

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 18, 2016**

A meeting of the Fayetteville City Council was held on October 18, 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

City Council Meeting Presentations, Reports, and Discussion Items.

Agenda Additions

A. Consent:

1. Approval of the October 4, 2016 City Council Meeting Minutes.

Approved

2. **CANON COPIERS AND MAINTENANCE:** A resolution to authorize the purchase of Canon copiers and maintenance from various vendors in variable amounts and for varying unit prices as needed through April 30, 2017 and any future renewal periods, pursuant to a state procurement contract.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 186-16

3. **SCHINDLER ELEVATOR CORPORATION:** A resolution to approve a five year extended warranty agreement with Schindler Elevator Corporation in the amount of \$5,100.00 per year for repair and maintenance of the Spring Street Parking Deck elevator.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 187-16

4. **FAYETTEVILLE RACE SERIES:** A resolution to approve a budget adjustment in the amount of \$16,200.00 to increase funding for the Fayetteville Race Series.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 188-16

5. **RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC:** A resolution to award RFQ No. 16-01 and authorize a professional engineering services contract with Allgeier, Martin and Associates, Inc. in an amount not to exceed \$90,280.00 for the utility electrical study project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 189-16

6. **2017 PROPORTIONAL SHARE AGREEMENT:** A resolution to approve the 2017 proportional share agreement with Washington County and cities in Washington County to pay Fayetteville's Statutorily required share of our state district judges' base salaries.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 190-16

B. Unfinished Business:

1. **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.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5915

2. **RZN 16-5550 (2155 N. RUPPLE RD. /HAZEN):** An ordinance to rezone that property described in rezoning petition RZN 16-5442 for approximately 70 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 LEFT ON THE SECOND READING AT THE OCTOBER 18, 2016 CITY COUNCIL MEETING.

C. New Business:

1. **MUELLER SYSTEMS, LLC:** An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of a leak detection system pilot program from Mueller Systems, LLC in the amount of \$26,985.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5916

2. **RZN 16-5566 (1615 E. HUNTSVILLE RD./HARRISON):** An ordinance to rezone that property described in rezoning petition RZN 16-5566 for approximately 1.53 acres located at 1615 East Huntsville Road from rsf-4, residential single family, 4 units per acre to cs, community services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO 5917

3. **RZN 16-5573 (1030 N. COLLEGE AVE./LAZENBY):**An ordinance to rezone that property described in rezoning petition 16-5573 for approximately 0.73 acres located at the southwest corner of North Street and College Avenue from r-o, residential office to ut, urban thoroughfare.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5918

4. **RZN 16-5576 (1160 S. HAPPY HOLLOW RD./PROMOLIFE):** An ordinance to rezone that property described in rezoning petition RZN 16-5576 for approximately 3.65 acres located at 1160 South Happy Hollow Road from c-2, thoroughfare commercial and rsf-4, residential single family, 4 units per acre to i-1, heavy commercial and light industrial and r-a, residential agricultural.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO 5919

5. **VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):** An ordinance to approve vac 16-5571 submitted by Jorgensen and Associates, Inc. to vacate a portion of Jupiter Drive from McGuire Street to the AEP Substation.

THIS ORDINANCE WAS LEFT ON THE FIRST READING AT THE OCTOBER 18, 2016 CITY COUNCIL MEETING.

6. **APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:** A resolution to grant the appeal of Tim Briseiel of Legacy Ventures and to approve large scale development 16-5488 Macey Drive Townhomes.

THIS RESOLUTION WAS TABLED TO THE NOVEMBER 1, 2016 CITY COUNCIL MEETING.

7. **AMEND § 157.03 AND § 157.04:** An ordinance to amend § 157.03 annexation and zoning map amendments to include planned zoning districts and to replace § 157.04 with a new notification requirement if an indefinitely tabled rezoning ordinance is removed from the table.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5920

- 8. AMEND CHAPTERS 161, 162, AND 164:** An ordinance to amend chapters 161 and 162 to rename and replace “cottage housing development” with “cluster housing development”; to rename chapter 164 to supplementary zoning regulations and specialized development requirements, to replace § 164.22 cottage housing development with § 164.22 cluster housing development and make further amendments to § 164.22.

THIS ORDINANCE WAS LEFT ON THE FIRST READING AT THE OCTOBER 18, 2016 CITY COUNCIL MEETING.

- 9. APPEAL OF CUP 16-5558 THE WRMC CELL TOWER:** A resolution to grant the appeal of Smith Communications for cup 16-5558, Futrall Cell Tower, to amend the cup to allow the cell tower to be constructed up to 150 feet tall.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 191-16

City Council Agenda Session Presentations

City Council Tour

Announcements

Adjournment: 7:46 p.m.

City Council Meeting:

October 18, 2016

Adjourn: 7:46 pm

Subject:	Roll				
<i>Alderman Gray arrived at 5:31</i>	Gray	✓			
	Marsh	✓			
<i>Alderman Petty arrived at 5:35</i>	Kinion	Absent			
	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	Absent			
	La Tour	✓			
<i>Absent Alderman Kinion, Tennant, Schoppmeyer</i>	Long	✓			
	Mayor Jordan	✓			

60

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

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Seconded:		<i>Marsh</i>			
		<i>Long</i>			
A. 1 - A. 6 <i>Minutes</i> <i>Approved</i> <i>Approved</i> <i>180-16</i> <i>through</i> <i>190-16</i>	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>Absent</i>			
	Petty	<i>Absent</i>			
	Tennant	<i>Absent</i>			
	Schoppmeyer	<i>Absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Mayor Jordan	<i>✓</i>			

5-0 Mayor Jordan voted

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

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:		<i>Gray</i>	<i>Marsh</i>		
Seconded:		<i>Marsh</i>	<i>La Tour</i>		
B. 1 Unfinished Business <i>Approved</i> <i>5915</i>	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	<i>Absent</i>	<i>absent</i>	<i>absent</i>	
	Petty	✓	✓	✓	
	Tennant	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Schoppmeyer	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Mayor Jordan	✓	✓	✓	
		<i>6-0</i>	<i>6-0</i>	<i>5-0</i>	

Subject:		RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)			
Motion To:		<i>2nd Reading</i>			
Motion By:		<i>La Tour</i>			
Seconded:		<i>Gray</i>			
B. 2 Unfinished Business <i>Left on the Second Reading</i>	Gray	✓			
	Marsh	✓			
	Kinion	<i>Absent</i>			
	Petty	✓			
	Tennant	<i>absent</i>			
	Schoppmeyer	<i>absent</i>			
	La Tour	✓			
	Long	✓			
	Mayor Jordan	✓			
		<i>6-0</i>			

Subject:		MUELLER SYSTEMS, LLC			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Long</i>		
Seconded:		<i>Long</i>	<i>Marsh</i>		
C. 1 New Business <i>Approved</i> <i>5914</i>	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>Absent</i>	<i>Absent</i>	<i>absent</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>Absent</i>	<i>absent</i>	<i>absent</i>	
	Schoppmeyer	<i>Absent</i>	<i>absent</i>	<i>absent</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Jordan	<i>✓</i>	<i>✓</i>	<i>—</i>	
		<i>6-0</i>	<i>6-0</i>	<i>5-0</i>	

Subject:		RZN 16-5566 (1615 E. HUNTSVILLE RD./HARRISON)			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Long</i>		
Seconded:		<i>Long</i>	<i>Marsh</i>		
C. 2 New Business <i>Approved</i> <i>5917</i>	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>absent</i>	<i>Absent</i>	<i>absent</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Schoppmeyer	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Mayor Jordan	<i>✓</i>	<i>✓</i>	<i>—</i>	
		<i>6-0</i>	<i>6-0</i>	<i>5-0</i>	

Subject:		RZN 16-5573 (1030 N. COLLEGE AVE./LAZENBY)			
Motion To:					
Motion By:					
Seconded:					
C. 3 New Business <u>Approved</u> 5918	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
Mayor Jordan					

6-0

6-0

5-0

Subject:		RZN 16-5576 (1160 S. HAPPY HOLLOW RD./PROMOLIFE)			
Motion To:					
Motion By:					
Seconded:					
C. 4 New Business <u>Approved</u> 5919	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
Mayor Jordan					

6-0

6-0

5-0

Subject:	VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE)				
Motion To:					
Motion By:					
Seconded:					
C. 5 New Business <i>Left on the first Reading</i>	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Mayor Jordan				

Subject:	APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES				
Motion To:		<i>Table to November 1, 2016</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>La Tour</i>			
C. 6 New Business <i>Tabled to 11-01-16</i>	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>absent</i>			
	Petty	<i>✓</i>			
	Tennant	<i>absent</i>			
	Schoppmeyer	<i>absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Mayor Jordan				

4-1

Procedural Motion

Take majority those attending the meeting to pass.

Subject:		AMEND § 157.03 AND § 157.04			
Motion To:			2nd Read	3rd read	Approve
Motion By:			Long	Gray	
Seconded:			Petty	Petty	
C. 7 New Business <i>Approved</i> 5920	Gray		✓	✓	✓
	Marsh		✓	✓	✓
	Kinion		absent	absent	absent
	Petty		✓	✓	✓
	Tennant		absent	absent	absent
	Schoppmeyer		absent	absent	absent
	La Tour		✓	✓	✓
	Long		✓	✓	✓
			Mayor Jordan	✓	

6-0

6-0

5-0

Subject:		AMEND CHAPTERS 161, 162, AND 164			
Motion To:			2nd Reading		
Motion By:			Marsh		
Seconded:			Gray		
C. 8 New Business <i>Left on the First Reading</i>	Gray		✓		
	Marsh		✓		
	Kinion		absent		
	Petty		✓		
	Tennant		absent		
	Schoppmeyer		absent		
	La Tour		✓		
	Long		✓		
			Mayor Jordan		

3-2
motion
Failed

Subject:	APPEAL OF CUP 16-5558 THE WRMC CELL TOWER				
Motion To:		<i>Approve</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Marsh</i>			
C. 9 New Business <i>Approved</i> <i>10/17/16</i>	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>Absent</i>			
	Petty	<i>✓</i>			
	Tennant	<i>absent</i>			
	Schoppmeyer	<i>absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Mayor Jordan	<i>—</i>			

5-0

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: October 19, 2016

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of October 18, 2016

1. A resolution to authorize the purchase of Canon copiers and maintenance from various vendors in variable amounts and for varying unit prices as needed through April 30, 2017 and any future renewal periods, pursuant to a State Procurement Contract.
2. A resolution to approve a five year extended warranty agreement with Schindler Elevator Corporation in the amount of \$5,100.00 per year for repair and maintenance of the Spring Street Parking Deck elevator.
3. A resolution to approve a budget adjustment in the amount of \$16,200.00 to increase funding for the Fayetteville Race Series.
4. A resolution to award RFQ No. 16-01 and authorize a Professional Engineering Services Contract with Allgeier, Martin and Associates, Inc. in an amount not to exceed \$90,280.00 for the Utility Electrical Study Project.
5. A resolution to approve the 2017 Proportional Share Agreement with Washington County and cities in Washington County to pay Fayetteville's statutorily required share of our state District Judges' base salaries.
6. 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.

7. An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of a Leak Detection System Pilot Program from Mueller Systems, LLC in the amount of \$26,985.00.
8. An ordinance to rezone that property described in rezoning petition RZN 16-5566 for approximately 1.53 acres located at 1615 East Huntsville Road from RSF-4, Residential Single Family, 4 Units Per Acre to CS, Community Services.
9. An ordinance to rezone that property described in rezoning petition RZN 16-5573 for approximately 0.73 acres located at the southwest corner of North Street and College Avenue from R-O, Residential Office to UT, Urban Thoroughfare.
10. An ordinance to rezone that property described in rezoning petition RZN 16-5576 for approximately 3.65 acres located at 1160 South Happy Hollow Road from C-2, Thoroughfare Commercial and RSF-4, Residential Single Family, 4 Units Per Acre to I-1, Heavy Commercial and Light Industrial and R-A, Residential Agricultural.
11. An ordinance to amend § 157.03 Annexation and Zoning Map Amendments to include Planned Zoning Districts and to replace § 157.04 with a new notification requirement if an indefinitely tabled rezoning ordinance is removed from the table.
12. A resolution to grant the appeal of Smith Communications for CUP 16-5558, Futrall Cell Tower, to amend the CUP to allow the cell tower to be constructed up to 150 feet tall.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, October 18, 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****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:****A. 1** [2015-0657](#)

APPROVAL OF THE OCTOBER 4, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0452](#)**CANON COPIERS AND MAINTENANCE:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CANON COPIERS AND MAINTENANCE FROM VARIOUS VENDORS IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH APRIL 30, 2017 AND ANY FUTURE RENEWAL PERIODS, PURSUANT TO A STATE PROCUREMENT CONTRACT

Attachments: [CANON COPIERS AND MAINTENANCE:](#)

A. 3 [2016-0454](#)**SCHINDLER ELEVATOR CORPORATION:**

A RESOLUTION TO APPROVE A FIVE YEAR EXTENDED WARRANTY AGREEMENT WITH SCHINDLER ELEVATOR CORPORATION IN THE AMOUNT OF \$5,100.00 PER YEAR FOR REPAIR AND MAINTENANCE OF THE SPRING STREET PARKING DECK ELEVATOR

Attachments: [SCHINDLER ELEVATOR CORPORATION](#)

A. 4 [2016-0464](#)**FAYETTEVILLE RACE SERIES:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$16,200.00 TO INCREASE FUNDING FOR THE FAYETTEVILLE RACE SERIES

Attachments: [FAYETTEVILLE RACE SERIES](#)
 [BA_FAYETTEVILLE RACE SERIES](#)

A. 5 [2016-0427](#)**RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC.:**

A RESOLUTION TO AWARD RFQ NO. 16-01 AND AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH ALLGEIER, MARTIN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$90,280.00 FOR THE UTILITY ELECTRICAL STUDY PROJECT

Attachments: [RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC.](#)

A. 6 [2016-0473](#)**2017 PROPORTIONAL SHARE AGREEMENT:**

A RESOLUTION TO APPROVE THE 2017 PROPORTIONAL SHARE AGREEMENT WITH WASHINGTON COUNTY AND CITIES IN WASHINGTON COUNTY TO PAY FAYETTEVILLE'S STATUTORILY REQUIRED SHARE OF OUR STATE DISTRICT JUDGES' BASE SALARIES

Attachments: [Legistar Packet for District Judges Proportionate Share Agreement](#)
 [City Attorney Memo Share Agreement District Judge Salary](#)

B. Unfinished Business:

B. 1 [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

(LEFT ON FIRST READING)

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

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.

B. 2 [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 70 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

(LEFT ON THE FIRST READING)

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

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

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:**C. 1** [2016-0447](#)**MUELLER SYSTEMS, LLC:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF A LEAK DETECTION SYSTEM PILOT PROGRAM FROM MUELLER SYSTEMS, LLC IN THE AMOUNT OF \$26,985.00

Attachments: [MUELLER SYSTEMS, LLC](#)

C. 2 [2016-0458](#)**RZN 16-5566 (1615 E. HUNTSVILLE RD./HARRISON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5566 FOR APPROXIMATELY 1.53 ACRES LOCATED AT 1615 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Attachments: [16-5566 \(1615 E. HUNTSVILLE RD./HARRISON\)](#)

C. 3 [2016-0463](#)**RZN 16-5573 (1030 N. COLLEGE AVE./LAZENBY):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5573 FOR APPROXIMATELY 0.73 ACRES LOCATED AT THE SOUTHWEST CORNER OF NORTH STREET AND COLLEGE AVENUE FROM R-O, RESIDENTIAL OFFICE TO UT, URBAN THOROUGHFARE

Attachments: [RZN 16-5573 \(1030 N. COLLEGE AVE./LAZENBY\)](#)

C. 4 [2016-0459](#)**RZN 16-5576 (1160 S. HAPPY HOLLOW RD./PROMOLIFE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5576 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 1160 SOUTH HAPPY HOLLOW ROAD FROM C-2, THOROUGHFARE COMMERCIAL AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND R-A, RESIDENTIAL AGRICULTURAL

Attachments: [16-5576 \(1160 S. HAPPY HOLLOW RD./PROMOLIFE\)](#)

C. 5 [2016-0467](#)**VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):**

AN ORDINANCE TO APPROVE VAC 16-5571 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. TO VACATE A PORTION OF JUPITER DRIVE FROM MCGUIRE STREET TO THE AEP SUBSTATION

Attachments: [VAC 16-5571 \(WEST JUPITER DR./JUPITER DRIVE\)](#)

C. 6 [2016-0445](#)**APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:**

A RESOLUTION TO GRANT THE APPEAL OF TIM BRISEIEL OF LEGACY VENTURES AND TO APPROVE LARGE SCALE DEVELOPMENT 16-5488 MACEY DRIVE TOWNHOMES

Attachments: [APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES](#)

C. 7 [2016-0449](#)**AMEND § 157.03 AND § 157.04:**

AN ORDINANCE TO AMEND § 157.03 ANNEXATION AND ZONING MAP AMENDMENTS TO INCLUDE PLANNED ZONING DISTRICTS AND TO REPLACE § 157.04 WITH A NEW NOTIFICATION REQUIREMENT IF AN INDEFINITELY TABLED REZONING ORDINANCE IS REMOVED FROM THE TABLE

Attachments: [AMEND § 157.03 AND § 157.04](#)

C. 8 [2016-0462](#)**AMEND CHAPTERS 161, 162, AND 164:**

AN ORDINANCE TO AMEND CHAPTERS 161 AND 162 TO RENAME AND REPLACE “COTTAGE HOUSING DEVELOPMENT” WITH “CLUSTER HOUSING DEVELOPMENT”; TO RENAME CHAPTER 164 TO **SUPPLEMENTARY ZONING REGULATIONS AND SPECIALIZED DEVELOPMENT REQUIREMENTS**, TO REPLACE § 164.22 COTTAGE HOUSING DEVELOPMENT WITH § 164.22 **CLUSTER HOUSING DEVELOPMENT** AND MAKE FURTHER AMENDEMENTS TO § 164.22

Attachments: [AMEND CHAPTERS 161, 162, AND 164](#)

C. 9 [2016-0485](#)**APPEAL OF CUP 16-5558 THE WRMC CELL TOWER:**

A RESOLUTION TO GRANT THE APPEAL OF SMITH COMMUNICATIONS FOR CUP 16-5558, FUTRALL CELL TOWER, TO AMEND THE CUP TO ALLOW THE CELL TOWER TO BE CONSTRUCTED UP TO 150 FEET TALL

Attachments: [APPEAL OF CUP 16-5558 THE WRMC CELL TOWER](#)

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 Staff Review Form

2016-0473

Legistar File ID

October 18, 2016

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

Paul A. Becker

10/11/2016

Chief Financial Officer /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of 2017 calendar year Proportionate Share Agreement (State District Court Program).

