to put forward additional funds to improve a debt-to-income ratio, or cover the discrepancy in value based on an appraisal.
- 13. Insurance** – Lenders require that you have the property insured against fire and a number of other hazards depending on the environmental conditions of your geographic area.
- 14. Closing** – You are looking at the finish line and are ready to collect your new keys. Below are the typical closing steps.
- **Signing** – You will sit down with the escrow officer and have a lot of documents explained to you as well as put your signature on them. Feel free to ask questions when something isn’t clear. We don’t want you to be confused about what you are signing. You will sign the real estate documents as well as your loan documents in one sitting.
 -
 - **Funding** – Funds will be delivered to the title company either by check or wire as well as whichever form you brought your cash portion in.
 -
 - **Close of Escrow** – The title company will file the appropriate forms with the county to transfer title to your new property.

- **Recording** – After the above step is completed and confirmed, the title company will authorize for escrow to draft a check to the seller.
-
- **Time to Move** – You have the keys to the new property and it's time to move.

PROPOSED HOUSE PLANS

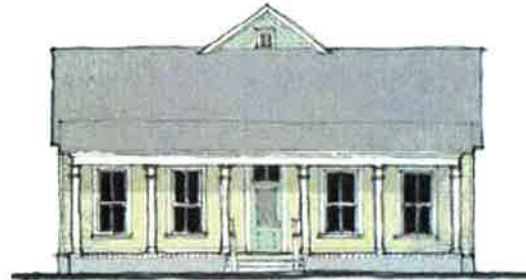
The Joplin

One Story Cottage: 816 sq ft, Two Bedroom, One Bath



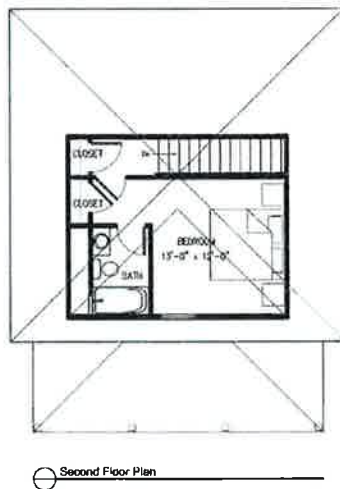
The Spring

One Story House: 1,308 sq ft, Three Bedroom, One Bath



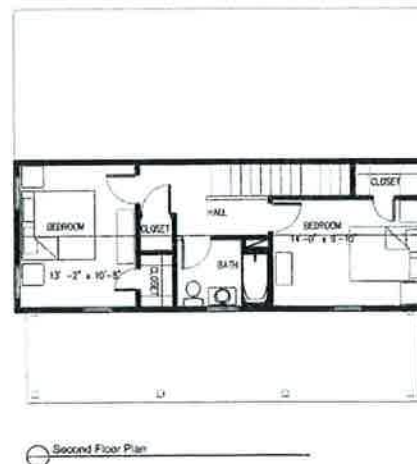
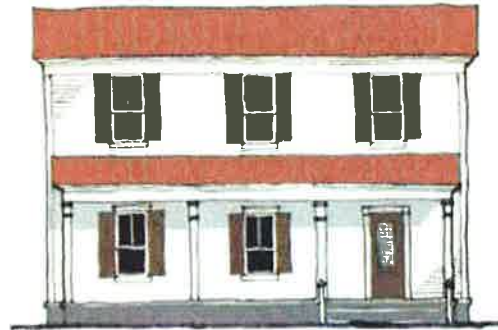
The Siloam

One and Half Story House: 1,192 sq ft, Two Bedroom, Two Bath (could be scaled to cottage size 1,100 sq ft)



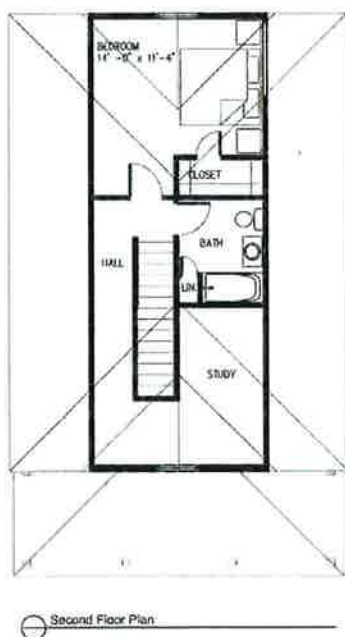
The Farmington

Two Story House: 1,596 sq ft, Four Bedroom, Two Bath



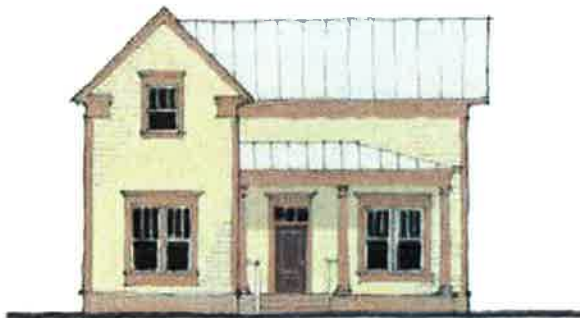
The Lincoln

One and Half Story House: 1,596 sq ft, Three Bedroom, Two Bath, Study (1,383 sq ft without study, could be scaled to cottage size 1,100 sq ft)



The Leslie

One and Half Story House: 1,336 sq ft, Two Bedroom, Two Bath (Optional Third Bedroom 1,518 sq ft)



PARTNERS FOR BETTER HOUSING

Contact

Michael Ward - *Executive Director, PfbH*
michael@escalagroup.org
479-790-6303

Board Members of Partners for Better Housing

Keaton Smith (President) – *Iberia Bank*
Joe Tucker (Vice President) – *T&T Green Insulation Innovations*
Richard Russell (Treasurer) – *Bank of Fayetteville*
Sterling Hamilton – *CBRE*
Morgan Hooker – *Colliers International*
Gary Kahanak – *Home Energy Rx*
Casey Kleinhenz – *CDC of Bentonville/Bella Vista*
Zara Niederman – *Niederman Enterprises*
Robert Sharp – *Robert Sharp Architect*
Aubrey Shepherd – *Conservationist*
Allison Thurmond Quinlan – *Flintlock Architecture and Landscape Architecture*

Consultants

John Anderson – *Anderson/Kim*
Brian Teague – *Community by Design*



PARTNERS FOR BETTER HOUSING

BOARD RESOLUTION

RESOLUTION APPROVING THE PROPOSED WILLOW BEND COST-SHARE CONTRACT WITH THE CITY OF FAYETTEVILLE IN THE AMOUNT OF ONE MILLION DOLLARS FOR ELIGIBLE PUBLIC INFRASTRUCTURE CONTINGENT ON APPROVAL OF REQUESTED REVISIONS AND ATTORNEY REVIEW

WHEREAS, the Partners for Better Housing Board of Directors has reviewed the proposed cost-share contract with the City of Fayetteville for infrastructure reimbursements in the amount of One Million Dollars (\$1,000,000), to be reimbursed upon completion and City's acceptance of public infrastructure in the Right-of-Way for the Willow Bend site development.

WHEREAS, the Partners for Better Housing Board of Directors approves the terms of the contract contingent on City of Fayetteville attorney's approval of requested revisions.

WHEREAS, the Partners for Better Housing Board of Directors approves the terms of the contract pending review by attorneys at First Security bank, the probable lender for the Willow Bend development, unless the bank's attorneys find substantive issues with the contract.

WHEREAS, the Partners for Better Housing Board of Directors recognizes the critical need to have a signed contract submitted to the City of Fayetteville before Friday September 16, 2016 to meet the deadline for the October 4, 2016 City Council meeting.