Budget Impact:

1010.040.0400-5315.00

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 82,294.99

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget

\$ (82,294.99)

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 18, 2016

TO: Lioneld Jordan, Mayor

THRU: Don Marr, Chief of Staff

FROM: Paul A. Becker, Chief Financial Officer

DATE: October 11, 2016

SUBJECT: Fayetteville Funding of the State District Judges Program beginning January 1, 2017 Proportionate Share Agreement

RECOMMENDATION:

The County Judges proposal to apportion cost by population as determined by decennial census seem reasonable and the administration recommends the Council authorize the Mayor to sign the '2017 Calendar Year Proportional Share Agreement' committing the City to pay \$82,294.99 for this program and forward that agreement to the Department of Finance and Administration as well as the Washington County Judges Office.

BACKGROUND:

Beginning 2017 the State District Judges Program will be implemented. In Washington County there will be 4 judgeships with the base salary of \$58,650 per judge which totals \$234,600 in base salary costs. Arkansas Code Chapter 16 Section Seventeen mandates that each county, town, or city within the district pay its proportionate share of one half of the salary costs of the judges. The County Judge proposes the proportionate amounts be determined by population using the latest decennial census. However, the total number of Springdale residents should be added to the base district population which includes those living in Benton County.

BUDGET/STAFF IMPACT:

This amount will be appropriated in the 2017 budget.



STATE OF ARKANSAS
**Department of Finance
And Administration**

OFFICE OF ADMINISTRATIVE SERVICES
Administration of Justice Fund
1515 West Seventh Street, Suite 700
Post Office Box 2485
Little Rock, Arkansas 72203-2485
Phone: (501) 371-6145
Fax: (501) 682-5354
<http://www.dfa.arkansas.gov>

September 26, 2016

RECEIVED

SEP 30 2016

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Mayor Lioneld Jordan
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Ark. Code Ann. § 16-17-1106, Salary of state district court judges

Dear Mayor Jordan:

I would like to welcome you to the State District Judges Program beginning January 1, 2017.

Under Ark. Code Ann. § 16-17-1106, each county, town or city located in a State district court judgeship shall pay to the State an amount equal to its proportionate share of one half (1/2) of the base salary established by law for FY2009. The base salary for FY2009 was \$117,300. Half of that amount is \$58,650, with the remainder to be paid by the State. The purpose of this letter is to certify the proportionate share of \$58,650 per judge to be paid by the county and the cities and towns in your State district court judgeship(s).

Under the code, the amount to be paid by each county and town or city can be established by written agreement. The Proportionate Share Agreement is included with this letter to establish an agreement as to your proportionate share of the salary paid among the county, cities and towns in your State district court judgeship. Please sign and return the **Proportionate Share Agreement** to this office at the address listed above by **October 31, 2016**. If you are unable to reach an agreement, please contact this office. The Department of Finance and Administration – Administration of Justice Fund Section will certify proportionate share amounts according to the terms of Ark. Code Ann. § 16-17-1106.

If you have any questions or concerns, please feel free to call me at (501) 371-6145.

Sincerely,

Sandra Moss, Fiscal Support Analyst
Administration of Justice Fund Section
Department of Finance and Administration – Office of Administrative Services
sandra.moss@dfa.arkansas.gov

Enclosure

Cc: Judge Marilyn Edwards
Mayor Bruce Ledford
Mayor Harold Douthit

Mayor Ernie Penn
Mayor Bill Groom
Mayor Chris Keeney
Interim Mayor Don Rollins

Mayor Rob Hulse
Mayor Sonny Hudson
Mayor Doug Sprouse
Treasurer Bobby Hill

Act 1219 of 2011 State District Court Program

2017 Calendar Year Proportionate Share Agreement

WHEREAS; Act 1219 of 2011 states that the State of Arkansas shall pay the salary and benefits of state district court judges; Act 663 further provides that each county and town or city that has a state district court judgeship created shall pay to the state an amount equal to its proportionate share of one-half (½) of the base salary established by law for that county and town or city's state district court judge; and

WHEREAS; Act 1219 of 2011 established a base salary of \$117,300 in 2011 for a state district court judge; and

WHEREAS; Act 1219 of 2011 provides that a county and town or city that has a state district court judgeship created may agree in writing on the amount to be paid to the state by the county and town or city for its proportionate share of one-half (½) of the salary established by law for its state district court judge;

THEREFORE; an agreement has been reached between the **Washington County** and the **cities of Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Lincoln, Prairie Grove, Springdale and West Fork** to pay to the state one-half (½) of the state district court judge's salary of **\$58,650** per judge totaling to **\$234,600 as follows:**

Washington County	Paying	
City of Elkins	Paying	
City of Elm Springs	Paying	
City of Farmington	Paying	
City of Fayetteville	Paying	
City of Greenland	Paying	
City of Johnson	Paying	
City of Lincoln	Paying	
City of Prairie Grove	Paying	
City of Springdale	Paying	
City of West Fork	Paying	

Washington County Judge

Washington County Treasurer

Elkins Mayor

Elm Springs Mayor

Farmington Mayor

Fayetteville Mayor

Greenland Mayor

Johnson Mayor

Lincoln Mayor

Prairie Grove Mayor

Springdale Mayor

West Fork Mayor

REVISED 10.11.216

District Court Judge's Salaries

Reorganization as of January 1, 2017

A.C.A. § 16-17-1112

SHARED SALARY COST IS \$117,300, HALF BEING \$58,650, PER FOUR DISTRICT COURT JUDGES

\$ 234,600 STATE AND CITY/COUNTY DISTRICT JUDGE SHARED SALARY COST

CITY/COUNTY	CENSUS 2010	CITY/COUNTY PERCENTAGE BASED ON POPULATION	CITY/COUNTY SHARED COST
WASHINGTON COUNTY*	37,350	17.81%	\$ 41,773.82
ELKINS	2,648	1.26%	\$ 2,961.64
ELM SPRINGS	1,893	0.90%	\$ 2,117.21
FARMINGTON	5,974	2.85%	\$ 6,681.57
FAYETTEVILLE	73,580	35.08%	\$ 82,294.99
GOSHEN*	1,071	0.51%	\$ 1,197.85
GREENLAND	1,294	0.62%	\$ 1,447.26
JOHNSON	3,354	1.60%	\$ 3,751.26
LINCOLN	2,249	1.07%	\$ 2,515.38
PRAIRIE GROVE	4,426	2.11%	\$ 4,950.23
SPRINGDALE	70,749	33.73%	\$ 79,128.68
TONTITOWN*	2,460	1.17%	\$ 2,751.37
WEST FORK	2,317	1.10%	\$ 2,591.43
WINSLOW*	391	0.19%	\$ 437.31
	209,756		\$ 234,600.00

* WASHINGTON COUNTY'S SHARED COST \$ 46,160.35

WASHINGTON COUNTY \$ 41,773.82

GOSHEN \$ 1,197.85

TONTITOWN \$ 2,751.37

WINSLOW \$ 437.31

Jordan, Lioneld

From: Mayor
Sent: Wednesday, September 28, 2016 10:45 AM
To: Jordan, Lioneld; Marr, Don; Becker, Paul
Subject: FW: District Judge Salary Proportionate Share Agreement
Attachments: Washington County_ Letter and Proportionate Share Agreement.pdf; 2017 SharedCostByPopulation.pdf

Importance: High

FYI
Iana

Lana Broyles

Mayor's Office Administrator
City of Fayetteville, Arkansas
113 W. Mountain St.
Fayetteville, AR 72701
T 479.575-8331 | F 479-575-8257 | M 479-466-2281
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

From: Karen Beeks [mailto:KBeeks@co.washington.ar.us]
Sent: Wednesday, September 28, 2016 8:44 AM
To: Bill Groom (mayor@greenland-ar.com); Bruce Ledford (bruceledford@elkins.arkansas.gov); Chris Keeney (johnsonmayor@live.com); Doug Sprouse (dsprouse@SpringdaleAR.gov); Ernie Penn (erniepenn@cityoffarmington-ar.gov); Harold Douthit (mayor@elmsprings.net); Mayor; Rob Hulse (mayor@lincolnarkansas.com); Sonny Hudson (sonnyhudson@pgtc.com); Don Rollins, Jr. (mayor@westforkar.gov)
Cc: George Butler; Steve Zega
Subject: District Judge Salary Proportionate Share Agreement
Importance: High

Good Morning Mayors,

County Judge Marilyn Edwards asked that I contact you regarding the county/city obligation regarding its share of the State District Court Judge's beginning January 1, 2017.

Under Ark. Code. Ann. § 16-17-1106, each county, town or city located in a State district court judgeship shall pay to the State an amount equal to its proportionate share of one half (1/2) of the base salary. You should have received a letter from the Department of Finance and Administration about this. I have attached our copy for reference.

Judge Edwards is suggesting that that the County and cities divide our obligation based on population using the latest decennial census data. I have attached a document prepared by County Comptroller Ashley Farber showing the financial impact on each of us using this method.

We are all being requested to reach and sign an agreement regarding this matter and have it to DFA no later than October 31.

Judge Edwards would like to hear from each of you as soon as possible regarding this matter. I know we are all in the budget process for 2017. I wish we had more time to discuss this but this is the hand that we have been dealt.

Thank you in advance for your prompt reply.

Karen

Karen Beeks
Executive Assistant
County Judge's Office
(479) 444-1700
kbeeks@co.washington.ar.us



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
Don Marr, Chief of Staff
Paul Becker, Finance Director

FROM: **Kit Williams**, City Attorney

DATE: **October 5, 2016**

RE: **Proportionate Share Agreement for District Court Judge's Salary**

I agree with the letter from the Office of Administrative Services of the Arkansas Department of Finance and Administration to Mayor Jordan received on September 30, 2016. Washington County and each "town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half (1/2) of the base salary established by law for state fiscal year 2009 for that district's state district court judge." A.C.A. § 16-17-1106 (b).

The Office of Administrative Services states that the base salary in 2009 was \$117,300.00 so that half of that salary would be \$58,650.00. With four authorized District Judges in Washington County (Second District of Arkansas), Washington County and all cities and towns in Washington County are required to pay \$234,600.00 in proportionate shares to the state.

Please review the proposal from the Washington County Judge about how this proportionate share would be allocated among the cities, towns and Washington County.



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: October 11, 2016

RE: Proportionate Share Agreement for District Court Judge's Salary

On September 30, 2016 the Arkansas Department of Finance and Administration's letter to Mayor Jordan arrived. This requires our execution of a Proportionate Share Agreement to be returned to them by October 31, 2016. Paul Becker promptly consulted with Washington County and the DF&A about this issue and has presented this agenda item as quickly as possible to meet DF&A's deadline of October 31, 2016.

Adella Gray - Ward 1, Position 1
Sarah Marsh - Ward 1, Position 2

Mark Kinion - Ward 1, Position 1
Matthew Petty - Ward 1, Position 2



Justin Tennant - Ward 3, Position 1
Martin Schoppmeyer, Jr. - Ward 3, Position 2

John La Tour - Ward 4, Position 1
Alan Long - Ward 4, Position 2

CITY COUNCIL

TO: Sondra Smith, City Clerk

**FROM: Alderman Mark Kinion
Alderman Matthew Petty
Alderman Adella Gray**

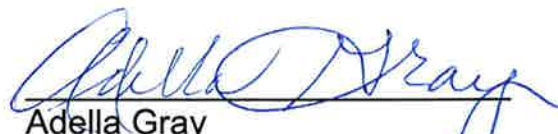
DATE: October 11, 2016

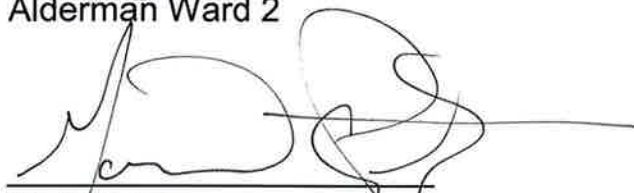
**RE: Appeal of CUP 16-5558
Futrell Cell Tower**

Please consider this our Appeal of the allowed height of 120 feet for the Futrell Cell Tower pursuant to § 155.05 (A)(3) of the U.D.C. The Planning Commission was equally divided when asked by the applicant to approve the normally allowed 150 foot high, flagpole type cell tower for this site.

Since a 150 foot high cell tower could probably furnish colocation services to additional cell phone companies, such high tower could help avoid the future need for additional cell phone towers in this area. We therefore appeal the height limitation so that the City Council may examine this issue, hear citizen concerns and ideas, and determine whether this authorized cell tower should be allowed to be built higher than 120 feet, but no taller than 150 feet.


Mark Kinion
Alderman Ward 2


Adella Gray
Alderman Ward 1


Matthew Petty
Alderman Ward 2



Smith Communications, LLC.

520 N College Ave. Fayetteville, AR 72701

Ph. 479-443-2222 Fax 479-443-5677

October 11, 2016

To the City of Fayetteville

Smith Communications is requesting that The Fayetteville City Council hear and consider an appeal to the Conditional Use Permit - CUP 16-5558 (3250 N Futrell Dr).

Smith Communications is asking for removal of a condition of approval added by the commission to reduce the height of the tower from the proposed 150Ft, elevation to a limited Elevation of 120Ft.

We would ask that this be placed on the next available regular meeting of the Fayetteville City Council.

Thank you for your time and consideration of this issue.

Dave Reynolds
Smith Communications
520 N. College Ave
Fayetteville, AR 72701

Adella Gray
City of Fayetteville Alderman Ward 1 Position 1

Matthew Petty
City of Fayetteville Alderman Ward 2 Position 2

Mark Kinion
City of Fayetteville Alderman Ward 2 Position i



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: October 10, 2016 **UPDATED WITH RESULTS**

SUBJECT: **CUP 16-5558: Conditional Use (3250 N. FUTRALL DR./FUTRALL DR. CELL TOWER, 211):** Submitted by SMITH COMMUNICATIONS, INC. for property located at 3250 N. FUTRALL DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 5.56 acres. The request is for a wireless communication facility.

RECOMMENDATION:

Staff recommends denial of **CUP 16-5558** based on the findings contained within this report.

OCTOBER 10, 2016 MEETING:

At the September 12, 2016 Planning Commission meeting, this proposal for a cell tower on the WRMC campus was tabled. For the September 26, 2016 Planning Commission, the applicant asked to be tabled until the October 10,-2016 meeting. The applicant has not submitted anything new at the time of writing this report, but is expected to have further information for the Planning Commission at the public meeting.

BACKGROUND:

The subject property is located adjacent to the Washington Regional Medical Center (WRMC) parking lot at the southeast corner of Futrall Dr. and Gregg Ave. The property is zoned P-1, Institutional and contains approximately 5.56 acres.

The surrounding land use and zoning is listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Fulbright Expressway	None
South	Parking lot	P-1, Institutional
East	WRMC	P-1, Institutional
West	Undeveloped	C-3, Central Commercial; UT, Urban Thoroughfare

FUTURE LAND USE PLAN DESIGNATION: *Civic Institutional*

Request: The applicant requests Conditional Use Permit approval to erect a 150-foot tall flagpole tower with an area at the base for equipment shelters and wireless equipment. The site area is approximately 4,550 square feet and is currently proposed for Verizon Wireless to be the "anchor" tenant.

Public Comment: Nearby property owner Mr. Pendergraft emailed in support of this project.

DISCUSSION:

Following ordinance requirements, notification was provided to all property owners within a 500 foot radius of the center of the proposed tower. The type and height of the proposed tower is in accordance with Chapter 163.13(B) (1 & 2). The tower is not located within 150 feet of a residential structure. The applicant provided all documentation required by Chapter 163.13 to process a conditional use request (see attached).

The applicants have stated in their application that there are no existing towers or structures of sufficient height within a 1/2 mile of the site to allow for co-location by the applicant.

RECOMMENDATION: Staff recommends denial of the requested conditional use application for a 150 foot flagpole cell tower. This area is currently provided with cellular coverage. Further, the location is expected to have significant visual impact on the area. As discussed in the attached memo from the City Attorney, as cell phone coverage is very complete in this area of the City, this proposal does not enjoy the same federal priority of cell towers needed to fill in coverage gaps. It appears this facility is primarily designed to serve WRMC. As such, a much more appropriate and aesthetically attractive solution is to mount the antennas either on top of or on the side of one of the WRMC's buildings such as their new parking deck or designed into the side of their new facility on Appleby, which is yet to be constructed. Such installation would be far "superior from a community perspective" than a free standing 150 foot cell tower in the heart of the City's Uptown Commercial District and standing near Scull Creek Trail, the spine of our trail system and a piece of the Razorback Regional Greenway.

Should the Planning Commission choose to approve the request, staff recommends the following conditions:

1. Planning Commission determination of stealth technology: *Staff recommends in favor of the applicants proposal to utilize a white flagpole with internal antenna. Pursuant to Chapter 163.13(B)(4), new towers are to be camouflaged to the greatest extent possible when co-location is not feasible. A flagpole design is in keeping with this ordinance requirement, and prior construction of this type of tower has proven to be effective in reducing visual clutter (see supplementary comparison photos).*

At least three additional cellular carriers shall be provided space on the flagpole tower. The applicant has stated in the application that Verizon will require one space in the tower, leaving three spaces for future carriers.

2. Planning Commission determination of adequate vegetation for screening the facility. *Staff will evaluate the remaining screening after the site has been developed. Any additional screening shall be permitted by the Urban Forester and shall fully screen the facility from adjacent property boundaries.*
3. The applicant shall submit a copy of the proposed cellular tower to the Fayetteville Municipal Airport (Drake Field) administration for review and approval with

Fayetteville Airport Zoning law. Written verification from airport administration is required prior to issuance of a building permit. Should the proposal not comply with the Airport Zoning, the Conditional Use Permit shall be null and void.

4. The tower and associated equipment shall be located within the general area as shown on the attached site plans. Construction of the tower shall comply with Chapter 167, Tree Preservation and Protection.
5. A grading permit shall be required if the property is located within an area of 15% (or greater) slope.
6. The structure and surrounding site should be designed to resist the forces of water. Any structure built along with the tower would be required to be elevated or flood-proofed (non-residential structures only) per Chapter 168. Any utilities below the base flood elevation would be required to be constructed per Chapter 168. Any construction within the Floodway in the area would require other requirements as enforced by the Floodplain Administrator.
7. The applicant shall comply with all applicable federal regulations.
8. Equipment used in conjunction with the tower shall not generate noise which can be heard beyond the site per Chapter 163.14 (A)(1).
9. Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base of the tower provided that the lighting is compliant with Chapter 176 Outdoor Lighting of the Unified Development Code. No lighting shall be installed at a height greater than 6' above surrounding grade.
10. Unless otherwise permitted by Chapter 163.14, the tower shall be no taller than 150' (including all antennas, arrays, or other appurtenances).
11. The utility equipment at the base of the tower shall be surrounded by a 6' tall wooden security fence as required by 163.13(B)(10).
12. Any connection to existing utilities to provide power to this site shall be located underground. If additional electric lines are required to be extended to provide service to this development, they shall be extended and shall be placed underground at the cost of the applicant.
13. The minimum distance from the base of the tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in writing to the construction of the tower, pursuant to UDC Section 163.13(B)(3).
14. Only warning, site identification and FCC signs shall be permitted as provided by

Chapter 163.13 (A)(3) and in no case shall any sign exceed 4 square feet. Signs shall be limited to the fence structure.