WHEREAS, if no other substantive changes are required, the Partners for Better Housing Board of Directors approves Michael Ward, Executive Director of Partners for Better Housing, to sign the contract on behalf of the Board of Directors.

PASSED and APPROVED this 8th day of September 2016



BOARD CHAIR



EXECUTIVE DIRECTOR



30 August 2016

Peter Nierengarten
Sustainability and Resilience Director
City of Fayetteville
125 W. Mountain St
Fayetteville, AR 72701

RE: The Homes at Willow Bend – Sale price of homes

Dear Mr. Nierengarten,

Thank you for the opportunity to address recent concerns expressed about the estimated sale price of homes in the Willow Bend development, a mixed-income traditional neighborhood development in South Fayetteville.

Of the nearly 80 homes we plan to build, approximately one-third are reserved for homebuyers making 50%-80% of Area Median Income. The variety of home sizes means lower income buyers will have options to buy houses at prices ranging from less than \$100,000 up to \$200,000 through the homebuyer assistance programs that Partners for Better Housing will administer. New construction houses in other subdivisions start at approximately \$140,000, of which there are fewer than a dozen, all located at the edges of town.

Willow Bend stands out from other developments because:

- 1) The neighborhood is designed for community; it is a place for neighbors to get to know one another.
- 2) The homes are designed and built to last. They will be cherished for many generations to come.
- 3) The location allows residents to live in new, high quality homes close to public transit, Walker Park, and the multi-use trails as well as near jobs at the Commerce Park, the University of Arkansas, and Downtown.
- 4) Willow Bend provides homes at an affordable price in a master-planned neighborhood that will increase the value of the surrounding properties.
- 5) Our homeowner assistance programs will insulate lower income buyers from rising real estate costs. Willow Bend will remain affordable without compromising residents' quality of life.

Without the cost-share agreement from the City, the project cannot move forward. Because Partners for Better Housing is a non-profit entity, profits from the sale of homes will be funneled back into our reserves for continued assistance to homebuyers.

We are grateful for your consideration of the cost-share agreement for Willow Bend. Funding the neighborhood demonstrates the City of Fayetteville's commitment to sustainability and attainable housing. If there are any additional concerns, I would be happy to discuss the project in more detail.

Sincerely,

A handwritten signature in black ink that reads "Michael Ward". The signature is fluid and cursive, with the first name "Michael" and last name "Ward" clearly distinguishable.

Michael Ward
Executive Director, Partners for Better Housing
michael@escalagroup.org
479-790-6303

RESOLUTION NO. 117-13

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO INVEST ABOUT ONE MILLION DOLLARS TO COST SHARE THE CONSTRUCTION OF CITY INFRASTRUCTURE WITHIN THE HOUSES AT WILLOW BEND DEVELOPMENT WITH PROPER ASSURANCES THAT AFFORDABLE, OWNER OCCUPIED HOUSING WILL BE CONSTRUCTED AND PRESERVED IN THIS NEW NEIGHBORHOOD

WHEREAS, the City Council has long supported the goal of fostering affordable and attainable housing for our citizens and included this goal in Fayetteville's 2020, 2025 and 2030 Long Range plans; and

WHEREAS, the City Council can invest its funds to build its own infrastructure such as streets, sidewalks, water and sewer mains, and drainage structures and does so in established neighborhoods every year, but normally requires a subdivision developer to build all this infrastructure within a new development and dedicate it to the City of Fayetteville before the City assumes maintenance responsibilities for it; and

WHEREAS, in order to make the housing within the Houses at Willow Bend development built by a nonprofit corporation more affordable and attainable for moderate income citizens of Fayetteville, the City Council intends to invest up to One Million Dollars (\$1,000,000.00) as a cost share with the nonprofit developer to build city infrastructure if proper assurances and guarantees are in place to ensure such City investment will all inure to the benefit of the initial single family or duplex, owner occupied home buyers who must agree to restrictions upon the resale and use of their homes and duplexes to ensure that, after any resale of the home or duplex, the new owners/residents shall receive and retain the benefits of the City investment.

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 expresses its intent to invest up to One Million Dollars (\$1,000,000.00) to cost share the construction of city infrastructure within the Houses at Willow Bend development with the nonprofit development corporation if proper safeguards, assurances and guarantees are in place to ensure that:

(1) the benefits of this City investment will go **only** to the individual home and duplex buyers who shall occupy the purchased homes or at least one side of the duplex;

(2) any profit such home and duplex buyers could receive when such houses or duplexes are resold in the future shall be limited so that the actual residents of Willow Bend will continue to enjoy the City investment for affordable and attainable housing; and

(3) the requirement of owner occupied status for such housing shall be maintained for the number of years set by the City Council when the agreement for the investment is made with the nonprofit corporation.

Section 2 : That the City Council of the City of Fayetteville, Arkansas hereby requests that the City Administration work with the City Attorney's Office to negotiate an agreement with the nonprofit corporation to achieve the goals set forth in this Resolution and then present such agreement to the City Council which could then authorize the One Million Dollar (\$1,000,000.00) investment of City funds for this project.

PASSED and **APPROVED** this 21st day of May 2013.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
LISA BRANSON, Deputy City Clerk



City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

5/21/2013

City Council Meeting Date
Agenda Items Only

Peter Nierengarten
Submitted By

Division

Sustainability and Strategic Planning
Department

Action Required:

Approve a resolution of intent to cost share with the Houses at Willow Bend Project in the amount of \$1,000,000 for the construction of public infrastructure (steets, sidewalks, storm drainage, etc.) within and/or adjacent to the project.

N/A

Cost of this request

N/A

Category / Project Budget

N/A

Program Category / Project Name

N/A

Account Number

N/A

Funds Used to Date

N/A

Program / Project Category Name

N/A

Project Number

N/A

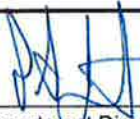
Remaining Balance

N/A

Fund Name

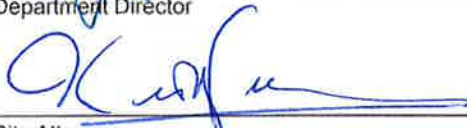
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director

5/2/13
Date

Previous Ordinance or Resolution # _____


City Attorney

5/2/13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker 5-3-2013
Finance and Internal Services Director Date

Received in City Clerk's Office 13P01:35 RCVD


Chief of Staff 5-3-13
Date

Received in Mayor's Office

ENTERED
5/2/13
PH


Mayor 5/3/13
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

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

From: Peter Nierengarten, Sustainability & Strategic Planning Director *PW*

Date: May 2, 2013

Subject: Resolution of Intent for the Houses at Willow Bend

PURPOSE

The purpose of this resolution is to express intent to cost share with the Houses at Willow Bend Project in the amount of \$1,000,000 for the construction of public infrastructure (steets, sidewalks, storm drainage, etc.) within and/or adjacent to the project. The City of Fayetteville's contribution to the public infrastructure would help lower the purchase price of the homes in an effort to better achieve the goal of providing home ownership opportunities for Fayetteville citizens making less than 80% of the median income. The City of Fayetteville's contribution to the public infrastructure would be subject to the project developers funding the remainder of the infrastructure construction cost, ensuring that Willow Bend be an owner occupied neighborhood and incorporating affordable resale of the homes into property deeds.

BACKGROUND

The Houses at Willow Bend is a 9.75 acre infill housing project in the Walker Park Neighborhood in south Fayetteville that aims to create a replicable model of sustainable and attainable housing. The project goal is to construct between 65 – 84 homes that will provide citizens making less than 80% of the median income the opportunity to become homeowners. The Houses at Willow Bend project has been developed through a partnership with the Fayetteville Housing Authority, the Fayetteville Partners for Better Housing, the City of Fayetteville, the National Center for Appropriate Technology, Community Resources Group, the Sustainable Cities Institute and the Home Depot Foundation.

Throughout the project, stakeholders have stressed the inclusion of all elements of sustainability, not only environmental, but economic and social elements as well. The master plan's infill location is surrounded by the existing traditional street grid near downtown Fayetteville. The neighborhood lacks quality affordable housing and was selected by stakeholders for its walkable location and associated transportation affordability, with its close proximity to major employers, retail centers, and the City's multi-use trail system. In addition, the existing tree canopy and storm water features on the site have provided an idyllic setting for demonstrating the integration of both ecology and placemaking principles into one. The master plan was informed by a recently adopted form based zoning code and parallel cottage court ordinance which together encourage a mix of unit

types and higher densities. The plan is also being used as a pilot project to facilitate the development of a proposed low-impact technical manual.

The City of Fayetteville's adopted City Plan 2030 contains six overarching goals. Two of these goals include:

- 1) We will make appropriate infill and revitalization our highest priorities.
- 2) We will create attainable housing opportunities.

The Houses at Willow Bend Project aligns very closely with both of these goals due to its location within the long-standing Walker Park Neighborhood and by virtue of the goal to provide homeownership opportunities for Fayetteville citizens making less than 80% of the median income.

RECOMMENDATION

The Street Committee recommended forwarding this resolution of intent to City Council at their April 30, 2013 meeting.

BUDGET IMPACT

Public infrastructure costs for the project are estimated to be \$1,997,000. Of that amount \$1,366,500 is estimated for public infrastructure such as streets, sidewalks and storm drainage. A contribution of \$1,000,000 towards the street, sidewalk and storm drainage infrastructure costs represents approximately a 75% cost share and would lower the purchase price of a home by approximately \$12,000. This reduced purchase price will allow greater access to these homes by families making less than 80% of the area median income.

The cost share would be in the form of a reimbursement to the project developer after the public infrastructure has been constructed and accepted by the City. The actual fund that the \$1,000,000 cost share will come from will be identified at a later date.

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO INVEST ABOUT ONE MILLION DOLLARS TO COST SHARE THE CONSTRUCTION OF CITY INFRASTRUCTURE WITHIN THE HOUSES AT WILLOW BEND DEVELOPMENT WITH PROPER ASSURANCES THAT AFFORDABLE, OWNER OCCUPIED HOUSING WILL BE CONSTRUCTED AND PRESERVED IN THIS NEW NEIGHBORHOOD

WHEREAS, the City Council has long supported the goal of fostering affordable and attainable housing for our citizens and included this goal in Fayetteville's 2020, 2025 and 2030 Long Range plans; and

WHEREAS, the City Council can invest its funds to build its own infrastructure such as streets, sidewalks, water and sewer mains, and drainage structures and does so in established neighborhoods every year, but normally requires a subdivision developer to build all this infrastructure within a new development and dedicate it to the City of Fayetteville before the City assumes maintenance responsibilities for it; and

WHEREAS, in order to make the housing within the Houses at Willow Bend development built by a nonprofit corporation more affordable and attainable for moderate income citizens of Fayetteville, the City Council intends to invest up to One Million Dollars (\$1,000,000.00) as a cost share with the nonprofit developer to build city infrastructure if proper assurances and guarantees are in place to ensure such City investment will all inure to the benefit of the initial single family or duplex, owner occupied home buyers who must agree to restrictions upon the resale and use of their homes and duplexes to ensure that, after any resale of the home or duplex, the new owners/residents shall receive and retain the benefits of the City investment.

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 expresses its intent to invest up to One Million Dollars (\$1,000,000.00) to cost share the construction of city infrastructure within the Houses at Willow Bend development with the nonprofit development corporation if proper safeguards, assurances and guarantees are in place to ensure that:

(1) the benefits of this City investment will go **only** to the individual home and duplex buyers who shall occupy the purchased homes or at least one side of the duplex;

(2) any profit such home and duplex buyers could receive when such houses or duplexes are resold in the future shall be limited so that the actual residents of Willow Bend will continue to enjoy the City investment for affordable and attainable housing; and

(3) the requirement of owner occupied status for such housing shall be maintained for the number of years set by the City Council when the agreement for the investment is made with the nonprofit corporation.

Section 2 : That the City Council of the City of Fayetteville; Arkansas hereby requests that the City Administration work with the City Attorney's Office to negotiate an agreement with the nonprofit corporation to achieve the goals set forth in this Resolution and then present such agreement to the City Council which could then authorize the One Million Dollar (\$1,000,000.00) investment of City funds for this project.

PASSED and **APPROVED** this 21st day of May 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Partners for Better Housing is a non-profit corporation created in 2007 for the specific purpose of constructing housing affordable to those individuals and families making 50-80% of the Area Median Income (AMI.) In order to accomplish this, the Partners board purchased in 2009 acreage in South Fayetteville in the Walker Park Neighborhood. This decision was due in large part to the need for housing identified in the excellent Walker Park Neighborhood Plan adopted by the City Council in early 2008. The city in 2010 was successful in securing a grant from the Home Depot Foundation. The grant request to Home Depot identified the creation of affordable housing as a high city priority and included our property as a key focus within the grant request.

The "Houses at Willow Bend" project is 9.8 acres in area and includes 78 dwelling units. The design of the Houses at Willow Bend neighborhood was funded by the Home Depot Sustainable Cities grant to the City of Fayetteville. The design of the project is complete and cost estimates have been done based upon recent bids from local contractors. The infrastructure costs for the project are estimated to be \$1,997,482. Of that amount, \$1,366,500 is for public infrastructure, such as streets, sidewalks, and stormwater drainage. The remaining \$630,982 is for water and sewer lines and private infrastructure, such as parking courts, grading, stormwater detention, franchise utilities, and retaining walls. This part of Fayetteville has not seen much public investment in the recent past and could benefit from upgraded infrastructure. We are preparing to submit drawings and reports to the City of Fayetteville requesting preliminary and final plat approval from the Planning Commission and the City Council.

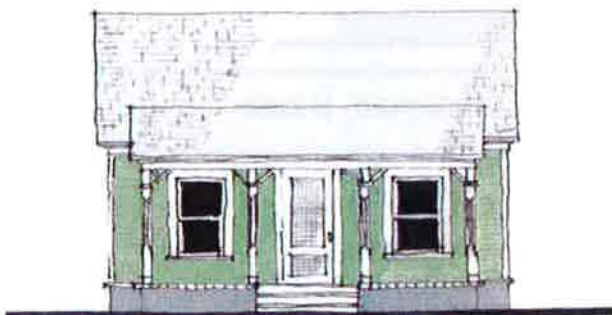
It is important to remember that any time public monies are spent on infrastructure, it creates a benefit for the adjacent property owners. Partners for Better Housing feels that spending public monies for public infrastructure adjacent to the Willow Bend property would be an effective, immediate, and appropriate way for the City of Fayetteville to meet its goal as stated in City Plan 2030:

"We will create opportunities for attainable housing."

This is also an excellent opportunity to meet another of our major goals:

"We will make appropriate infill and revitalization our highest priorities."