15. Co-location shall be permitted for additional carriers, allowing other wireless providers to locate on the facility.
16. When technology becomes available and economically viable to allow the height of cell tower to be reduced by 50 percent or more or to allow the site to be eliminated altogether, such facilities shall be upgraded or eliminated within 24 months of a request by the City.
17. At such time that the licensed carrier(s) abandons or discontinues operation of a wireless facility, the carrier(s) shall physically remove the wireless facility and all associated equipment within 90 days from the date of abandonment or discontinuation, pursuant to Chapter 163.13(G).
18. Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within 30 days to the Planning Department, pursuant to Chapter 163.13(H).
19. The tower and supporting equipment shelter shall be located outside of the required building setbacks for the P-1 zoning district.

PLANNING COMMISSION ACTION:						Required	<u>YES</u>	
Date: <u>September 12, 2016</u>						☒ Tabled	☐ Approve w/ Conditions	☐ Denied
Motion:	Hoskins	Motion for 130' tower - Fails	Hoffman	Motion to reconsider project - Passes	Hoskins	Motion to table project - Passes		
Second:	Selby		Cook		Selby			
Vote:	4-4-0	Cook, Hoffman, Autry, Brown dissenting	8-0-0		8-0-0			
Date: <u>October 10, 2016</u>						☐ Tabled	☒ Approve w/ Conditions	☐ Denied
Motion:	Hoskins	Motion to approve with conditions - Fails	Hoskins	Motion for 135' tower with all staff conditions- Fails	Quinlan	Motion for 120' tower with all staff conditions - Approve		
Second:	Selby		Selby		Brown			
Vote:	4-4-0	Cook, Hoffman, Autry, Quinlan dissenting	4-4-0	Cook, Hoffman, Autry, Quinlan dissenting	7-1-0	Cook dissenting		

Section 163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting a conditional use permit for a Wireless Communications Facility on property zoned P-1, Institutional.

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: The Planning Commission is empowered under § 163.13 (see attached) to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Granting the requested conditional use for a 150' tall flagpole tower in this location may affect the public interest, where locating a large tower on this property may discourage future development and seriously impact Fayetteville's urban and natural skyline, possibly resulting in a development pattern that is contrary to the City's adopted land use policies. Staff firmly believes the proposed cell tower would adversely affect the public interest for aesthetics and gateway views. The proposed freestanding 150 foot cell

tower is located in the heart of the city's Uptown Commercial District and standing near Scull Creek Trail, the spine of our trail system and one part of the Razorback Regional Greenway. Significant visual impacts along this northern gateway of the City would occur because of this tower. It is in the public's interest to have cell phone coverage, however, cell phone coverage is very complete in this area of the City. It appears this facility is primarily designed to serve WRMC. As such, a much more appropriate and aesthetically attractive solution is to mount the antennas either on top of or on the side of one of the WRMC's buildings, such as their new parking deck or designed into the side of their new facility on Appleby, which is yet to be constructed. Such installation would be far "superior from a community perspective" than a free standing 150 foot cell tower.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: The applicant has complied with specific rules governing this individual conditional use request.

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: An access easement should be granted across the subject property to access the tower facility prior to building permit. Traffic and pedestrian access will not be adversely impacted due to the very low volume of traffic generated from this type of unmanned facility.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: No parking or loading areas are required for this use.

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: No refuse areas are required for this use.

- (d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Utilities shall be located underground or screened from the public view with the exception of the proposed cellular tower and the ground-mounted equipment. Any electric lines that must be extended or provided to the site shall be done so at the cost of the applicant, and all lines shall be located underground, at the cost of the applicant.

- (e.) Screening and buffering with reference to type, dimensions, and character;

Finding: There is sufficient existing tree canopy to screen the base of the facility from adjoining properties and the street. However, the proposed location of the tower facility on the property will require the removal of trees. The resulting screening may be insufficient. If the application is approved, then staff will require screening to be planted to sufficient screen the base of the facility from any adjacent private or public properties, as required by 163.13(B)(11).

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Only warning, site identification and FCC signs would be permitted on the subject facility. All required signs shall be located on the fence structure. No signs shall be located adjacent to the street.

- (g.) Required setbacks and other open space; and

Finding: The location of the proposed ground equipment is outside of the required setbacks for the P-1 zoning district.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: As discussed in Finding 3.b., the proposed cell tower is not compatible in this location. The 150 foot free-standing cell tower is located in a visually sensitive area in a northern gateway location within the heart of Fayetteville's Uptown Commercial Center. It will also stand near Scull Creek Trail, the spine of our trail system and one piece of the Razorback Regional Greenway.

163.13 Wireless Communications Facilities.

- (A) The following general requirements shall apply to all new wireless communications facilities.

(1) Noise Requirements. Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air condition units no noisier than ordinary residential units or generator used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

Finding: Equipment used in connection with the tower shall not generate noise which can be heard beyond the site per Chapter 163.13.

(2) Compliance with Federal Regulations. Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the City Planner.

Finding: The applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided prior to issuance of a building permit. Staff would like to note that this tower does not provide coverage for an area that currently has no or little coverage. Upon reviewing the materials supplied by the applicant, it is clear that the intent of this tower is not to provide coverage, but to increase capacity and performance for users within buildings. Federal law only protects wireless carriers when they want to provide coverage for an area that currently has no coverage. The City Attorney has written a memo about this particular issue and it is attached to the packet.

(3) Lighting and Signage.

(a) Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communications facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or right-of-way.

(b) Signs shall be limited to those needed to identify the property and tower and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.

Finding: Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base of the tower, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way. All outdoor lighting shall meet lighting ordinance requirements and shall not be located higher than 6' above surrounding grade.

(B) New Towers. New wireless communications towers shall meet the following requirements:

(1) Type of Towers Allowed. New towers shall be limited to monopole type structures or alternative tower structures.

Finding: The applicant is proposing a camouflaged flagpole structure.

- (2) Tower or antenna height limitations. Towers or alternative tower structures are permitted to a maximum height of 150 feet.

Finding: The maximum tower height (including antenna, lighting rod, and all other appurtenances) permitted by the Unified Development Code is 150 feet. The applicant is currently proposing a 150-foot tall tower.

- (3) Fall Zone. The minimum distance from the base of any tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residences or the land on which said residences are located consent in a sign writing to the construction of said tower. This setback is considered a "fall zone." In the event that an existing structure is proposed as a mount for a wireless communication facility, a fall zone shall not be required.

Finding: There is no residential dwelling units located within 150' of the base of the tower, within the 'fall zone'.

- (4) Camouflaging or Stealth Technology for New Towers. If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designated to be camouflaged to the greatest extent possible, including but not limited to: use of a compatible building materials and colors, screening, landscaping and placement within trees.

Finding: The applicant has indicated that there are no suitable locations for co-location within 1/2 mile. The applicant's proposal is for a flagpole style tower with antenna internally mounted. As discussed in findings throughout this report, staff finds that it is feasible and much-preferred from a community perspective to locate the antenna on WRMC buildings, such as their new parking deck.

- (5) Color of Towers. To the extent that any antenna extends above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.

Finding: Staff recommends a white flagpole to minimize visual impact to the area.

- (6) Information Required to Process New Tower Requests.
 - (a) Provide a map of the geographic area that your project will serve.
 - (b) Provide a map that shows other existing or planned facilities that will be used by the wireless communication service provider who is making the application.

Finding: Item (a) and item (b) are reflected within the report, as provided by the applicant and distributed with this agenda to the Commissioners.

- (c) Provide a map that shows other potential stand-alone locations for your facility that have been explored.

Finding: Chapter 163.13 (F) of the Unified Development Code states that the City of Fayetteville should actively market its own property and existing structures as suitable co-location sites. There are no suitable nearby City owned properties. The applicant has examined other locations for a tower as indicated in the application materials (see attached).

- (d) Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specification on proposed lighting of the facility

Finding Item (d) is reflected within the report, as provided by the applicant and distributed with this agenda to the Commissioners.

- (e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks and proximity to single family residences.

Finding: In staff's opinion, the proposed location is not a superior location from a community perspective. The tower will have a significant visual impact in the area for people arriving to Fayetteville from the north and for the nearby properties and neighborhoods. Washington Regional Medical Center has signed a lease agreement with Smith Two-way Radio to allow for the construction of a tower on their property, but the applicant should instead co-locate on existing or newly constructed buildings within WRMC's campus. Such a strategy would not have such a drastic visual impact on the nearby community and still service the hospital's needs.

- (f) Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

- (1) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;
- (2) Contact with all the other wireless communications licensed carriers operating in the City and Washington County; and
- (3) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- (4) Letter from tower owner stating why co-location is not feasible.

Finding: The applicant is representing an interested tenant, Verizon.

- (g) Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

Finding: This facility would allow co-location for three additional wireless carriers as stated within the applicant's request.

(7) Required (after condition) and Balloon Test or Crane Test Photographs. The proposed tower shall be photographed from four locations taken 90 degrees apart and 300' from the center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four locations. The time period, not to exceed one week, within which the test will be performed, shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. The four locations shall be approved by the City Planner.

Finding: The applicant has provided this information.

(8) Sight Line Representation. A sight line representation shall be drawn from four points 90 degrees apart and 100 degrees from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

Finding: The applicant has provided this information.

(9) Structural Integrity and Inspection of Towers

- (a) The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.
- (b) If a tower fails to comply with the requirements and criteria above and constitutes a danger to person or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within thirty (30) days, the City may terminate that owner's conditional use permit and/or cause the removal of such tower (at the owner's expense).
- (c) By making an application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by the applicant which are located in the City. The applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education ad

experience so that they are reasonably capable of identifying functional problems with the facilities.

Finding: The applicant has provided this information.

(10) Security Fencing and Anti-climbing Device. Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than six (6) feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing", "High Voltage" or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving this provision in a particular instance. Barbed wire fencing or razor wire shall be prohibited.

Finding: The applicant shall construct a 6' wood privacy fence with an evergreen buffer around the equipment at the base of the tower. The applicant has indicated in their application that they will install a "No Trespassing" sign and a sign indicating ownership of the facility.

(11) Vegetative Screening Requirements. Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or combination of both.

Finding: The location of the facility is within an area that is currently heavily screened by existing trees and shrubs, however the location of the compound will required removal of trees on the property. Additional screening may be required to provide adequate screen between the facility and neighboring properties. Staff will determine if additional screening will needed after the facility has been constructed. The species and location shall be approved by the Urban Forester.

(12) Setback from Property Lines. Wireless communications facilities shall meet current setbacks as required by zoning.

Finding: The proposed facility and accessory structures shall comply with P-1 setback requirements.

BUDGET/STAFF IMPACT:

None

Attachments:

- City Attorney's memo
- Applicant's letter and application packet
- Site plan
- One Mile Map
- Close Up Map
- Current Land Use Map



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
Don Marr, Chief of Staff
Paul Becker, Finance Director
Jeremy Pate, Development Services Director
Andrew Garner, Planning Director

FROM: **Kit Williams**, City Attorney

DATE: **August 23, 2016**

RE: **Cell Tower request near Washington Regional Medical Center (Gregg and Futrall) near Trail**

Smith 2 Way Radio is about to propose building a cell tower near the Scull Creek Trail at the intersection of Gregg Avenue and Futrall primarily to install Verizon antennas to provide improved 4 G service to Washington Regional Medical Center and its staff. Such proposal appears to violate § 163.13 **Wireless Communications Facilities (B) New towers (6) Information required to process new tower requests.**

“(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. **The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location.** Such good faith effort includes:

**(i) A survey of all existing structures that may be feasible sites
for co-locating wireless communications facilities;"**

Since this new facility is primarily designed to serve WRMC, a much more appropriate and aesthetically attractive solution is to mount the antennas either on top of or on the side of one of Washington Regional Medical Center's buildings such as their new parking deck or designed into the side of their new facility on Appleby which is yet to be constructed. Such installation would be far "superior, from a community perspective" than a free standing 150 foot cell tower in the heart of our Uptown Commercial District and standing near Scull Creek Trail, the spine of our Trail system.

Since cell phone coverage is very complete in this area of town, this proposal does not enjoy the same federal priority of cell towers needed to fill in coverage gaps. I hope that Washington Regional will work with the City to co-locate any necessary antennas (for their staff) on an appropriate place on one of their buildings. If so, such placement of the antennas upon a WRMC building **can be approved administratively** rather than requiring a conditional use permit approved by the Planning Commission (which rejected the last proposed cell tower).

"(C) Co-location. The Zoning and Development Administrator, following an administrative review without the requirement of an issuance of conditional use permit, may approve the following antenna installation.

(1) Locating on Existing Structures. Installation of an antenna or antenna array on an existing structure other than a tower (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure)...."

CONCLUSION

Hopefully, we can maintain our excellent relations with WRMC and obey our long standing Wireless Communication Facility code by having new cell phone antennas placed in the best location from a community perspective which would also be the most cost effective and efficient placement for WRMC and the cell phone companies.

*Verizon Wireless
Network Real Estate Department
One Verizon Drive
Mailstop: B4F06-N
Little Rock, AR 72202*



August 24, 2016

RE: Cell Tower located at Washington Regional Medical Center

Dear, City of Fayetteville

The purpose of this letter is to confirm in writing, That Smith Communications and Verizon Wireless are working together on this project and Verizon Wireless will be using the proposed facility to directly address the need to improve its service in and around the Washington Regional Area.

Sincerely,

Rick D. Cossey
Engineer III Spec.-RE /RG
South Central Region
One Verizon Drive
Little Rock, AT 72202

CITY OF FAYETTEVILLE, ARKANSAS
CONDITIONAL USE

FOR STAFF USE ONLY

Date Application Submitted:
Date Accepted as Complete:
Case / Appeal Number:
Public Hearing Date:

FEE: \$100.00
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):

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

Name: Smith Communications

Name: Dave Reynolds

Address: 520 N College Ave.
Fayetteville, Ar 72701

Address: 520 N College Ave.
Fayetteville, Ar 72701

E-mail: Dreynolds@Smithradio.com

E-mail: Dreynolds@Smithradio.com

Phone: (479) 443-2222
()

Phone: (479) 443-2222
()

Fax: (479) 443-5677

Fax: (479) 443-5677

Site Address / Location: 3250 N Futrall Drive - Fayetteville AR

Current Zoning District: P -1

Assessor's Parcel Number(s) for subject property: 765-15881-030

TYPE OF CONDITIONAL USE BEING REQUESTED (check one)

- ☐ Duplex in RSF-4 zoning district *
- ☐ Tandem lot
- ☐ Dance hall *
- ☐ Bed & breakfast *
- ☐ Home occupation *
- ☒ Wireless Communication facility *
- ☐ Odor-emitting or explosive handling facility *
- ☐ Change of non-conforming use
- ☐ Manufactured Home/Home Park
- ☐ Detached Second Dwelling Unit
- ☐ Additional parking
- ☐ Other _____

FINANCIAL INTERESTS

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

Smith Communications - Washington Regional Medical Center

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): David Reynolds - Smith Communications

Date: 7/10/ 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.)

Owners (attach additional info if necessary):

Name (printed): David Reynolds - Smith Communications

Address: 520 N College Ave.

Fayetteville, AR 72701

Signature:

Date: 7/10/2016

Phone: (479) 443-2222

Name (printed):

Address:

Signature:

Date:

Phone: ()

CUP Checklist:



Smith Communications

Proposal for NEW Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

NEW
TOWER
@150ft

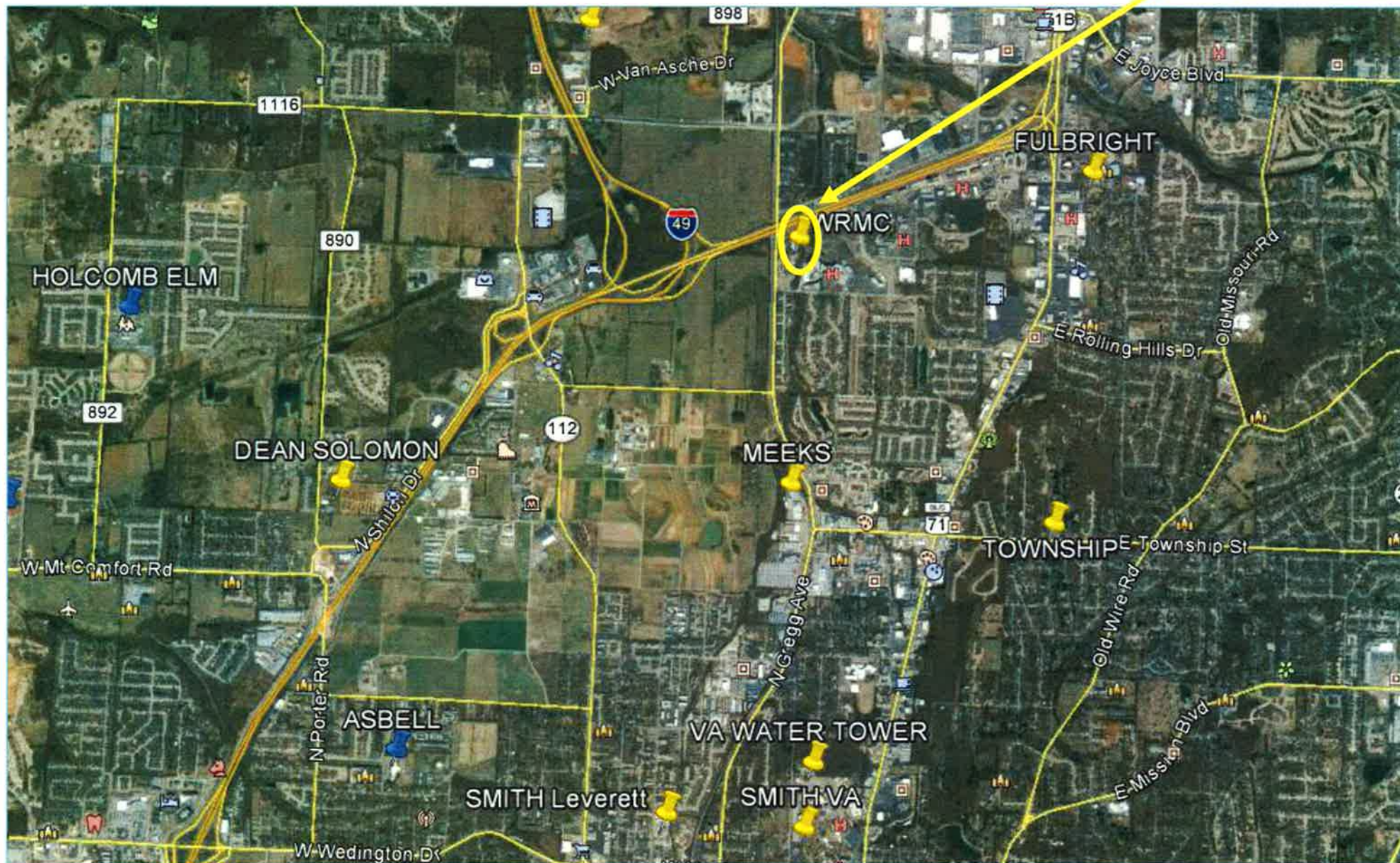


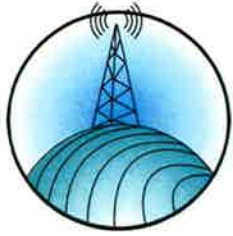


Smith Communications

Proposal for NEW Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

**NEW
TOWER
@150ft**





Smith Communications

Proposal for NEW Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Smith Communications, LLC. is presented a package to the City of Fayetteville Planning Department to construct a new 150 Ft. flagpole type tower on the Western side of the WRMC campus. This land a very large parcel containing the main hospital and its associated administrative / support areas, parking areas outpatient services facilities. This property also contains a section of the Fayetteville Trail System that runs along Scull Creek and currently runs between the west parking areas and the main hospital facilities with the two now being connected with a pedestrian bridge.

The Surrounding Properties have a wide mixture of zoning classifications;

To the South side of Appleby we have an mix of residential type properties RMF-24 , RT -12 , and RSF- 4

To the East of the proposed location In the main hospital campus Zone P-1 and further East the adjoining property is an area of RO consisting of primarily medical support and doctors offices.

To the West is Gregg St., and West of Gregg St. Is a large area or property recently Zoned as UT - & a small section of C-3 near the intersection of Gregg and Fulbright Expressway.

Bordering to the Northern edge of the property is N Futrall Drive and directly adjoining that to the North is the Fulbright Express Way with Shiloh Drive north of that. The property north of that is currently C-1 , C-2 , C-3 , and area of RSF -4.

As presented, We feel that this facility would meet all the technical aspects and design standards as required by the City of Fayetteville and its ordinances as they pertain to CUPs and Wireless Communications Facilities.

We ask for no variance or exception to any provision of such.

Cell Towers are always and different from other projects filled with unusual issues, and often conflicting rules and criteria. Smith Communications understands that for the staff reviewing and verifying the application and materials it can be difficult and confusing, and the committee members often have strong and emotional concerns from citizens that must be balanced against the requests and rights of the applicant to pursue the development of the wireless facility.

With this in mind, we are proud to bring this project forward with the strong belief that that this tower location is compatible and consistent with the current and future land uses and is proposed in the available location to meet these needs while providing an excellent piece of infrastructure so that the community may depend on having the best possible wireless services while in the WRMC area of Fayetteville.



Smith Communications

Proposal for NEW Wireless Communications Facility @

Washington Regional Medical Center (WRMC)

With this in mind, we are proud to bring this project forward with the strong belief that this tower location is compatible and consistent with the current and future land uses making this location superior from a community perspective.

To meet these needs while providing an excellent piece of infrastructure so that the community may depend on having the best wireless services while in the WRMC area of Fayetteville. Smith has considered several different factors in placement and design of the tower we have considered the design of the tower its self. The tower is proposed as a “flagpole type” design. This design is a stealth type tower with the antennas to mount internal to the tower to allow for a very clean and neat appearance. This style of tower has been used and approved in several location inside Fayetteville over the past several years, and throughout many different zoning districts residential or commercial and works as a well accepted compromise between the monopole type tower and the aesthetic / visual impact concerns a monopole type tower often generates.

Some of the other issues considered in the placement and design of the facility were the proximity to residential structures particularly single family residences with the closest being South of Appleby Rd on Dorchester St. (900ft away) with a section of the hospital building itself between the SFR-4 and the tower blocking a large part of the facility from its view. Also considered in the location planning were the building setback distances to property lines of the parent parcel and we are well outside of the setback areas, and have a large amount of existing trees and other vegetation to act as visual buffering to the existing public areas and are also proposing to plant trees and understory plants to provide further screening as needed.

This facility is designed for colocation and Smith Communications will develop a MULTI-CARRIER communications tower site in a geographically superior spot. We can allow co-location of several wireless carriers, and provide a structure for future carriers. While helping carriers by providing a viable service platform so they may also improve their service to there .

These are our reasons on why this site would be superior location for a communications tower to serve the City of Fayetteville



Smith Communications

Proposal for NEW Wireless Communications Facility @ WRMC

Efforts to Co-Locate on Existing Towers or Structures

As part of the City of Fayetteville Cell Tower Ordinance the Applicant must:

“ Describe our efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The Applicant should demonstrate a good faith effort to co-locate with other carriers.”

There are no poles or towers that currently exists in this area of Fayetteville. The surrounding tower sites are all currently in use. The closest being located behind Meeks near the intersection of Gregg and Township at a distance of .94 miles, (AT&T , VZW) and a second, third, fourth, and fifth nearest sites are the Fulbright, McGuire St., Johnson B and Township tower sites, at distances of 1.2 to 1.5 miles from the proposed site.

(AT&T & VZW on all surrounding sites sites - T-Mo and Sprint on 3 out of the 5)

Another form of co-location that is very common in Fayetteville, and has been explored in this situation, is to mount the antenna and other equipment on an existing building rooftop. In this instance the WRMC Buildings are the only 3 ~ 5+ story buildings in the area. The WRMC Buildings rooftops would not provide an adequate facility. Previously WRMC has removed 3 existing short (30ft each) radio towers from its rooftop to allow for safer traverse of Helicopters – Air Ambulances, and moved these radio services elsewhere. Also In the newest addition to the WRMC complex is a second helipad on the roof top of the new building, further complicating the ability to place any antennas on the rooftop for obvious safety reasons. Further because of the size and different roofline heights of the different sections of the buildings and the distances across rooftop would greatly effect the design and performance of the system. This model will greatly limit the effective operation of the network in the surrounding area.

This facility is proposed in an area that currently unserved or underserved by existing structures and will in fact become a cellular co-location facility for future growth in population and demand for services existing in that area today, and will grow in the future.

This location, as depicted in the attached maps and submitted materials will provide help to provide needed communications infrastructure needed to provide service the WRMC and Medical Park Area currently lacking adequate service.

Fayetteville has no other available communications towers that can provide the proper coverage to this area.

These are the reasons we can not co-locate on an existing tower.



Smith Communications

Proposal for NEW Wireless Communications Facility @

Washington Regional Medical Center (WRMC) Other Stand-Alone Locations

VZW EXISTING @ LOCATION





Smith Communications

Proposal for NEW Wireless Communications Facility @

Washington Regional Medical Center (WRMC)

As required by § 163.29, Smith Communications is providing the following information in response to the **Wireless Communication Facilities (new build) Submittal Materials Checklist**.

The proposed new build, located at the WRMC Site will **not** include any ancillary equipment as shown in the tower drawings. Antennas will be installed on this tower by service providers once approval for construction (CUP and BP) have been secured.

Noise generating equipment that can be heard beyond the approved site is limited to commercial HVAC equipment. Commercial HVAC equipment, essential for continuous operation of the vital electronic equipment, maintains the ambient temperature range required by the electronic equipment manufacturers. Maintaining an acceptable ambient temperature range provides for longer equipment life while minimizing system failures and operational downtime. and commercially available emergency generators.

No additional lighting will be provided as a part of the Tower construction. No security lights are required or warranted. The Federal Aviation Administration, FAA, has determined that no top or side lights will be required for aircraft safety. The **Determination of No Hazard to Air Navigation**, The no hazard condition results, in part, from the geographical location of the planned site as well as the physical height of the proposed tower. Operating frequencies, transmitted power, and temporary construction equipment were also taken into consideration by the FAA prior to issuing the **Determination of No Hazard to Air Navigation**.

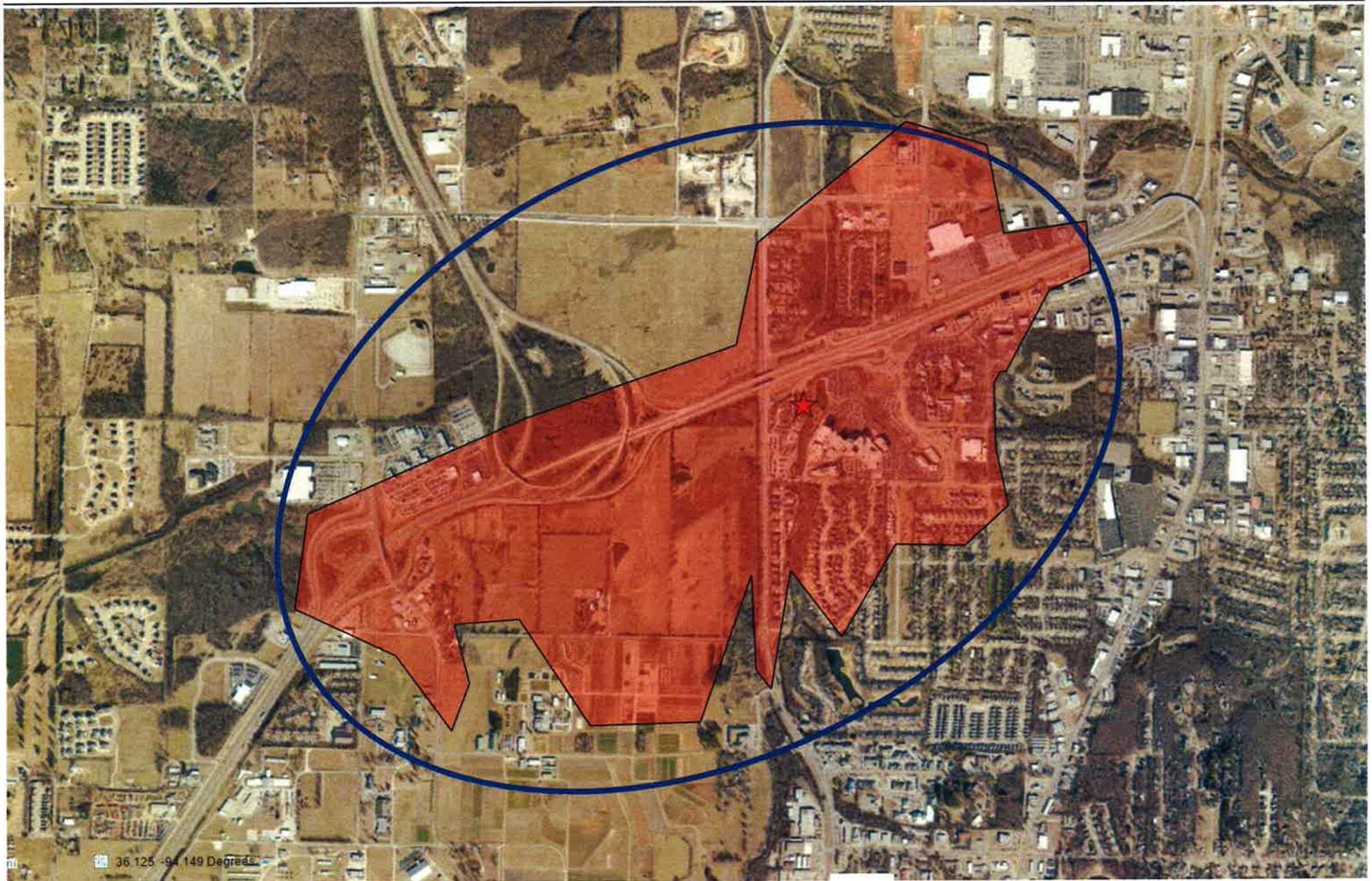
Security of the tower and its associated building, as well as public safety will be accomplished utilizing a perimeter fence. The fence will completely enclose the lot and measure 8 vertical feet up from the ground. The type of fencing proposed is a privacy type fence constructed mainly of wood. Some metal hardware will be required for fence construction.



Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Map of the Geographic Area the Project Will Serve

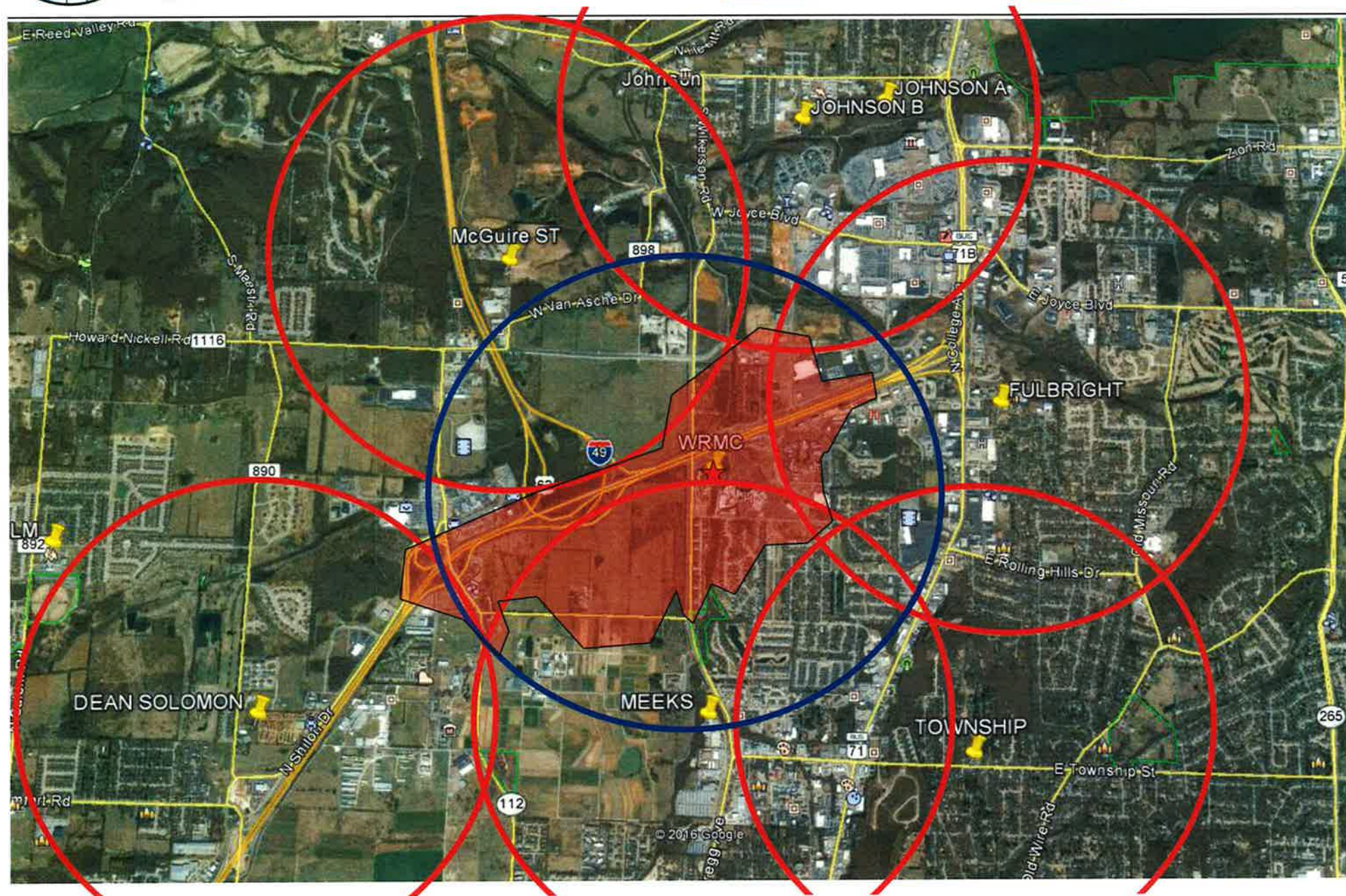




Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Map of the Geographic Area the Project Will Serve **RED O = EXISTING 1MILE / BLUE O = NEW**

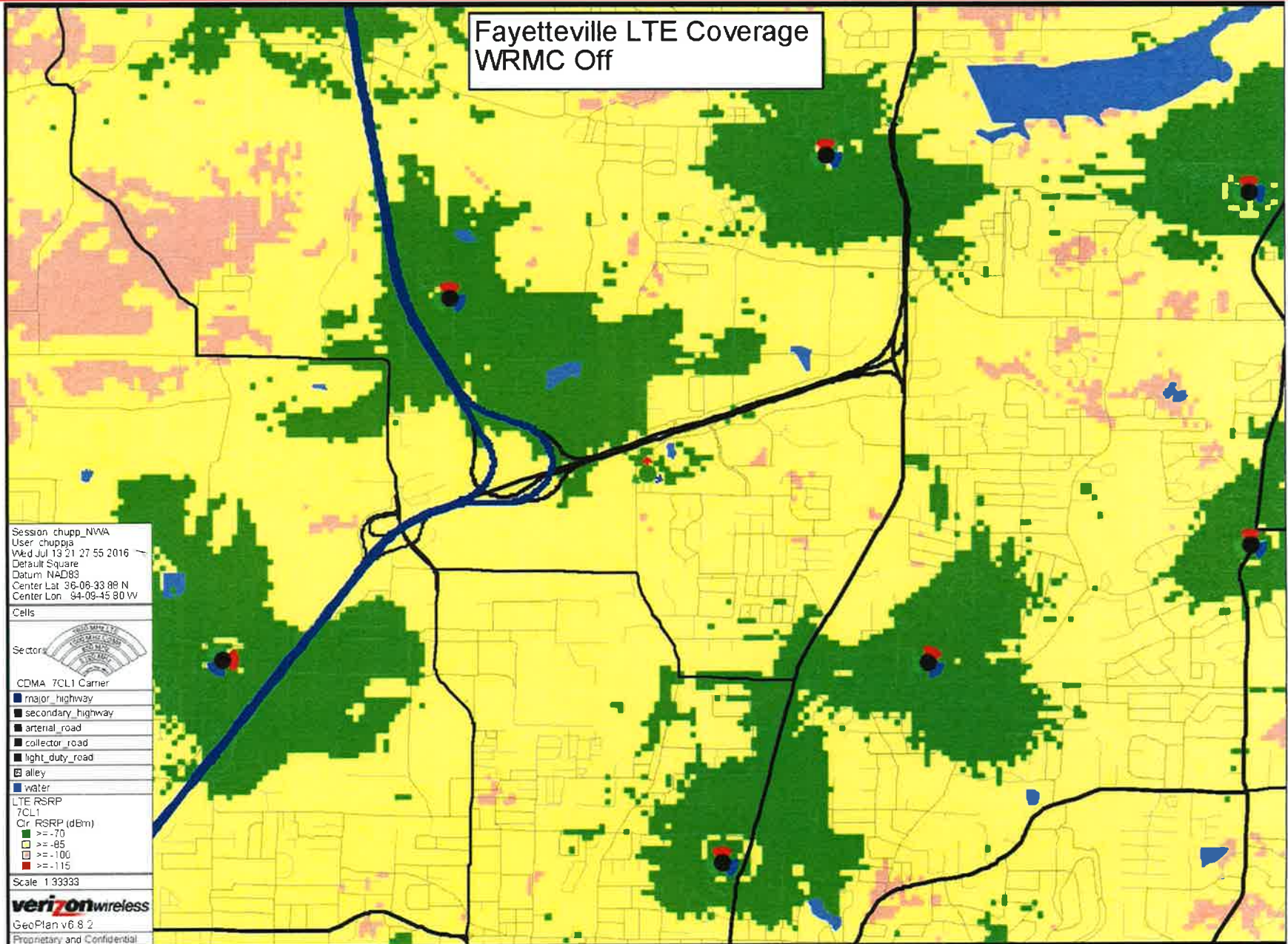




Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Green = In-building coverage Yellow/Green = Vehicular coverage Light Red = Outdoor coverage