The Partners for Better Housing board, at the suggestion of city staff, is asking the city council to assist in increasing the affordability of the housing by investing in the street portion of the project cost. The following three examples demonstrate how this assistance dramatically increases the affordability to low and moderate-income individuals and families:



The Joplin Cottage. 768 sq ft 2
Bedroom, 1 bath

With no City Cost Share: Sale Price of **\$104,290**
Affordable to a household with \$27,657
annual income

With **75%** City Cost Share: Sale Price of **\$92,202**
Affordable to a household with \$25,207
annual income

With **100%** City Cost Share: Sale Price of **\$88,173**
Affordable to a household with \$24,390
annual income



The Siloam Cottage. 1100 sq ft 2 Bedroom, 2 bath

With no City Cost Share: Sale Price of **\$136,660**

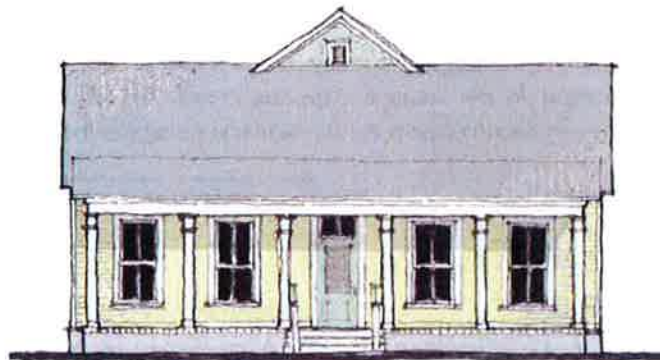
Affordable to a household with \$35,498 annual income

With **75%** City Cost Share: Sale Price of **\$124,572**

Affordable to a household with \$33,048 annual income

With **100%** City Cost Share: Sale Price of **\$120,542**

Affordable to a household with 32,230 annual income



The Spring House. 1308 sq ft 3 Bedroom, 2 bath

With no City Cost Share: Sale Price of **\$148,887**

Affordable to a household with \$40,495 annual income

With **75%** City Cost Share: Sale Price of **\$133,120**

Affordable to a household with \$37,300 annual income

With **100%** City Cost Share: Sale Price of **\$127,864**

Affordable to a household with \$36,235 annual income



The principles of the Houses at Willow Bend came out of the Walker Park Neighborhood Plan. Housing affordability is based upon mortgage expense, transportation cost, and energy costs to heat and cool the houses.

The Houses at Willow Bend is designed to serve the needs of Low Income households as defined by HUD and as implemented by the Community Services Division's Community Development Block Grant Program.

The household income ranges area as follows: Area Median Income (AMI), Fiscal Year 2013:

	One Person	Two Person	Three Person	Four Person	Five Person
50% of AMI	\$19,850	\$ 22,700	\$25,500	\$28,350	\$30,650
80% of AMI	\$31,750	\$36,300	\$40,850	\$45,350	\$49,000

Return on Investment:

Any time that an expenditure of public monies is contemplated, Return on Investment must be considered. In addition to the intangible benefits of adding to Fayetteville's housing stock of stable dignified energy efficient housing, there is the transportation benefit of locating housing on the multi-use trail network and close to major employment opportunities such as the University of Arkansas Campus, the Square, and the Industrial Park. Transportation dollars would be spent in a way that *reduces* the need for cross town travel, rather than *encouraging* it.

The financial return on the investment would be as follows: If the City of Fayetteville dedicated \$1,366,500 of bond monies to public infrastructure, it would allow the construction of 78 houses at an average cost of \$125,000 each for a total of \$9,750,000 in affordable housing. **That is a return of seven dollars of affordable housing for every dollar of public money spent.**

The financial return would also ripple out to the school system, the county, the library, and the City of Fayetteville as follows: Projected Property Tax Receipts, 78 houses, average value of \$125,000 each: \$100,425 annually. Current property tax receipts for the property are \$1,800 annually, for a net increase of **\$98,625** annually. Over a **25 year period**, that would provide the following property tax revenue:

Fayetteville Public Schools	\$ 1,997,156
Washington County	\$ 246,562
Library	\$ 24,656
City of Fayetteville	\$ 197,250

In addition, the City of Fayetteville should expect to see increases in sales tax revenue as a certain number of households currently living the outlying areas of the region have the choice of moving into town.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: September 19, 2016

RE: Ordinance to Waive Competitive Bidding and Approve the Proposed Contractual Agreement with Partners for Better Housing, Inc. for City's One Million Dollar Cost Share Investment for Willow Bend

On May 21, 2013, the Fayetteville City Council passed Resolution No. 117-13 to express its intent to invest up to One Million Dollars (\$1,000,000.00) to pay for public infrastructure in the proposed Willow Bend subdivision. Normally this infrastructure is built and paid for by the developers and then dedicated without compensation to the City. A major purpose of this possible cost-share was to lower the development's costs to facilitate affordable/attainable housing for some of the future home buyers who earned less than the Average Median Income for Fayetteville. Interestingly, just a couple of weeks later *Kiplinger's* magazine listed Fayetteville as "one of the 10 cheapest cities in the county to live in..." *Northwest Arkansas Newspaper*, page 3A, June 4, 2013. The newspaper further reported that Fayetteville has the 5th lowest cost of living for cities over 50,000 in population.

"While salaries aren't big,...paychecks stretch further, thanks to the **low housing**, transportation and utility costs." (emphasis added).

City staff worked with Partners for Better Housing, Inc. in 2013. Eventually, Partners for Better Housing, Inc. hired Chico Building and Land, LLC in January of 2014 for development and management services for the proposed Willow Bend Development. Finally, late this summer, Partners for Better Housing, Inc. submitted its proposal in a 16 and later a 21 page booklet to the City Council and City Administration.

I used this proposal as well as the Resolution No. 117-13's provisions to guide my attempt "to negotiate an agreement with the nonprofit corporation to achieve the goals set forth in this Resolution and then present such Agreement to the City Council which could then authorize the One Million Dollar (\$1,000,000.00) investment of City funds for this project." Section 2 of Resolution No. 117-13.

Legal Issues With The Current Willow Bend Proposal To Cost Share And To Restrict Who May Purchase Houses

I believe as long as the City of Fayetteville is paying for or building its own infrastructure (streets, sidewalks, water and sewer mains), it is on fairly solid legal footing. Other developers being forced to pay for all these infrastructure costs themselves by our Unified Development Code could claim they are not being treated fairly and equally if the City refused to cost share with them in building city infrastructure. There is some persuasive force in this Equal Protection of the Law argument made by other residential housing developers, but I do not think it likely that the City would actually get sued by another developer over this. If we did get sued, I would hope that the Court would recognize and honor the City Council's discretion in spending tax payers to help build the city's own infrastructure.

What is somewhat more risky is the necessary requirement in the Contractual Agreement requiring the developer to help each potential qualified buyer earning less than Average Median Income with a "soft (forgivable over time) second mortgage" to assist their purchase "at least until the amount of funds equal to the City's cost share payment have been utilized for such soft second mortgages." Contractual Agreement 2.D.

I believe we need such provision to ensure the City's One Million Dollar investment in its infrastructure (that developers normally fully pay for on their own) would be used pursuant to the City Council's hope to help make these homes more affordable and attainable for lower income citizens. Without such provision, the developer could simply be enriched with no rock hard requirement to pass this savings on to those intended by the City Council to receive this help.

However, the City Council's intent to assist about 50 lower income families with this up to One Million Dollar cost share does make me somewhat concerned. Even though the money for the "soft second (forgivable) mortgages" does not come directly from the City, but from Partners for Better Housing, Inc., who can argue they would have this "extra" money without the City of Fayetteville's cost

share payment? We must always be careful to comply with the *Arkansas Constitution*.

Article II § 18 **Privileges and Immunities-Equality** of the *Arkansas Constitution* states:

“The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.”