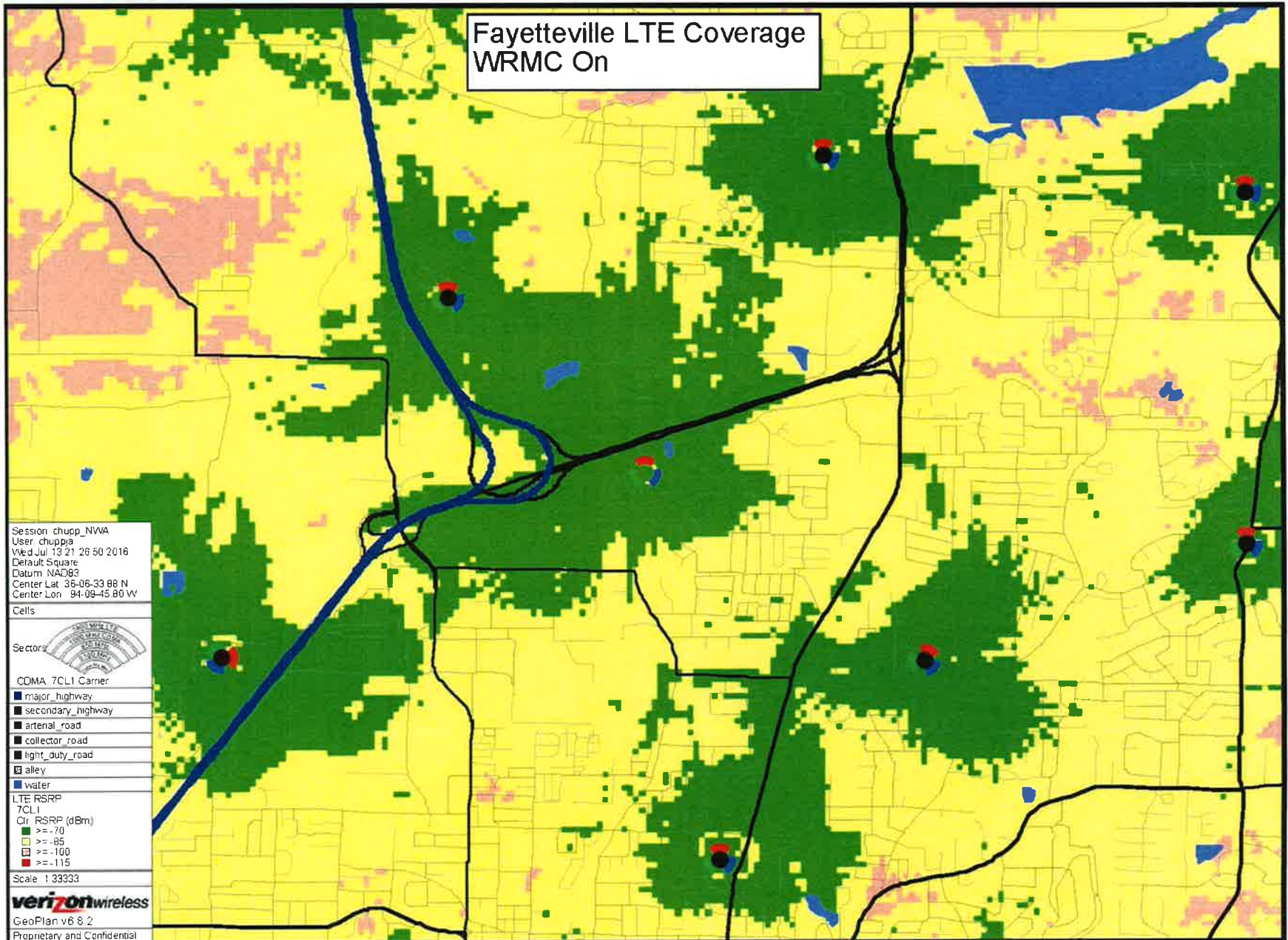




Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Green = In-building coverage Yellow/Green = Vehicular coverage Light Red = Outdoor coverage





Smith Communications

Proposal @ WRMC

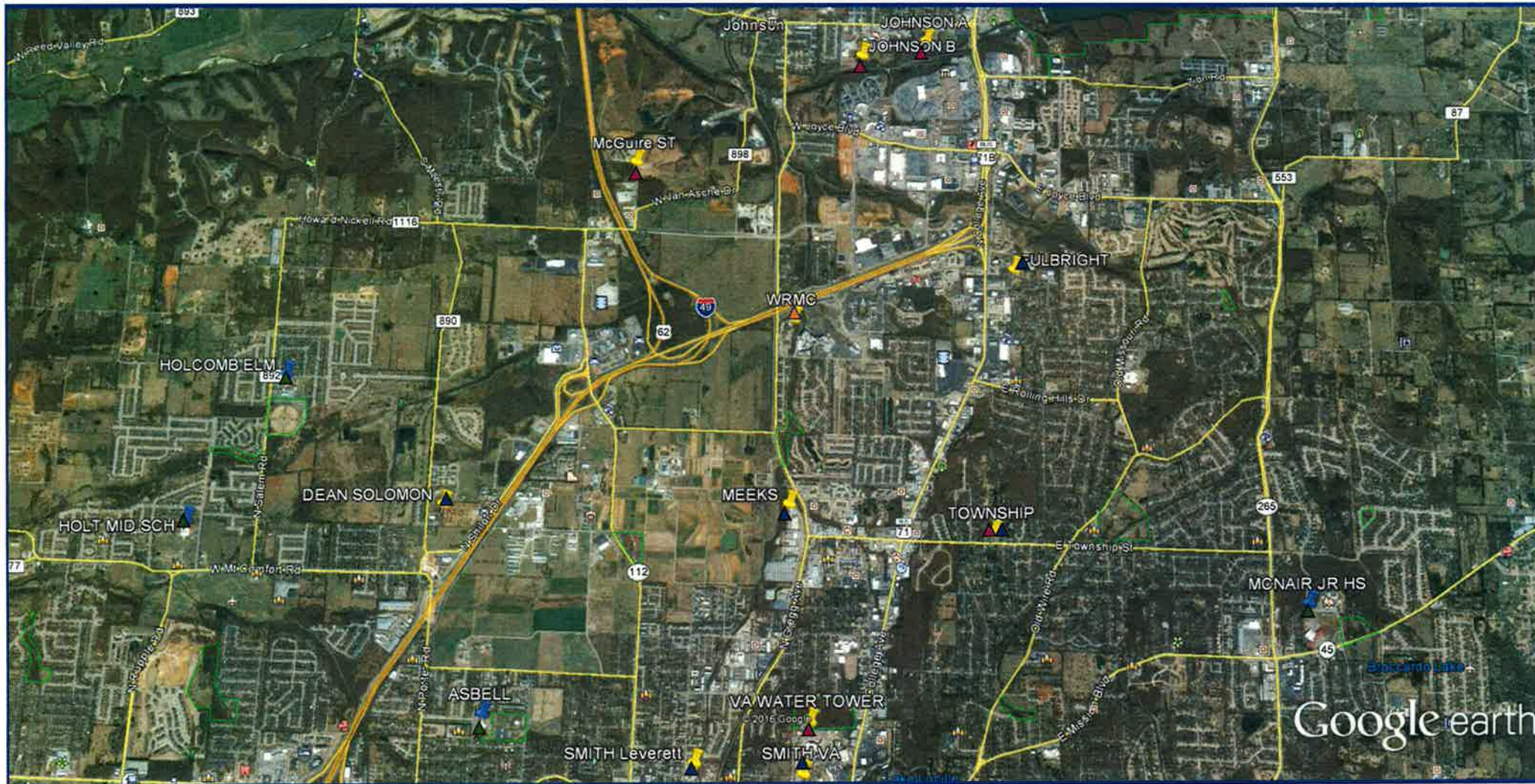
MAP OF – PROPOSED, EXISTING, & PLANED FACILITIES

▲ Proposed Site
Owned by
SMITH COMM

▲ Existing Site
SMITH COMM

▲ Existing Site
Owned by
OTHER

▲ Planed Facilities
SMITH COMM





Single Family Residence within 1/2 Mile

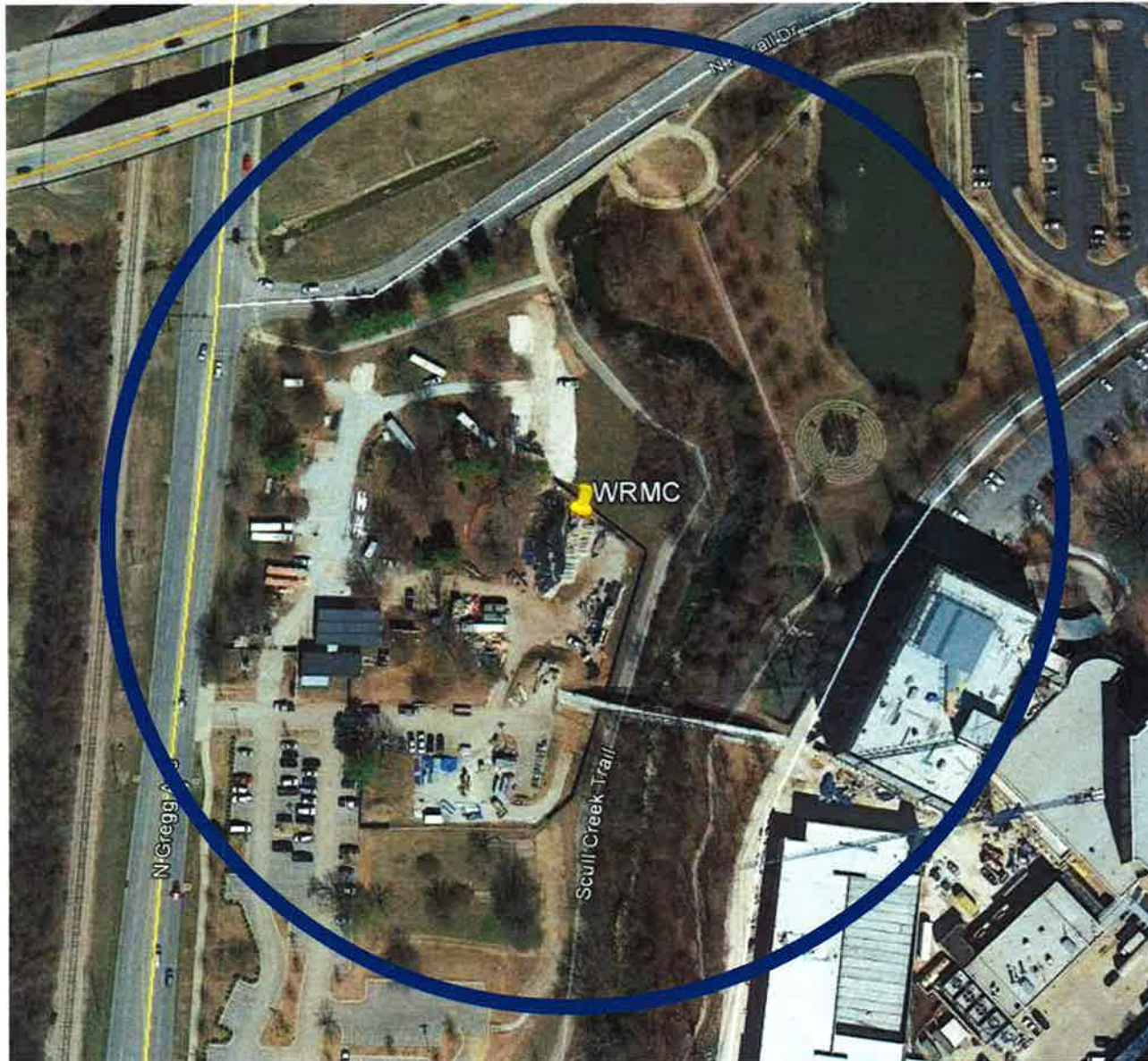




Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Single Family Residence within 500 Feet





Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

150 Ft FALL ZONE



SMITH COMMUNICATIONS
CELL TOWER SITE IMPROVEMENT PLAN
FAYETTEVILLE, ARKANSAS
SITE & UTILITY PLAN



USI
Consulting Engineers
Fayetteville, Arkansas



Design prepared by
in its presence

800-482-6996
Arkansas One-Call
www.arkansasoncall.com

DATE	DRAWING
DESIGNED BY	CHECKED BY

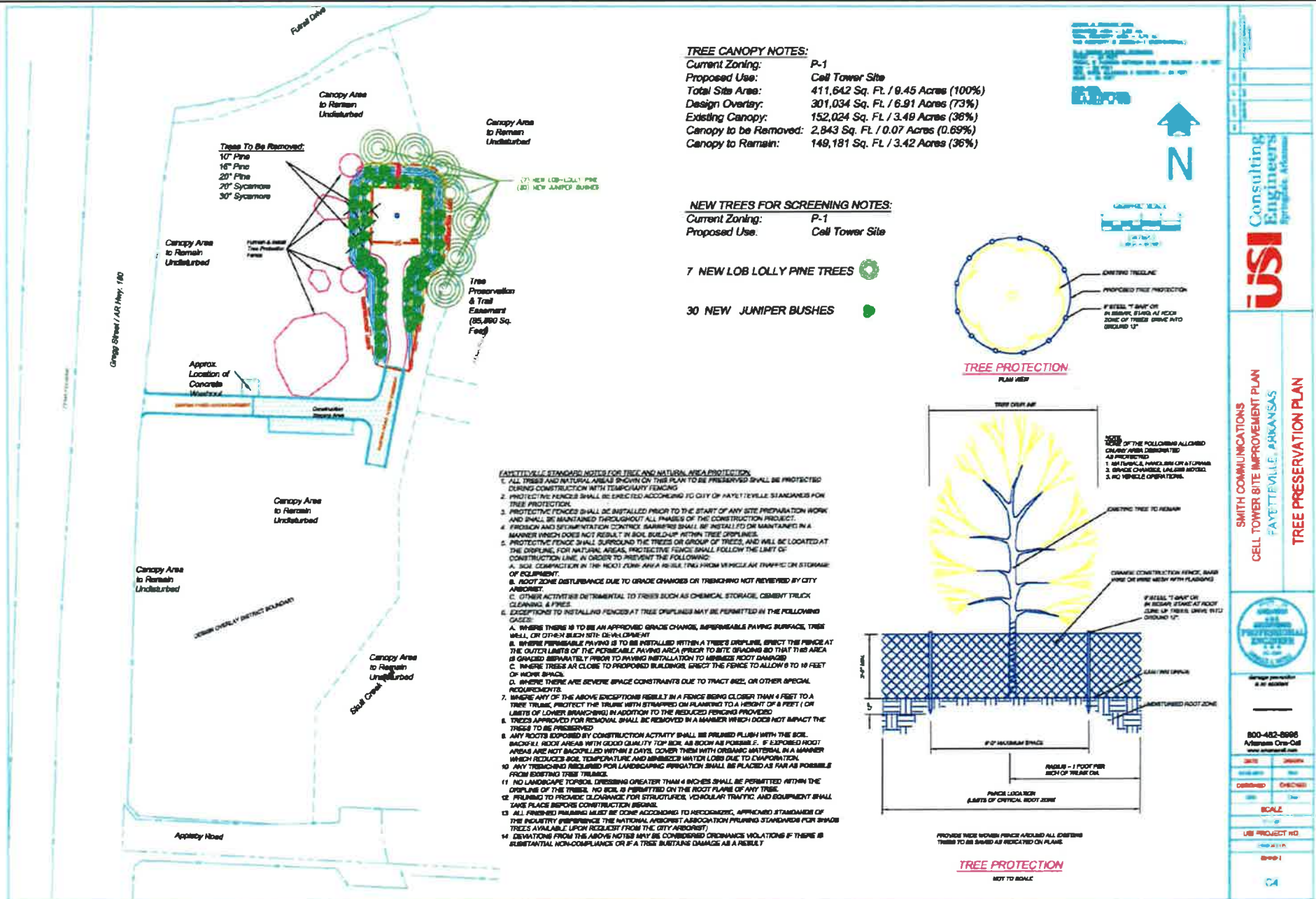
SCALE
= 1" = 40'

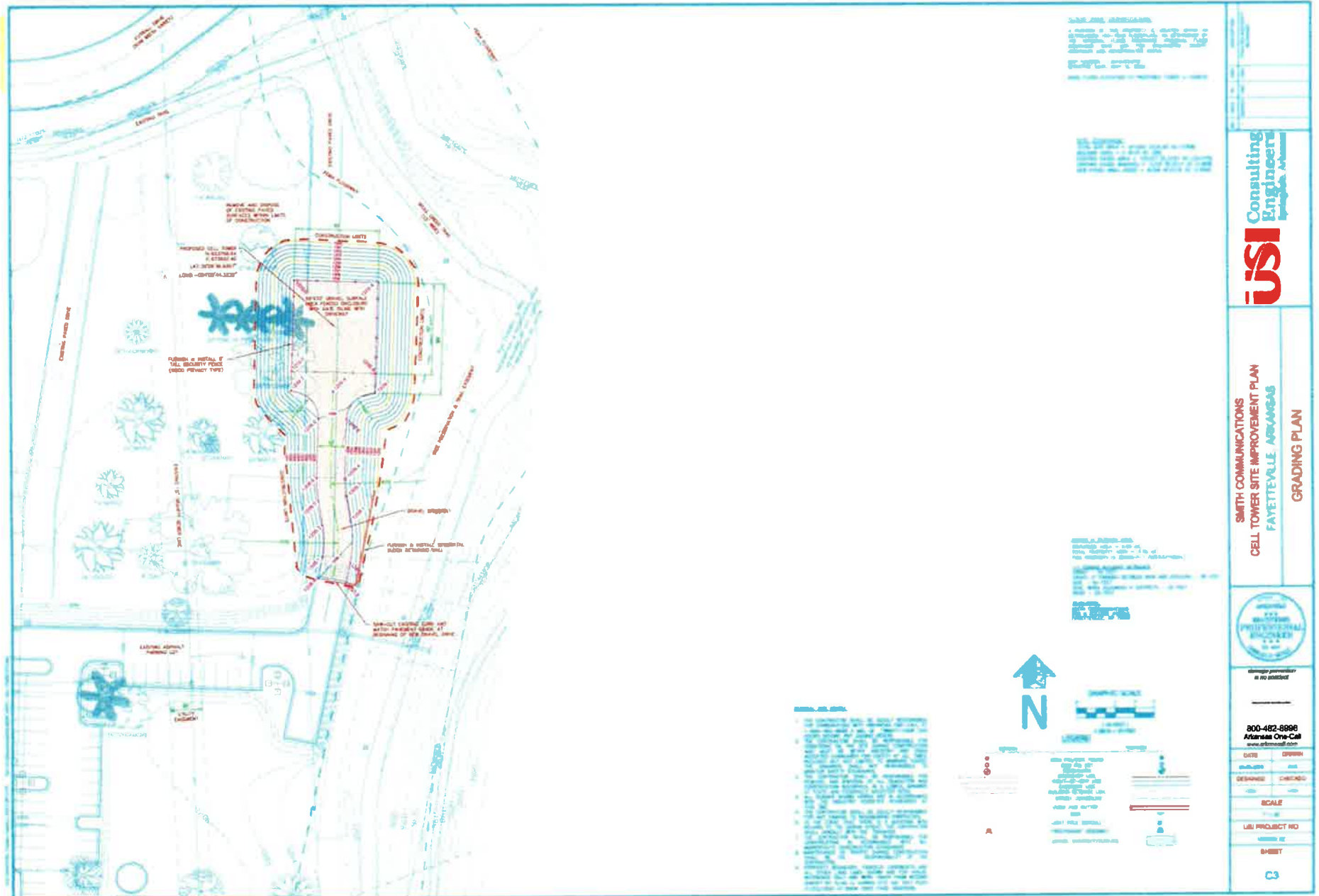
LUG PROJECT NO.
PROJECT ON
SHEET Y

Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

LANDSCAPE PLAN (Abb.)



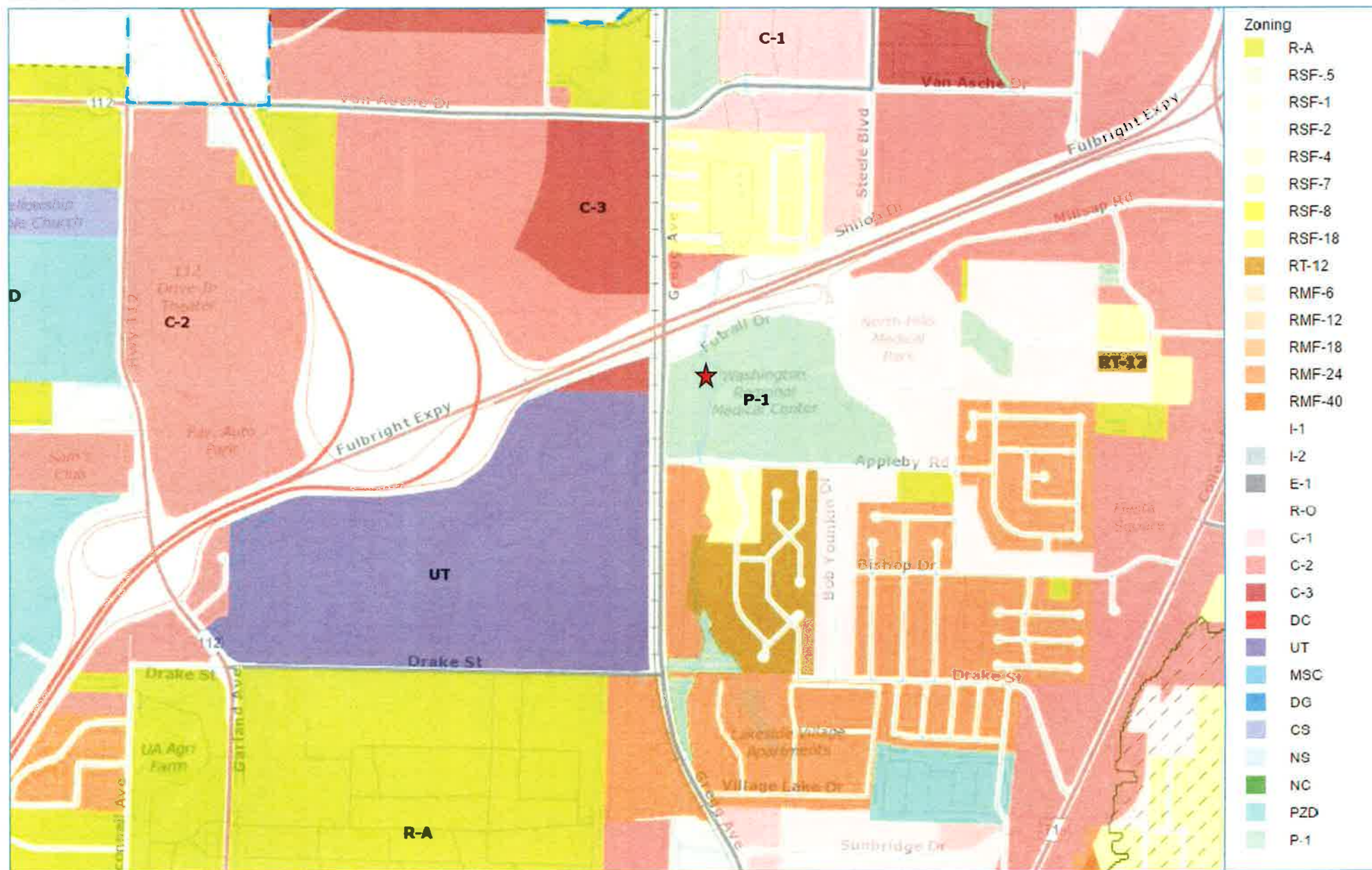




Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

CURRENT ZONING MAP

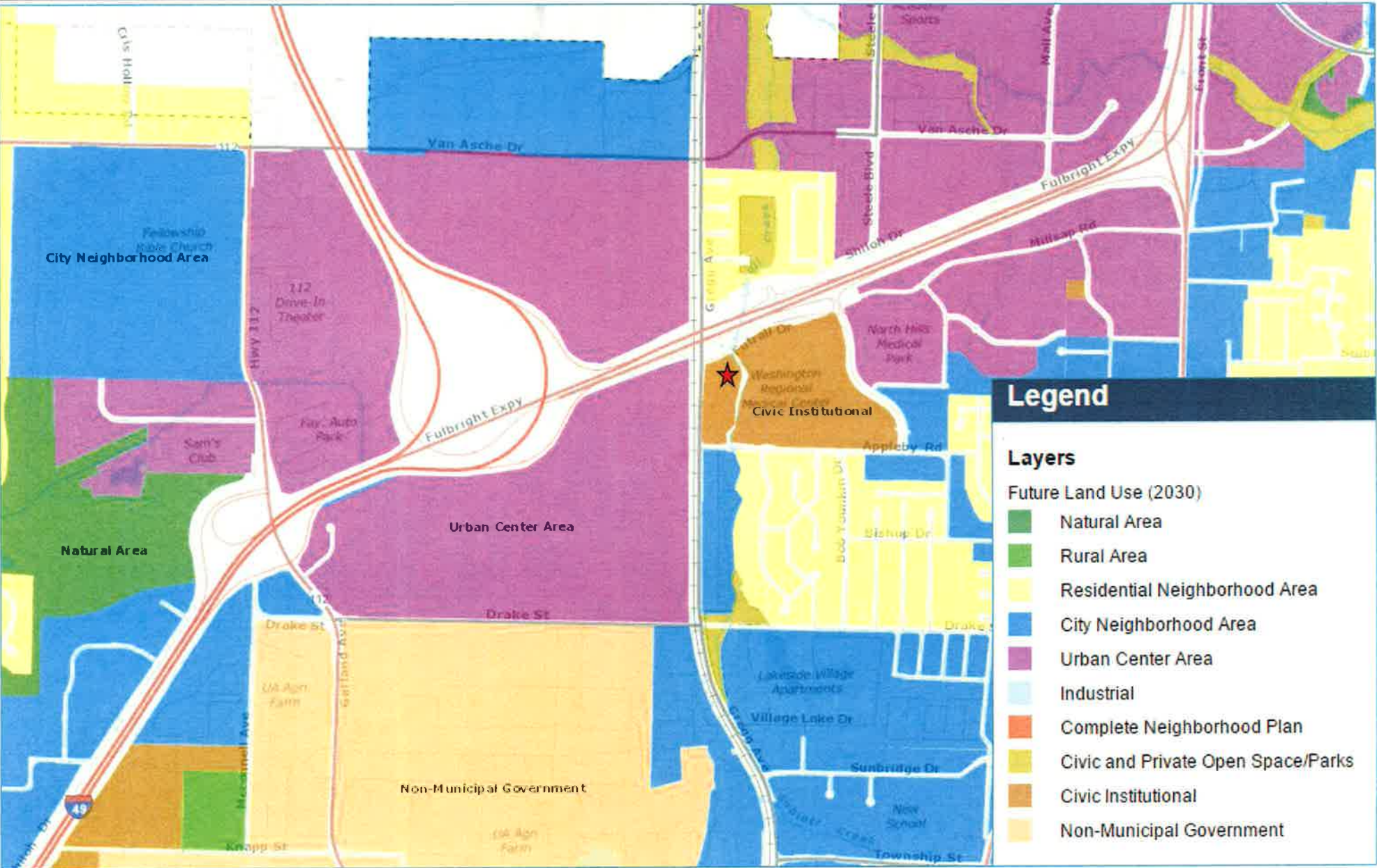




Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

LAND USE MAP 2030





Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Efforts to Reduce Visual Impact of the Tower

1. Employment of Stealth Design-

- Proposed facility will include a 150 Ft. Flagpole type tower.
This type of tower has proven its self as an effective balance between functionality of the wireless carriers and practical use of camouflaging techniques lessen visual impact specifically to the surrounding property owners / residence and to the overall community at large
- Painted white with a matte finish is also a factor in the limiting of the visual aspects.
When painted in this manner it produces a "Clean & Finished Look" – Generally a person would notice the structure and then, because of the type of structure and the painted finish, dismiss it. This makes the tower more innocuous so that a person becomes use to its presence much easier that a different style of tower.
- Screening the facilities base and equipment
Fencing and Landscaping are proposed to help screen the view of persons along the Scull Creek Trail

2. Building Setback Distances

- The facility is positioned on the property so that it may take full advantage of distancing its self from major street traffic.
The location chosen provides a distance well in excess of the building set backs for a WCF project this zoning district.

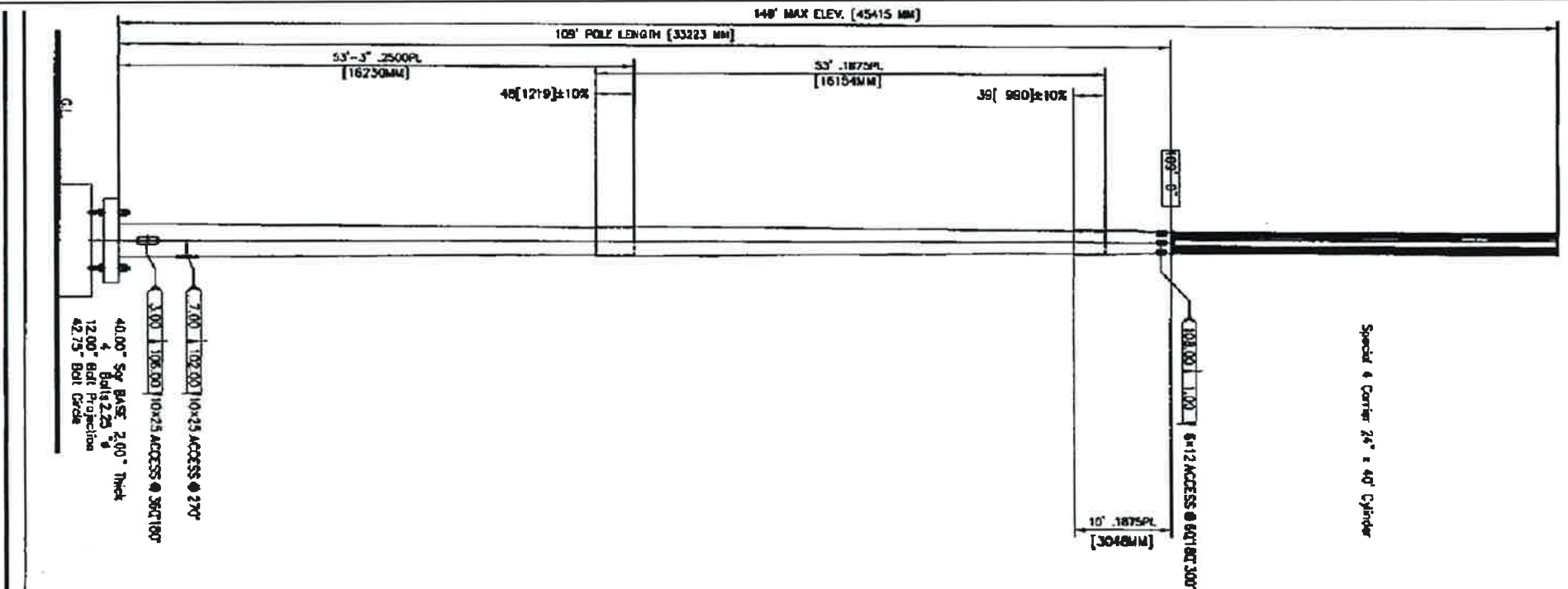
3. Compatibility with Current and Future (2030) Surrounding Land Uses

- A WCF is ls permissible in all zoning districts with a CUP but we feel this proposed facility is located correctly.
A WCF project in this zoning district(P-1) is generally considered favorable and is the same zoning as most City of Fayetteville owned property where WCF development is encouraged to happen.

Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

PROPOSED 150 Ft Flagpole type tower



TUBE SPECIFICATIONS	
POLE HEIGHT	109.00 FEET
TAPER	1.250 IN/FT
POLE SHAPE	16 SLOPED POLYCOON
ORIENTATION	FLAT-FLAT

Temp	Flow	DESCRIPTION
1	109.00	Spec'd & Carrier 2% $\pm$ 40 Cylinder
2	145.00	APR120W-170W-C
3	136.00	APR120W-170W-C
4	126.00	APR120W-170W-C
5	116.00	APR120W-170W-C

Food Case Description	Wind (mph)	D.C. Vert	Rod Ice	Factors Cat	Min. C/F
1) Max Wind	70.0	1.00		1.53	.72
2) Max Wind Load ± 75	60.6	1.00	.50	1.69	.72
3) Everyday Operating	50.0	1.00		1.53	.72

	Load Case DE SCAP FLOOR	Ref. Absol. (kN)	Base Shear (kN)	Recept. (mm)	Disp. DETL. (mm)	Disp. @ Top SWAY (deg)
1) Max Wind		14.5	5.3	4.91	2.5	2.34
2) Max Wind Load $\times 75$		17.2	5.0	387	2.0	1.81
3) Everyday Drivelling		14.4	3.2	245	1.3	1.19

Sec	Length (in)	Flt-Flat Top-Bot	Thick Bot (in)	Weight (kg)	Steel Spec	Finish
1	10.00	24.00	23.25	1873	A512-65	Galv/Paint
2	53.00	72.47	31.09	1875	A512-65	Galv/Paint
3	53.25	30.72	35.88	2500	A572-65	Galv/Paint
				TOTAL	10600	
Agri- Cluster	Boxe 44.00	Boxe 2.25	Boxe 2.625		A515-75	Galv-18"

- 1) ANTENNA FEED LINES RUN INSIDE POLE
- 2) THE MONOPOLE WAS DESIGNED IN ACCORDANCE WITH
EIA/JIA-222-F.



SMITH TWO-WAY RADIO, INC.		Foyetteville, AR		150.00 SLIMLINE	
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DRAWN BY		100-108		SIZE	
CHECKED BY		TRJ		DRAWING NO.	
				09-10119-PE	
REFERENCE DRAWING		SCALE		REV	
N.T.S.		PAGE		1	



Smith Communications

Wireless Communications Facility @ WRMC





Smith Communications

Wireless Communications Facility @ WRMC

FLAG POLE

WATER TOWER

MONOPOLE





Smith

Communications

Wireless Communications Facility @

(WRMC)

PHOTO-SIMS AND

PHOTO FROM LOCATIONS





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 1

APPLEBY & GREEG - With Crane





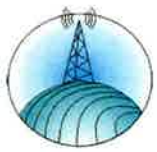
Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 1

APPLEBY & GREEG - NO Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 2

SFR HOUSES - With Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 2

SFR HOUSES - NO Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 3

ROUNDAABOUT - WITH Crane





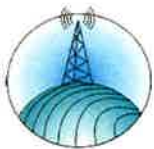
Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 3

ROUNDAABOUT - NO Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 4

GREGG & FULBRIGHT - WITH Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 4
GREGG & FULBRIGHT - NO Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 5

VAN ASH & ROOSEVELT - With Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 5

VAN ASH & ROOSEVELT – NO Crane

EXISTING – TOWNSHIP TOWERS

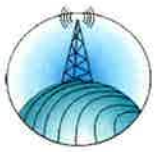
(Water Tower – Monopole – Flagpole)



KEEP
RIGHT

Roosevelt Ave
Van Asche Dr

STOP



Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 6

ON TRAIL – With Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 6

ON TRAIL – NO Crane





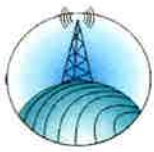
Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 6

ON TRAIL EAST OF BRIDGE – With Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- LOC # 6

ON TRAIL EAST OF BRIDGE – With Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- KOHL'S