This right of all Arkansans to be treated equally by their government has been applied to city government and their agencies, although not for the precise issue presented the Fayetteville Partners for Better Housing, Inc.’s proposed Contractual Agreement. See *Rowe v. Housing Authority*, 220 Ark. 698, 249 S.W.2d 551 (1952). The State cannot grant to municipal corporations greater powers than the State possesses. *City of Little Rock v. Raines*, 411 S.W.2d 486 (1967). Therefore, the City must obey the State restriction not to “grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.”

The issue is whether this proposal to provide financial assistance for the purchase of homes only to persons earning below a certain income level violates the *Arkansas Constitution’s Privileges and Immunities-Equality* section. As currently proposed if a family’s annual income is below the Average Median Income, they would be subsidized with a “soft second mortgage”, but families earning “too much” would be prohibited from receiving such help. Is this not the granting to the class of citizens earning below the Average Median Income the privilege to buy a house built in Willow Bend with the assistance of a “soft second (forgivable) mortgage” which is denied and not equally granted to another class of citizens just because they earn more than that income level?

In the 1930’s, the Legislative wanted to assist indigent or disabled veterans and blind persons by waiving the cost for a State, County or City business license. This waiver with tight restrictions (the veteran could not be drawing a pension exceeding \$8.00 per month) was specifically authorized by state statute. When Fort Smith demanded payment (\$25.00) for the electrical contractor license, the veteran sued. The Arkansas Supreme Court held the law unconstitutional.

“The statute under consideration unquestionably grants to a class of citizens privileges or immunities, which upon the same terms do not

equally belong to all, and is therefore violative of section 18 of article 2 of the Constitution, and is void." *Edelman v. City of Fort Smith*, 194 Ark. 100, 105 S.W.2d 528, 529 (1937).

Both the City of Springdale and City of Hot Springs have had city ordinances found unconstitutional pursuant to Article 2, Section 18 of the *Arkansas Constitution*. *City of Springdale v. Chandler*, 222 Ark 167, 257 S.W.2d 934 (1953) (ordinance required two neighbors to file written protest for prosecution amounted to "arbitrary discrimination"); *Waters-Pierce Oil Co. v. Hot Springs*, 85 Ark 509, 109 S.W.2d 293 (1908) ("The fact that a discriminatory tax applies to all persons of a given class does not render it any less obnoxious as an unjust discrimination against a class of citizens.")

More recent cases have acknowledged that Equal Protection of the Laws "does not require that persons be dealt with identically..." *Rose v. Arkansas State Plant Board*, 213 S.W.3d 607, 617 (2005). "Equal protection analysis further depends upon the existence of some classification which impermissibly distinguishes between citizens." *City of Little Rock v. Waters*, 303 Ark 363, 797 S.W.2d 426, 430 (1990).

In a case questioning the constitutionality of Housing Authorities to rent only to "low income" persons, the Arkansas Supreme Court upheld the constitutionality of A.C.A § 14-169-201, et seq. from this attack by quoting a Texas Supreme Court decision:

"The legislature in the instant law under attack has made no attempt to grant special privileges to any man or set of men, but has made a reasonable classification of the members of the public and has provided that such low rent dwelling accommodations shall be available to all members of the public who presently or in the future fall within the classification made by the legislature." *Hogue v. Housing Authority of North Little Rock*, 201 Ark. 263, 144 S.W.2d 49, 53 (1940) (citation omitted).

The Arkansas Development Finance Authority administers several low interest or otherwise favorable loans/mortgages to assist low income citizens to purchase homes. This type of State assistance is identified by Partners for Better Housing, Inc. as a part of their program and efforts (along with the soft second mortgage) to help lower income families purchase houses in Willow Bend. If those State programs are State funded rather than federally funded, then I would be

much more comfortable with the City Council's stated intention to cost share with Partners for Better Housing, Inc. to assist lower income citizens to purchase houses.

I have expressed my concerns about some aspects this One Million Dollar cost share investment with its intent to assist lower income citizens to purchase homes for over two years. I believe that the provisions negotiated in the proposed Contractual Agreement have made this proposal as legal and constitutional as possible. There is always a risk when a City tries a fairly novel approach to address a problem as difficult as assisting development of affordable housing. I believe the proposed Contractual Agreement has reduced this legal risk as much as possible.

I take no position on the wisdom or issue of whether or not to enter into this Agreement to assist Partners for Better Housing, Inc.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0440

Agenda Date: 10/4/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 10

AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS:

AN ORDINANCE TO AMEND **CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS** OF THE MINIMUM STREET STANDARDS MANUAL TO ALLOW ALLEYS TO BE CONSTRUCTED WITH GRAVEL PAVEMENT SECTIONS IN CERTAIN CIRCUMSTANCES

WHEREAS, Ordinance No. 5789, which was passed by the Fayetteville City Council on August 4, 2015, adopted the Minimum Street Standards manual as part of the Unified Development Code and requires City Council approval for amendments to those standards; and

WHEREAS, § 6.1.3 **Standard Pavement Sections** of the Minimum Street Standards manual currently requires that the pavement section requirements for alley construction be the same as for a public roadway unless alternative materials are approved by the City Engineer.

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 § 6.1.4 **Alleys** of the Minimum Street Standards Manual by appending the language below and renumbers the following sections accordingly:

“Existing alley rights-of-way which have a grade less than 5% in all directions are exempt from the requirements of this chapter and may be constructed in accordance with §172.11(G), (H), and (I). Alleys constructed in this manner shall use an angular surface gravel approved by the City Engineer for its ability to maintain compaction.

When constructed, alternative pavements shall pass a proof rolling test conducted with a loaded dump truck. The crown shall be constructed using best practices from the Federal Highway Administration publication *Gravel Roads and Maintenance*. The City Engineer shall have the authority to require drainage measures such as underdrains and culverts where necessary. Maintenance windrows of pavement materials shall not be allowed.

The City of Fayetteville shall not be responsible for maintaining alleys constructed in this manner.”

Legistar ID No.: 2016-0440

AGENDA REQUEST FORM

FOR: Council Meeting of October 4, 2016

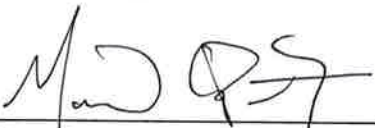
FROM:

City Council Member Matthew Petty

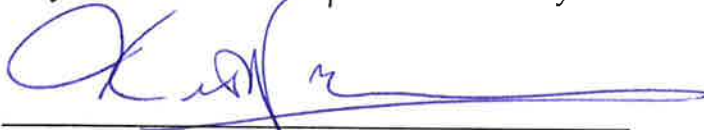
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND **CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS** OF THE MINIMUM STREET STANDARDS MANUAL TO ALLOW ALLEYS TO BE CONSTRUCTED WITH GRAVEL PAVEMENT SECTIONS IN CERTAIN CIRCUMSTANCES

APPROVED FOR AGENDA:


City Council Member Matthew Petty

September 13, 2016
Date


City Attorney Kit Williams
(as to form)

September 13, 2016
Date



CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Kit Williams, City Attorney

FROM: Matthew Petty, Ward 2 Alderman

DATE: September 16, 2016

SUBJECT: Ordinance No. _____. An ordinance to amend **Chapter 6 Pavement Structure and Materials** of the Minimum Street Standards Manual to allow alleys to be constructed with gravel pavement sections in certain circumstances.

BACKGROUND:

In 2015, Fayetteville adopted the Minimum Street Standards which define cross-sectional and geometrical standards for alleys within the city. At a Planning Commission meeting in the first quarter of 2016, several commissioners expressed dissatisfaction with current code language which requires all alleys to be constructed to the same standards as city streets. Similarly, a handful of developers have asked me why gravel alleys are not allowed when several already exist in the city and appear to function adequately for all users.

DISCUSSION:

This ordinance allows alleys to be constructed to same standards as driveways. The alley right-of-way must already exist and the alley must only be used for ingress/egress to properties; solid waste service in gravel alleys will not be allowed.

Furthermore, the ordinance empowers the City Engineer to require drainage measures, such as underdrains and culverts, to be installed where necessary. The ordinance also prohibits the storage of surplus pavement material within the alley. The new alley must pass a proof rolling test with a loaded dump truck, in lieu of normal compaction testing. Finally, the City is not responsible for maintaining such alleys.

BUDGET/STAFF IMPACT:

Budget: none.

Mulford, Patti

From: Williams, Kit
Sent: Thursday, September 08, 2016 6:16 PM
To: Matthew Petty - Fayetteville Ward 2
Cc: Mulford, Patti
Subject: RE: Gravel alley ordinance

Matthew,

The next agenda has already been distributed. We will prepare this for the agenda following that. The only other option would be for you to walk this on at the Agenda Session.

Kit Williams
Fayetteville City Attorney
479.575.8313



From: Matthew Petty - Fayetteville Ward 2 [mailto:citycouncil@matthewpetty.org]
Sent: Thursday, September 08, 2016 2:01 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Gravel alley ordinance

Hi Kit, can we prepare this for the next agenda? Or am I too late?

Thanks,
Matthew

ORDINANCE NO. 5789

**AN ORDINANCE TO REPEAL CHAPTER 171 STREETS AND SIDEWALKS
AND ENACT A REPLACEMENT CHAPTER 171, STREET AND
SIDEWALKS OF THE UNIFIED DEVELOPMENT CODE**

WHEREAS, it is proper and appropriate for the City Council to enact a **Purpose** section to Chapter 171, **Streets and Sidewalks** and to better define and clarify "retaining wall"; and

WHEREAS, the Minimum Street Standards manual needed to be updated from its 1996 version and be adopted as a technical supplement of the **Street and Sidewalks** Chapter; and

WHEREAS, certain technical criteria for street and sidewalk construction should be moved from this chapter and placed with the newly adopted Minimum Street Standards manual.

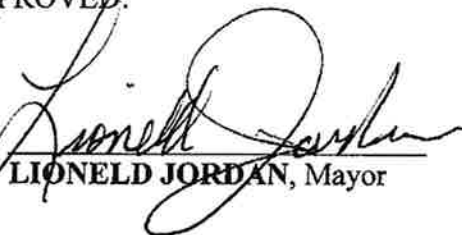
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals the existing Chapter 171, **Streets and Sidewalks** and enacts a replacement Chapter 171, **Streets and Sidewalks** along with the replacement Minimum Street Standards manual of the Unified Development Code as attached as Exhibit A.

PASSED and APPROVED this 4th day of August, 2015.

APPROVED:

By:


LIONELD JORDAN, Mayor

ATTEST:

By:


SONDRA E. SMITH, City Clerk Treasurer



Agenda Session 9/27/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, September 27, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. 2016-0366

DEVELOPMENT SERVICES PRESENTATION - JEREMY PATE

Agenda Additions

A. Consent:

A✓1 2015-0656

APPROVAL OF THE SEPTEMBER 20, 2016 CITY COUNCIL MEETING MINUTES.

A✓2 2016-0431

SPRINGDALE TRACTOR CO.:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A KUBOTA 60-INCH PRO DECK MOWER WITH CANOPY IN THE AMOUNT OF \$13,175.00 FROM SPRINGDALE TRACTOR CO. OF SPRINGDALE, ARKANSAS FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SPRINGDALE TRACTOR CO.

BA SPRINGDALE TRACTOR CO.:

A\3 2016-0424**BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPARTMENT:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$54,670.88 FOR USE BY THE TRANSPORTATION DEPARTMENT

Attachments: BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPART

A\4 2016-0425**BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION DEPARTMENT:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F350 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$44,947.88 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

Attachments: BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION D

A\5 2016-0426**BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 STANDARD CAB WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,397.88 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERA

A✓6 2016-0430

**BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS
DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-56 AND AUTHORIZE THE PURCHASE OF A FORD F550 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,005.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERA

A✓7 2016-0429

**BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS
DIVISION:**

A RESOLUTION TO AWARD BID NO. 16-57 AND AUTHORIZE THE PURCHASE OF A FORD F550 DIESEL 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$55,243.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERA

A✓8 2016-0438

BID NO. 16-60 ART THURESON INC.:

A RESOLUTION TO AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: BID NO. 16-60 ART THURESON INC.

A\9 2016-0442

GARVER, LLC AMENDMENT NO. 1:

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH GARVER, LLC IN THE AMOUNT OF \$32,200.00 TO ADD CONSTRUCTION PHASE SERVICES RELATED TO THE INSTALLATION OF A TUNNEL AND BRIDGES ON A PORTION OF THE CATO SPRINGS TRAIL WITHIN THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT OF WAY

Attachments: GARVER, LLC AMENDMENT NO. 1

A\10 2016-0441

WALTON ARTS CENTER COUNCIL, INC. RESTATED ARTICLES OF INCORPORATION:

A RESOLUTION TO APPROVE THE RESTATED ARTICLES OF INCORPORATION OF THE WALTON ARTS CENTER COUNCIL, INC.

Attachments: Agenda Packet WAC Restates Articles of Incorporation

B. Unfinished Business:

B\1 2016-0328

RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

(LEFT ON SECOND READING)

Attachments: RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE)
BILL OF ASSURANCE

At the July 19, 2016 City Council meeting this ordinance was left on the first reading. At the August 2, 2016 City Council Meeting this ordinance was left on the first reading and tabled indefinitely. At the September 6, 2016 City Council meeting this ordinance was left on the first reading and tabled to the September 20, 2016 City Council meeting.

At the September 20, 2016 City Council Meeting this ordinance was left on the second reading.

C. New Business:**CV1** 2016-0403**BID NO. 16-53 BOULDER CONSTRUCTION, INC.:**

A RESOLUTION TO AWARD BID NO. 16-53 AND AUTHORIZE A CONTRACT WITH BOULDER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,753,369.40 FOR CONSTRUCTION OF PORTIONS OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE CHANGE ORDER NO. 1 TO REFLECT VALUE ENGINEERING ITEMS AND REDUCE THE CONTRACT AMOUNT BY \$880,253.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$287,311.16

Attachments: BID NO. 16-53 BOULDER CONSTRUCTION, INC.:

CV2 2016-0433**RZN 16-5543 (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5543 FOR APPROXIMATELY 21.40 ACRES LOCATED AT 3434 NORTH CROSSOVER ROAD FROM R-A, RESIDENTIAL AGRICULTURAL TO RT-12, RESIDENTIAL TWO AND THREE FAMILY; P-1, INSTITUTIONAL AND CS, COMMUNITY SERVICES

Attachments: RZN (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING)

CV3 2016-0428**RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5548 FOR APPROXIMATELY 0.63 ACRES LOCATED AT 1211 WEST JAMES STREET FROM R-O, RESIDENTIAL OFFICE TO CS, COMMUNITY SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

Attachments: RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS)

New description map?
C.4 2016-0432**RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 73.37 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

Attachments: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)

C.5 2016-0434**RZN 16-5560 (103 N PLAINVIEW AVE./MCMAHON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5560 FOR APPROXIMATELY 3.34 ACRES LOCATED AT 103 NORTH PLAINVIEW AVENUE FROM R-O, RESIDENTIAL OFFICE TO RT-12, RESIDENTIAL TWO AND THREE FAMILY

Attachments: RZN 16-5560 (103 N PLAINVIEW AVE./McMAHON)