– With Crane





Smith Communications

Wireless Communications Facility @ WRMC

PHOTO SIMULATIONS -- KOHL'S

– NO Crane





Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

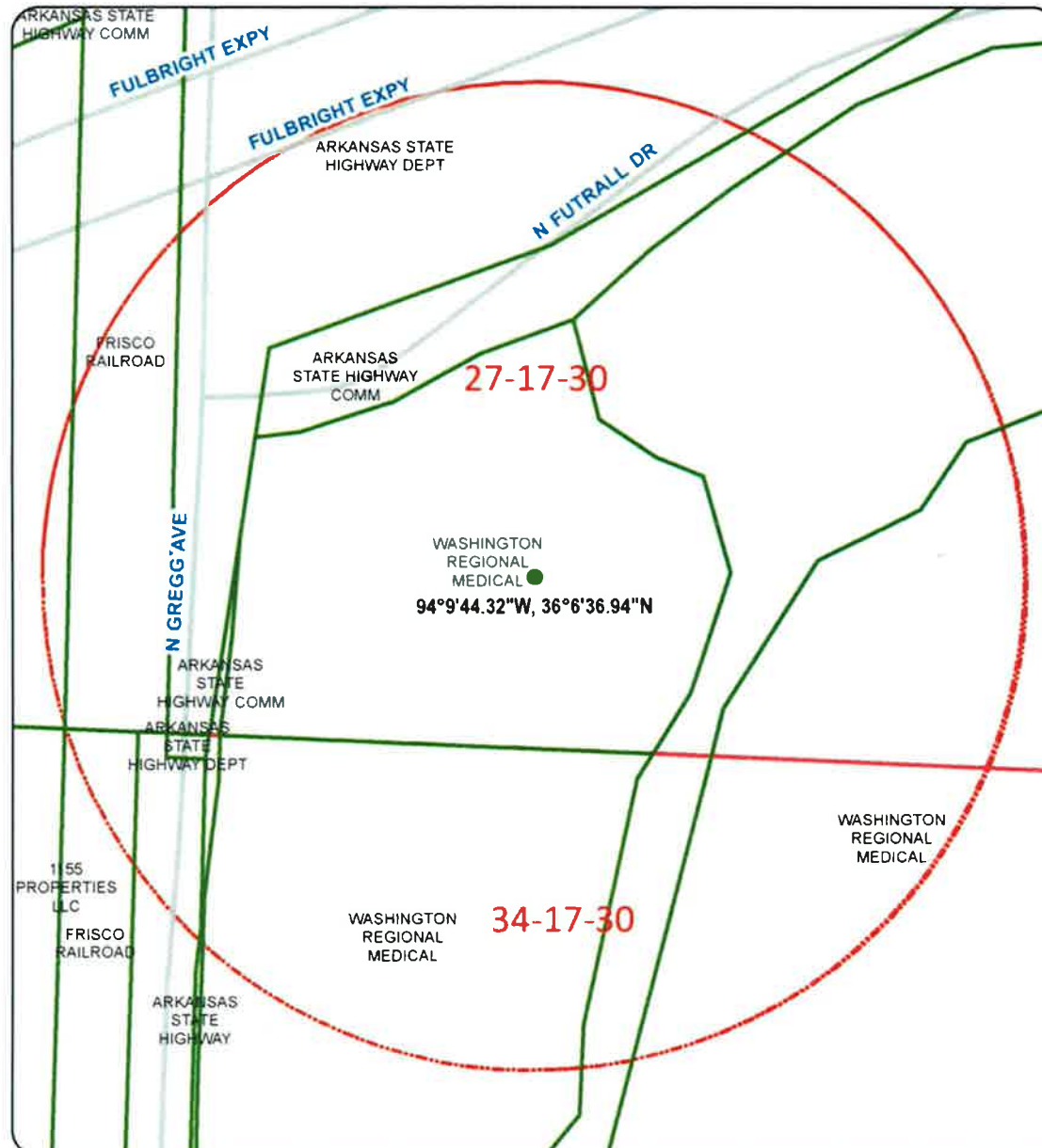
**PROPERTY
OWNERS WITHIN
500 FEET
MAP & LIST**



Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

500 FEET BUFFER





Smith Communications

Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

PROPERTY OWNERS WITHIN 500 FEET

PIN	OWNER NAME	ADDRESS
765-15780-000 765-15886-000	FRISCO RAILROAD	<null>
765-15782-000 765-15736-102 765-15881-030	WASHINGTON REGIONAL MEDICAL	1125 N COLLEGE AVE,FAYETTEVILLE 72703
765-15776-000 765-15779-000 765-15881-031 765-15885-010 765-15777-000	ARKANSAS STATE HIGHWAY COMM	PO BOX 2261, LITTLE ROCK 72203
765-15884-000	1155 PROPERTIES LLC	PO BOX 4245 FAYETTEVILLE, AR 72702



Smith Communications

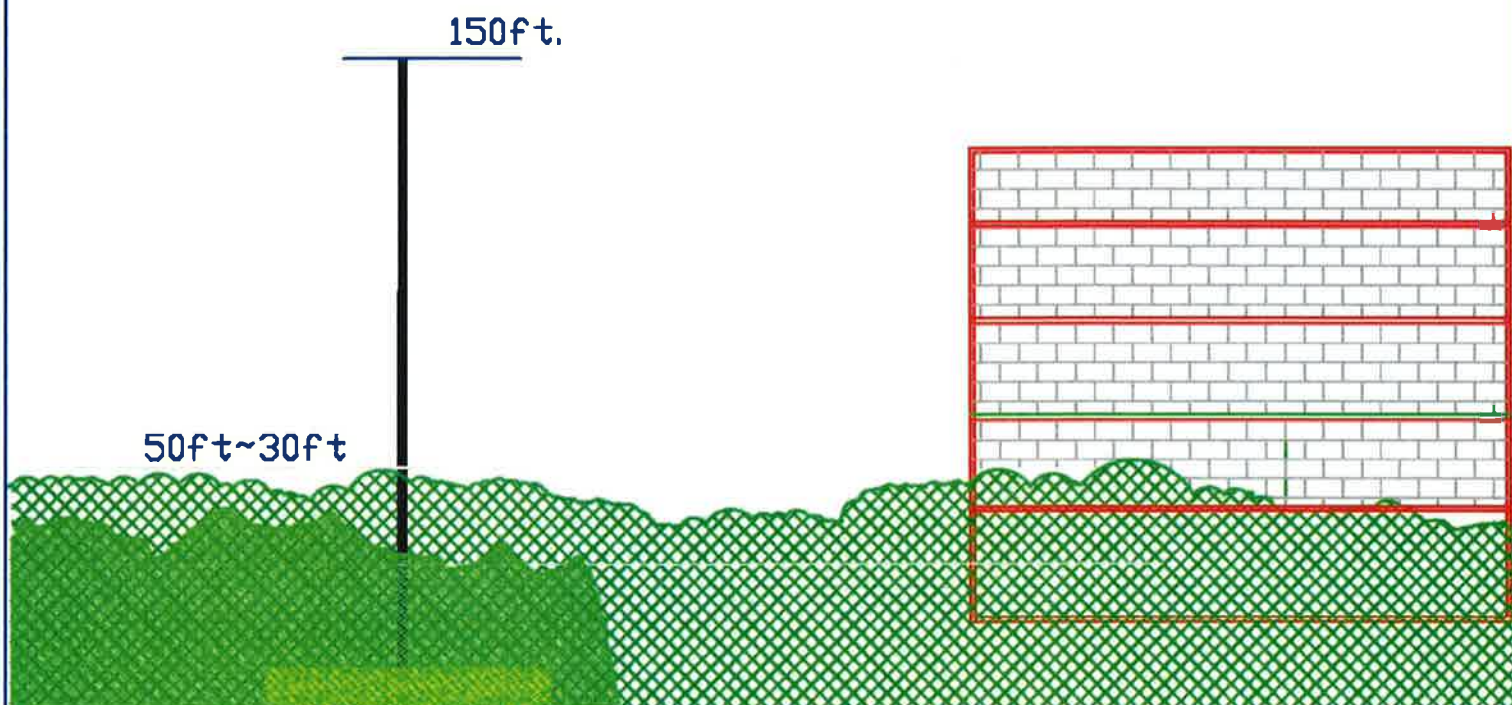
Wireless Communications Facility @ Washington Regional Medical Center (WRMC)

Line of Site Drawings



Smith Communications WRMC Facility Line of Site Drawing

SOUTH LOOKING NORTH
SCALE: 1"=40'



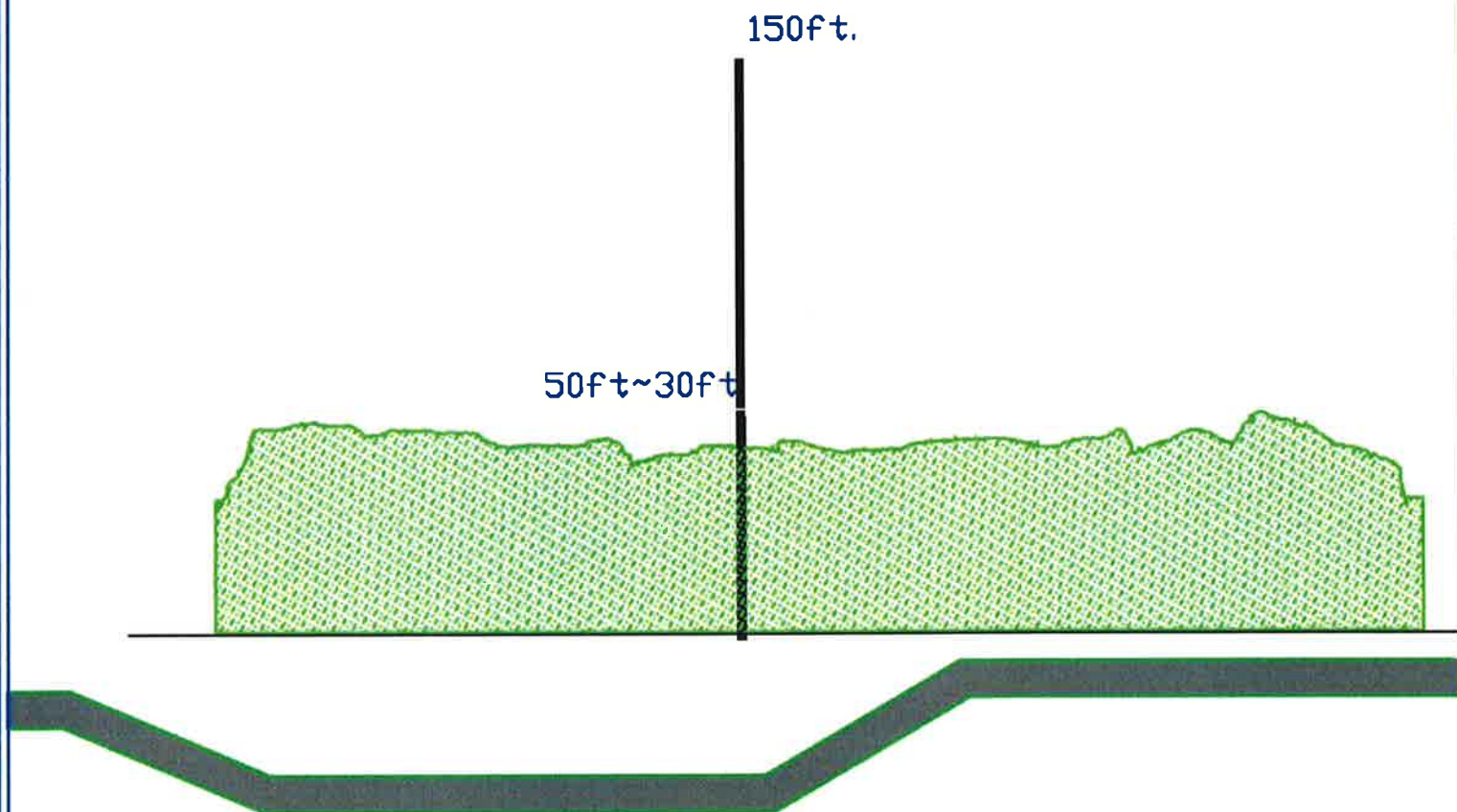
WEST LOOKING EAST
GRASS And TREES

PAVEMENT



Smith Communications
WRMC Facility
Line of Site Drawing

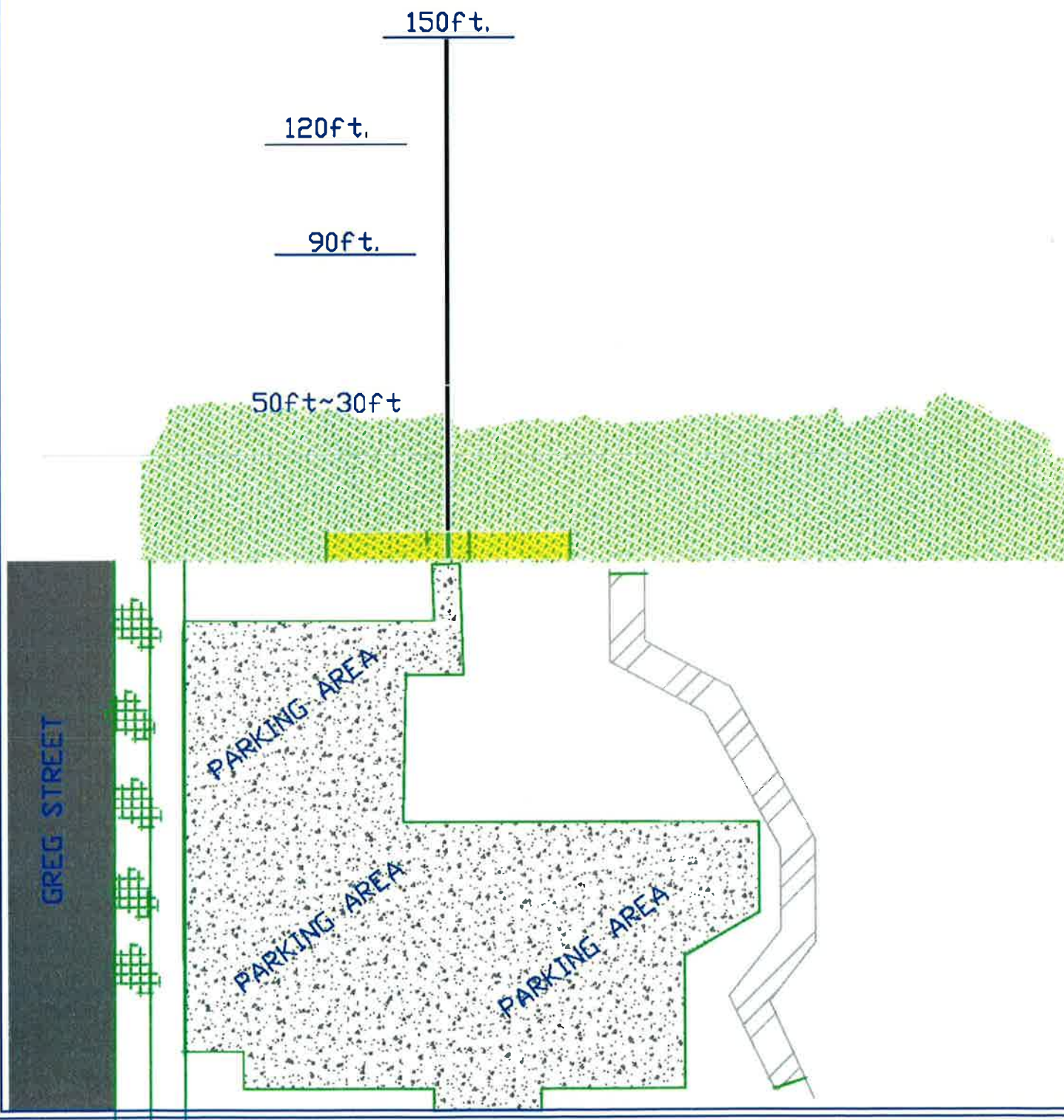
EAST LOOKING WEST
SCALE: 1"=40'





Smith Communications WRMC Facility Line of Site Drawing

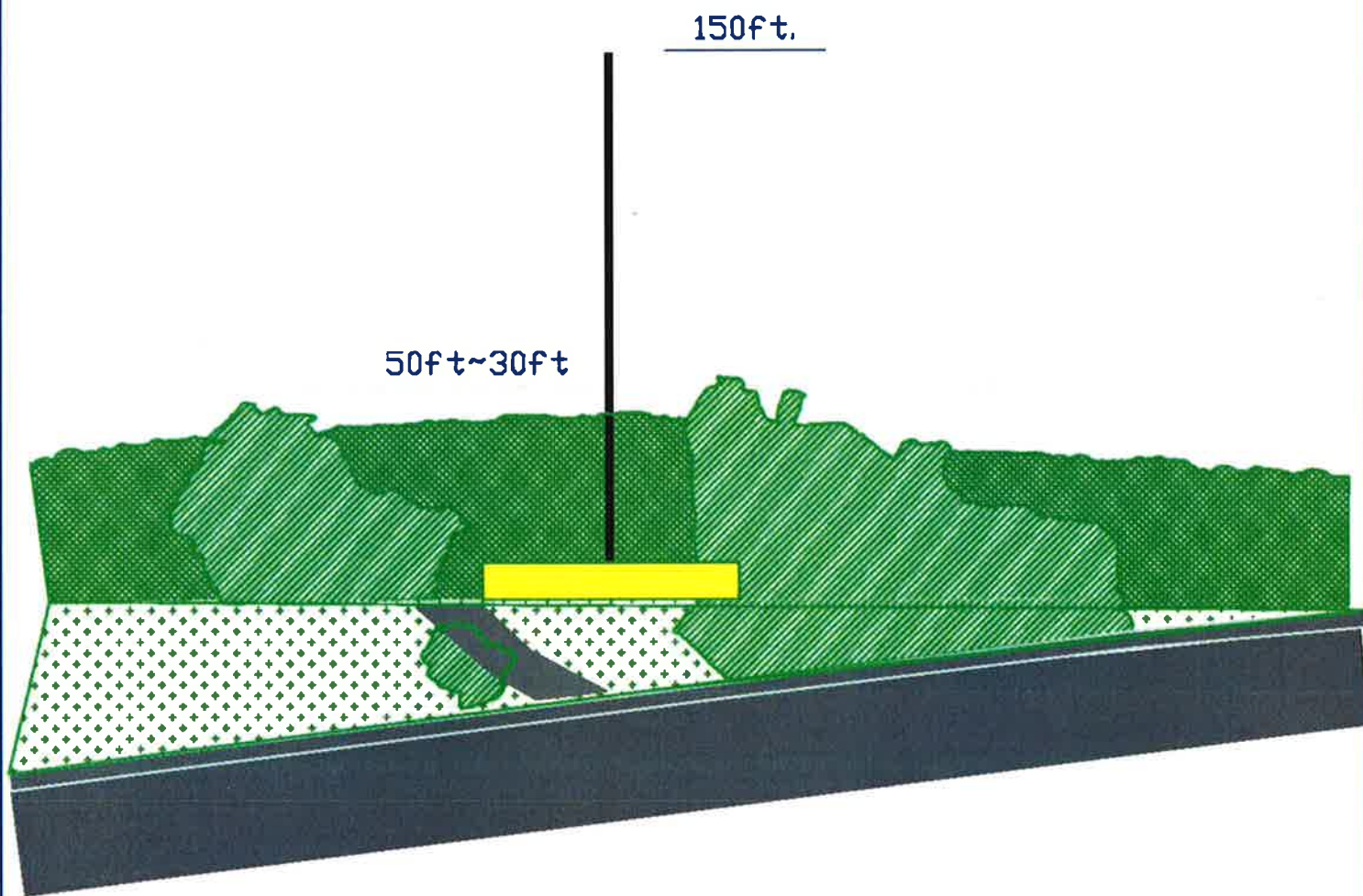
SOUTH LOOKING NORTH
SCALE: 1"=40'