C.6 2016-0436**ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT):**

AN ORDINANCE TO AMEND ORDINANCE NO. 5015 WHICH ENACTED RESIDENTIAL PLANNED ZONING DISTRICT 07-2452 (THE LINKS) TO ALLOW A CLUBHOUSE AND SWIMMING POOL TO BE CONSTRUCTED ON A 0.4 ACRE PARCEL OF THE R-PZD

Attachments: ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT)

C✓7 2016-0404**STARTUP JUNKIE CONSULTING, LLC:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH STARTUP JUNKIE CONSULTING, LLC TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF ENTREPRENEURSHIP AND INNOVATION IN THE AMOUNT OF \$300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: STARTUP JUNKIE CONSULTING, LLC
 BA STARTUP JUNKIE CONSULTING, LLC

C✓8 2016-0405**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF BUSINESS RECRUITMENT, RETENTION, AND EXPANSION IN THE AMOUNT OF \$360,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPME
 BA FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELO

C✓9 2016-0439**PARTNERS FOR BETTER HOUSING, INC. AGREEMENT:**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND TO APPROVE THE CONTRACTUAL AGREEMENT ATTACHED TO THE ENGINEERING DEPARTMENT'S AGENDA MEMO IN THE FORM OF A COST SHARE AGREEMENT WITH PARTNERS FOR BETTER HOUSING, INC. IN THE AMOUNT OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) PURSUANT TO RESOLUTION NO. 117-13

Attachments: PARTNERS FOR BETTER HOUSING AGREEMENT
 City Attorney Memo Willow Bend

C.10 2016-0440**AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS:**

AN ORDINANCE TO AMEND **CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS** OF THE MINIMUM STREET STANDARDS MANUAL TO ALLOW ALLEYS TO BE CONSTRUCTED WITH GRAVEL PAVEMENT SECTIONS IN CERTAIN CIRCUMSTANCES

Attachments: AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS

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

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Handed out at Agenda Session 9/27/16



TO: Mayor Lioneld Jordan and Members of the City Council
Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director *Paul A. Becker*

DATE: September 21, 2016

SUBJECT: **July Sales Taxes Received In August 2016 by the State**

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in August, 2016 were up \$91,676 / 5.60% as compared to the same month prior year. These collections represent July, 2016 sales.
2. Sales tax collections remitted to the City for the City's share of County tax collections in August, 2016 were up \$100,911 / 9.15% as compared to the same month prior year. These collections represent July, 2016 sales.
3. When compared to budget for the month, sales tax collections were up a total of \$221,040 / 8.15%. The year to date budget impact for the eight months is up a total of \$782,904 / 3.57%.

1% City / 1% County (Combined)	Budget	Actual	\$ Difference	% Difference
December, 2015	\$ 3,097,100	\$ 3,273,756	\$ 176,656	5.70%
January, 2016	2,532,500	2,395,755	(136,745)	(5.40%)
February, 2016	2,470,300	2,825,188	354,888	14.37%
March, 2016	2,792,400	2,763,834	(28,566)	(1.02%)
April, 2016	2,702,700	2,723,331	20,631	0.76%
May, 2016	2,783,100	2,905,534	122,434	4.40%
June, 2016	2,815,200	2,867,766	52,566	1.87%
July, 2016	2,710,800	2,931,840	221,040	8.15%
August, 2016				
September, 2016				
October, 2016				
November, 2016				
YTD Budget to Actual	\$ 21,904,100	\$ 22,687,004	\$ 782,904	3.57%

Funding Source	Budget	Actual	\$ Difference	% Difference
General Fund: 1% City (60% Split)	\$ 7,932,800	\$ 8,189,373	\$ 256,573	3.23%
1% County	8,682,300	9,038,050	355,750	4.10%
	\$ 16,615,100	\$ 17,227,422	\$ 612,322	3.69%
ST Capital: 1% City (40% Split)	\$ 5,289,000	\$ 5,459,582	\$ 170,582	3.23%
Total General/ST Capital Funds:	\$ 21,904,100	\$ 22,687,004	\$ 782,904	3.57%

NWA REGION SALES TAX ACTIVITY - JULY 2016 COLLECTIONS

4. July, 2016 1% City Sales Tax collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		July 2015	July 2016	\$ Difference	% Difference
1% City:	Fayetteville	\$ 1,636,582	\$ 1,728,258	\$ 91,676	5.60%
	Springdale	\$ 1,078,533	\$ 1,199,148	\$ 120,615	11.18%
	Bentonville	\$ 853,978	\$ 978,254	\$ 124,275	14.55%
	Rogers	\$ 1,312,152	\$ 1,448,344	\$ 136,193	10.38%

5. July, 2016 1% County Sales Tax collections as compared to the surrounding areas were as follows:

County Sales Tax Collections:		July 2015	July 2016	\$ Difference	% Difference
Washington	Fayetteville	\$ 1,102,671	\$ 1,203,583	\$ 100,911	9.15%
Washington	Springdale	\$ 962,027	\$ 1,050,068	\$ 88,040	9.15%
Benton	Bentonville	\$ 551,313	\$ 594,521	\$ 43,208	7.84%
Benton	Rogers	\$ 874,017	\$ 942,516	\$ 68,499	7.84%

6. July, 2016 countywide collections for the combined Washington and Benton Counties were as follows:

County Sales Tax Collections:		July 2015	July 2016	\$ Difference	% Difference
Washington County		\$ 3,043,136	\$ 3,321,630	\$ 278,494	9.15%
Benton County		3,456,759	3,727,673	270,914	7.84%
		<u>\$ 6,499,895</u>	<u>\$ 7,049,303</u>	<u>\$ 549,408</u>	<u>8.45%</u>

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE (EIGHT MONTHS) COLLECTIONS

7. Year-to-Date (eight months) collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		(Eight Months) YTD 2015	(Eight Months) YTD 2016	\$ Increase (Decrease)	% Increase (Decrease)
1% City:	Fayetteville	\$ 12,961,715	\$ 13,648,954	\$ 687,240	5.30%
	Springdale	\$ 8,301,385	\$ 8,773,394	\$ 472,009	5.69%
	Bentonville	\$ 7,189,004	\$ 7,271,806	\$ 82,802	1.15%
	Rogers	\$ 10,719,655	\$ 11,568,517	\$ 848,862	7.92%

8. Year-to-Date (eight months) for the combined Washington and Benton Counties, sales were up \$1,613,747 / 3.12%.

Sales Tax Collections:		(Eight Months) YTD 2015	(Eight Months) YTD 2016	\$ Increase (Decrease)	% Increase (Decrease)
Washington County		\$ 23,716,864	\$ 24,943,077	\$ 1,226,213	5.17%
Benton County		28,062,037	28,449,571	387,534	1.38%
		<u>\$ 51,778,901</u>	<u>\$ 53,392,648</u>	<u>\$ 1,613,747</u>	<u>3.12%</u>

Pre Agenda Meeting 9-21-16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, September 27, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

✓ 2016-0366

DEVELOPMENT SERVICES PRESENTATION - JEREMY PATE

Agenda Additions

A. Consent:

✓
A✓1 2015-0656

✓
A✓2 APPROVAL OF THE SEPTEMBER 20, 2016 CITY COUNCIL MEETING MINUTES.
2016-0431

SPRINGDALE TRACTOR CO.:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A KUBOTA 60-INCH PRO DECK MOWER WITH CANOPY IN THE AMOUNT OF \$13,175.00 FROM SPRINGDALE TRACTOR CO. OF SPRINGDALE, ARKANSAS FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: SRP - 5051 TRRW Mower
 BA - 5051 TRRW Mower

AV3 2016-0424

BID NO. 16-54 LEWIS FORD SALES, INC. TRANSPORTATION DEPARTMENT:

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$54,670.88 FOR USE BY THE TRANSPORTATION DEPARTMENT

AV4 2016-0425

Attachments: SRP - 358 TRSM Dump Body Truck

BID NO. 16-54 LEWIS FORD SALES, INC. PARKS AND RECREATION DEPARTMENT:

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F350 CREW CAB 4X4 WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$44,947.88 FOR USE BY THE PARKS AND RECREATION DEPARTMENT

AV5 2016-0426

Attachments: SRP - 2082 PKDV Dump Body Truck

BID NO. 16-54 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:

A RESOLUTION TO AWARD BID NO. 16-54 AND AUTHORIZE THE PURCHASE OF A FORD F550 STANDARD CAB WITH DAVIS DUMP BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,397.88 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: SRP - 353 WSWD Dump Body Truck

A.6 2016-0430

BID NO. 16-56 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:

A RESOLUTION TO AWARD BID NO. 16-56 AND AUTHORIZE THE PURCHASE OF A FORD F550 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$48,005.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Attachments: SRP - 365 WSWD Utility Body Truck

A.7 2016-0429

BID NO. 16-57 LEWIS FORD SALES, INC. WATER AND SEWER OPERATIONS DIVISION:

A RESOLUTION TO AWARD BID NO. 16-57 AND AUTHORIZE THE PURCHASE OF A FORD F550 DIESEL 4X4 WITH READING UTILITY BODY FROM LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS IN THE AMOUNT OF \$55,243.00 FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

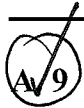
Attachments: SRP - 346 WSWD Utility Body Truck

A.8 2016-0403

BID NO. 16-53 BOULDER CONSTRUCTION, INC.:

A RESOLUTION TO AWARD BID NO. 16-53 AND AUTHORIZE A CONTRACT WITH BOULDER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,753,369.40 FOR CONSTRUCTION OF PORTIONS OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO KESSLER MOUNTAIN REGIONAL PARK, TO APPROVE CHANGE ORDER NO. 1 TO REFLECT VALUE ENGINEERING ITEMS AND REDUCE THE CONTRACT AMOUNT BY \$880,253.40, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$287,311.16

Attachments: 2016-0403 Cato Springs Trail Construction

2016-0438**BID NO. 16-60 ART THURESON INC.:**

A RESOLUTION TO AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: 2016-0438 - Regional Park Bridge

2016-0442**GARVER, LLC AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH GARVER, LLC IN THE AMOUNT OF \$32,200.00 TO ADD CONSTRUCTION PHASE SERVICES RELATED TO THE INSTALLATION OF A TUNNEL AND BRIDGES ON A PORTION OF THE CATO SPRINGS TRAIL WITHIN THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT RIGHT OF WAY

Attachments: 2016-0442 - Garver Contract Amendment 1

B. Unfinished Business:2016-0328**RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5442 FOR APPROXIMATELY 99.10 ACRES LOCATED AT 2514 WEST LORI ROAD FROM R-A, RESIDENTIAL AGRICULTURAL; RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; R-A, RESIDENTIAL AGRICULTURAL AND NS, NEIGHBORHOOD SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

(LEFT ON SECOND READING)

Attachments: RZN 16-5442 (2514 W. LORI RD./RAZORBACK GOLF COURSE)
 BILL OF ASSURANCE

*At the July 19, 2016 City Council meeting this ordinance was left on the first reading.
At the August 2, 2016 City Council Meeting this ordinance was left on the first reading and tabled indefinitely.*

*At the September 6, 2016 City Council meeting this ordinance was left on the first reading and tabled to the September 20, 2016 City Council meeting.
At the September 20, 2016 City Council Meeting this ordinance was left on the second reading.*

C. New Business:**CV1** 2016-0433**RZN 16-5543 (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5543 FOR APPROXIMATELY 21.40 ACRES LOCATED AT 3434 NORTH CROSSOVER ROAD FROM R-A, RESIDENTIAL AGRICULTURAL TO RT-12, RESIDENTIAL TWO AND THREE FAMILY; P-1, INSTITUTIONAL AND CS, COMMUNITY SERVICES

CV2 Attachments: RZN (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING)
2016-0428

RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5548 FOR APPROXIMATELY 0.63 ACRES LOCATED AT 1211 WEST JAMES STREET FROM R-O, RESIDENTIAL OFFICE TO CS, COMMUNITY SERVICES SUBJECT TO THE ATTACHED BILL OF ASSURANCE

CV3 Attachments: RZN 16-5548 (1211 W JAMES ST./HAVEN CAMPUS)
2016-0432

RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 73.37 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

Attachments: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)

C.4 ✓ 2016-0434**RZN 16-5560 (103 N PLAINVIEW AVE./MCMAHON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5560 FOR APPROXIMATELY 3.34 ACRES LOCATED AT 103 NORTH PLAINVIEW AVENUE FROM R-O, RESIDENTIAL OFFICE TO RT-12, RESIDENTIAL TWO AND THREE FAMILY

Attachments: RZN 16-5560 (103 N PLAINVIEW AVE./McMAHON)

C.5 ✓ 2016-0436**ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT):**

AN ORDINANCE TO AMEND ORDINANCE NO. 5015 WHICH ENACTED RESIDENTIAL PLANNED ZONING DISTRICT 07-2452 (THE LINKS) TO ALLOW A CLUBHOUSE AND SWIMMING POOL TO BE CONSTRUCTED ON A 0.4 ACRE PARCEL OF THE R-PZD

Attachments: ADM 16-5564 (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT)

C.6 ✓ 2016-0404**STARTUP JUNKIE CONSULTING, LLC:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH STARTUP JUNKIE CONSULTING, LLC TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF ENTREPRENEURSHIP AND INNOVATION IN THE AMOUNT OF \$300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: STARTUP JUNKIE CONSULTING, LLC
BA STARTUP JUNKIE CONSULTING, LLC

CV7

2016-0405**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT
CONSULTING SERVICES:**

A RESOLUTION TO APPROVE A TWO (2) YEAR CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AREAS OF BUSINESS RECRUITMENT, RETENTION, AND EXPANSION IN THE AMOUNT OF \$360,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:BRR&E Services - Full Agenda PacketBA E.D. BRRE Chamber of Commerce Contract

C. 8

2016-0441**WALTON ARTS CENTER COUNCIL, INC. RESTATED ARTICLES OF
INCORPORATION:**

A RESOLUTION TO APPROVE THE RESTATED ARTICLES OF INCORPORATION OF THE WALTON ARTS CENTER COUNCIL, INC.

Attachments:Agenda Packet WAC Restates Articles of Incorporation

CV9

2016-0439**PARTNERS FOR BETTER HOUSING AGREEMENT:**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND TO APPROVE THE CONTRACTUAL AGREEMENT ATTACHED TO THE ENGINEERING DEPARTMENT'S AGENDA MEMO IN THE FORM OF A COST SHARE AGREEMENT WITH PARTNERS FOR BETTER HOUSING, INC. IN THE AMOUNT OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) PURSUANT TO RESOLUTION NO. 117-13

Attachments:Willow Bend Cost Share AgreementCity Attorney Memo Willow Bend

C.40 2016-0440**AMEND CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS:**

AN ORDINANCE TO AMEND **CHAPTER 6 PAVEMENT STRUCTURE AND MATERIALS** OF THE MINIMUM STREET STANDARDS MANUAL TO ALLOW ALLEYS TO BE CONSTRUCTED WITH GRAVEL PAVEMENT SECTIONS IN CERTAIN CIRCUMSTANCES

Attachments: Agenda Packet Gravel Alley

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

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.