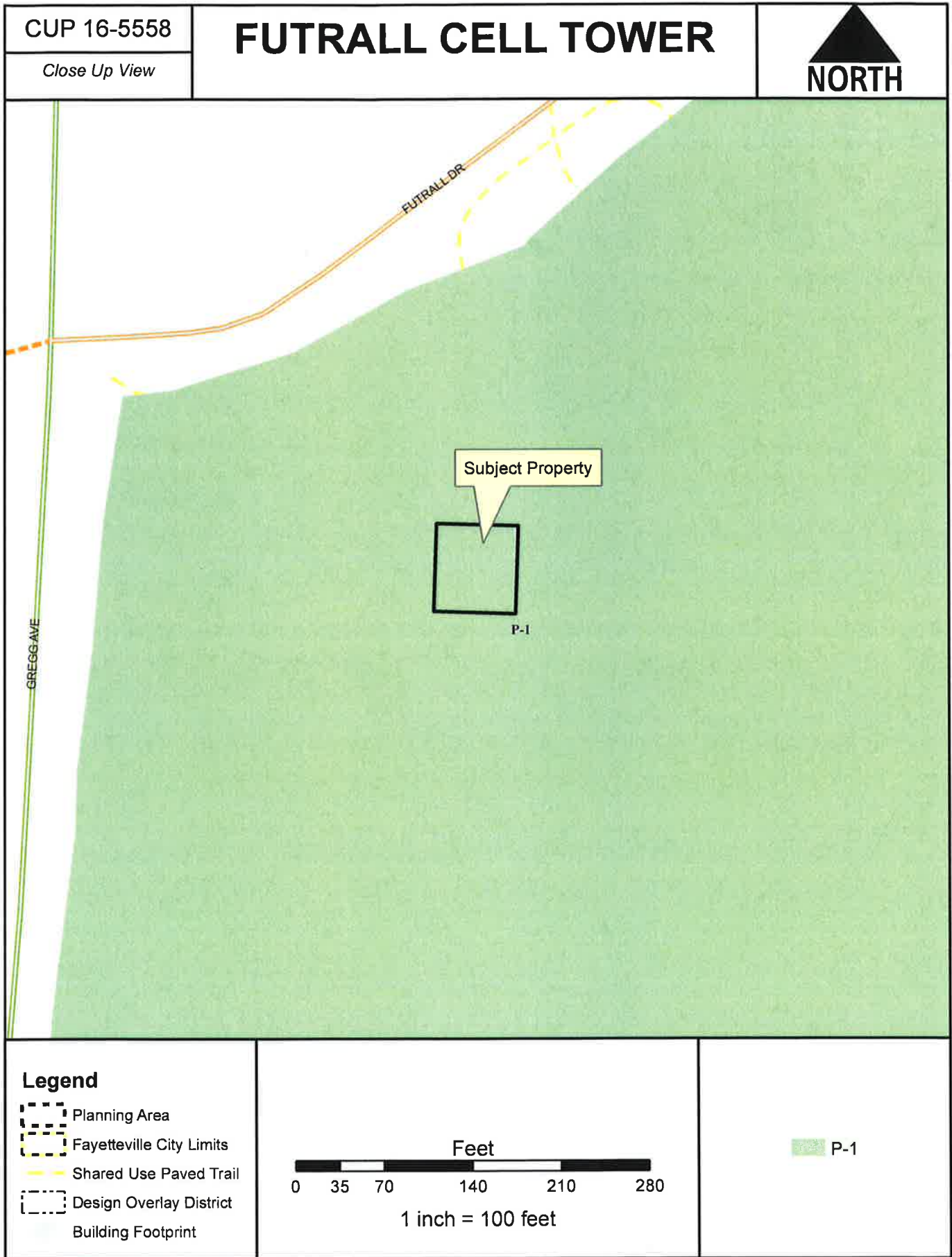


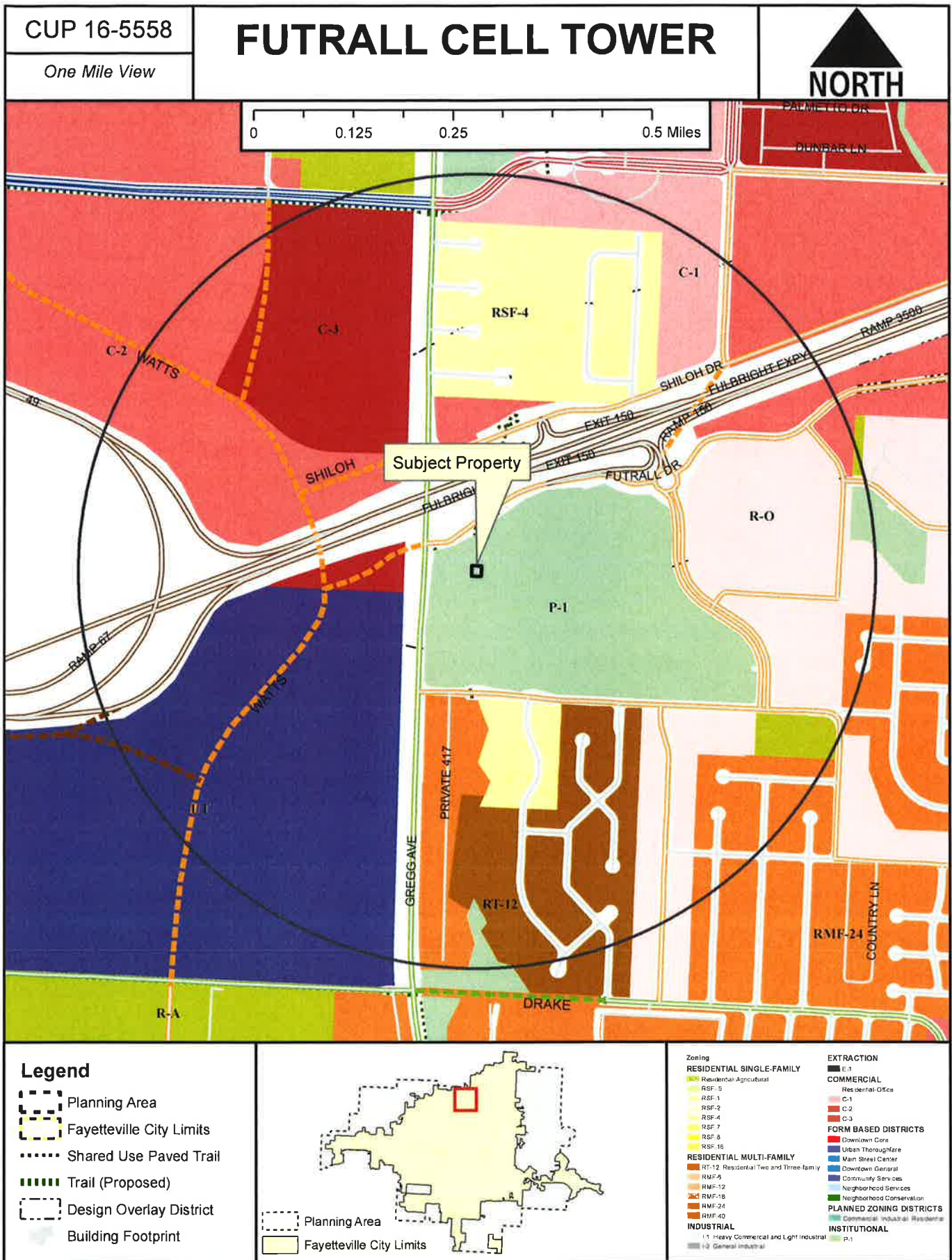


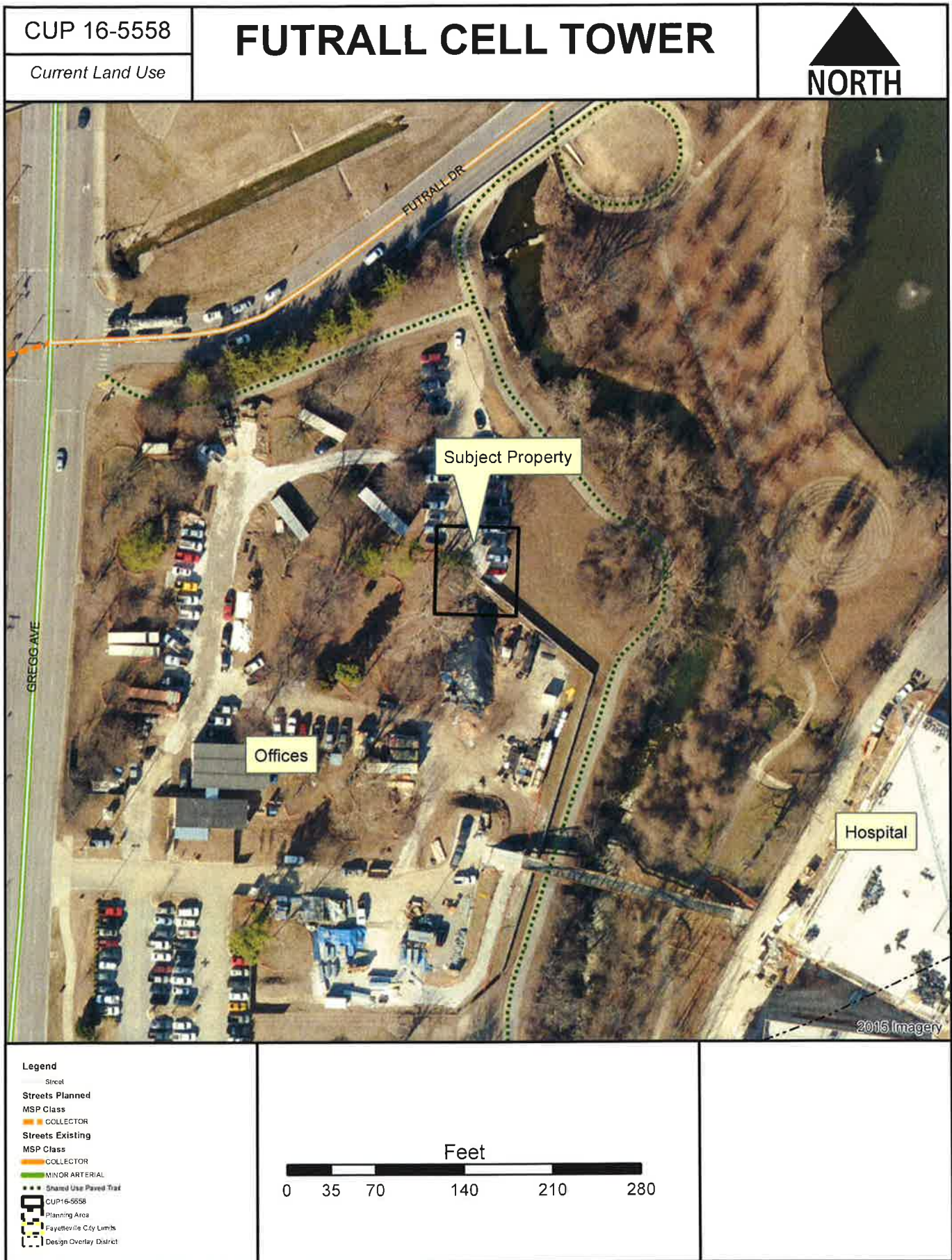
Smith Communications
WRMC Facility
Line of Site Drawing

NORTH LOOKING SOUTH
SCALE: 1"=40'











MINUTES

Planning Commission – DRAFT MINUTES 16-5558

October 10, 2016

5:30 PM

113 W. Mountain, Room 219

Members: Kyle Cook (Chair), Ron Autry (Vice Chair), Matthew Hoffman (Secretary), Tracy Hoskins, Janet Selby, Ryan Noble, Tom Brown, Leslie Belden, and Allison Thurmond Quinlan.

Call to Order: 5:30 PM, Kyle Cook

In Attendance:

Members: Kyle Cook (Chair), Ron Autry (Vice Chair), Matthew Hoffman (Secretary), Tracy Hoskins, Janet Selby, Tom Brown, Ryan Noble, and Allison Thurmond Quinlan.

Absent: Leslie Belden

Staff: Andrew Garner, Jonathan Curth, Quin Thompson, Harry Davis, and Corey Granderson

City Attorney: Kit Williams

Consent Agenda:

1. Approval of the minutes from the September 26, 2016 meeting.

2. ADM 16-5616: Administrative Item (SOUTH OF 3203 N. WARWICK DR./HUNTINGDON APTS., 216): Submitted by COMMUNITY BY DESIGN for property located SOUTH OF 3203 N. WARWICK DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contains approximately 1.13 acres. The request is for an extension to the original approval of LSD 15-5074.

Motion:

Commissioner Hoffman made a motion to **approve the consent agenda**. **Commissioner Quinlan** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

Old Business:

3. CUP 16-5558: Conditional Use (3250 N. FUTRALL DR./FUTRALL DR. CELL TOWER, 211): Submitted by SMITH COMMUNICATIONS, INC. for property located at 3250 N. FUTRALL DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 5.56 acres. The request is for a wireless communication facility.

Harry Davis, Planner: Read the staff report.

David Reynolds, Applicant: Thanks the Planning Commission for tabling the item at the last meeting. Since the last meeting, Smith Two-way has contacted WRMC and asked them to provide more information about the need for a cell tower on their campus. Reynolds has also been in contact with an engineer associated with Verizon and how a tower lower than 145 feet would not be suitable for this location and will cause Verizon to walk away from the development. Reynolds then shows maps that indicate the penetration levels of cellular service at various heights. He then explains the difference between coverage and capacity and how it has changed over time. Today's coverage has voice and data over the same transmission. With current technology, cell service must be located in the areas where people are.

Public Comment:

No public comment.

Matthew Hoffman, Commissioner: Asks applicant if the areas that are not covered by the proposed tower are covered by other existing towers.

Reynolds: Answers yes, but explains how the towers would work together to manage groups of people at various places within the city. Some of the existing towers have capacity and coverage problems and this tower would help solve them.

Hoffman: Explains that a redundant system would not be a good argument for this cell tower and how there are more places where the proposed tower overlaps with other towers than spaces that are not overlapped.

Reynolds: Re-explains how this would help with capacity coverage issues.

Ron Autry, Commissioner: Begins by explaining his past professional work with wireless communications. **Autry** understands how data and voice have now been combined into one transmission from cell towers. He goes into a few different examples from across the United States about the difference between coverage versus capacity and how most examples have gone against the argument of capacity and coverage are the same and how more cell towers are needed to provide more coverage. He discusses how this proposed tower would not increase the area coverage for the area versus existing towers. **Autry** also discusses his knowledge about how cell coverage works in relation to trees and buildings. He asks **Reynolds** if this cell tower would penetrate 100% of the building.

Reynolds: Answers yes, except the areas that are not fully covered are under another internal wireless system to be done as a separate project within the building.

Autry: Provides further information about cell service in the hospital. He also goes into different stories about using smaller towers and services that would be better with a smaller impact on the landscape but have the same effect.

Reynolds: Explains how the Razorback stadium is setup up with many smaller antennas that provide the same service. The proposed site and area for the proposed cell tower does not have the same characteristics that a stadium has and therefore needs a cell tower rather than the smaller and more numerous systems.

Autry: Rejects the argument that a smaller system could not be used and how these systems are getting more and more attainable as time goes by.

Hoskins: Asks if cell service is line-of-sight.

Reynolds: Answers not exactly, as you will get better service if you can see a tower, but you can get signal in this room. The higher the frequency, the better the service.

Hoskins: Asks if the smaller the tower, the more there would need to be.

Reynolds: Answers yes and explains further.

Hoskins: Asks if the gap between the circles on the map is a dead zone.

Reynolds: Explains how it isn't an exact diagram of coverage, but is a basic geographical distance between towers.

Hoskins: Asks if the main issue here is coverage.

Reynolds: Explains further coverage and capacity and how they are intertwined.

Hoskins: States that he was interested in the story about the stadium and will support one large tower rather than several smaller towers.

Autry: States that he does not have any connectivity issues in this area under Verizon service. He explains how this system is incredibly complex and how this proposed tower affects the area. **Autry** then goes into paging and how that works within the hospital.

Tom Brown, Commissioner: Asks if the pink area is what will get coverage on the map.

Reynolds: Answers yes.

Brown: Asks more about this location and if the power can be boosted in the existing towers.

Reynolds: Explains the location and how the power cannot be increased. He also goes into the other locations considered for this tower.

Allison Quinlan, Commissioner: Reiterates the pink area purpose and to compare the maps, ending by explaining her position.

Hoffman: Concurs with **Quinlan**.

Hoskins: Asks about a 120 foot tall tower now and if another would be built later.

Reynolds: States the project before you would die and that a cell tower would be proposed at a different location.

Hoskins: Asks if a cell tower at 150 feet would be approved now, would **Reynolds** come back to ask for another tower in the area.

Reynolds: Answers no.

Janet Selby, Commissioner: Surmises that a bigger tower would be better than two smaller ones.

Quinlan: States that the areas that are said to be helped by this tower are not within the most improved area.

Hoffman: Argues that the pink area would be serviced by the smaller tower.

Autry: Argues that he cannot see an end to more proposals for cell towers regardless of height in the area.

Hoskins: Argues that the larger tower would off-load data pull from other towers.

Reynolds: Agrees and says that co-location would also be a huge benefit for this area in conjunction with a cell tower.

Hoskins: States that the larger cell tower would be better rather than several smaller ones.

Kit Williams, City Attorney: Explains that a new statute would allow for a Certificate of Need to be provided by cell providers that would allow said providers to develop without Planning Commission approval to be built in City right-of-way. The cell tower is considered a utility and therefore protected more by the state and Federal governments. He argues this proposal may protect us from more towers in the future in this area due to increased coverage, but it is not certain. Due to an absent Commissioner, votes against the cell tower would need to be well-made. **Williams** agrees with **Hoskins'** interpretation of this proposal. **Williams** then briefs the Commission briefly about some changes to cell towers that may happen in the future.

Kyle Cook, Commission Chair: States that he does not have a problem with a few smaller towers.

Autry: States that more cell towers will be made in Fayetteville in places like Ruppel Road.

Motion to approve by Hoskins, seconded by Selby.

Hoffman: Due to preserving skyline and landscape of Fayetteville and this being a gateway, votes against the proposal.

Quinlan: Due to existing coverage, votes against the proposal.

Noble: Votes in favor of the proposal.

Selby: Votes in favor of the proposal.

Autry: Due to technology, Fayetteville gateway, and preserving the skyline, votes against the proposal.

Hoskins: Votes in favor of the proposal.

Brown: Votes in favor of the proposal.

Cook: Due to a smaller tower being more preferable, votes against the proposal.

Motion fails.

Williams: Asks the applicant if they would want to be tabled and be heard when all Commissioners are present.

Hoskins motions to approve the project at 135 feet, seconded by **Selby**.

Hoffman: Asks if **Hoskins** would change to 120 feet.

Hoskins: Answers no.

Result the same, motion fails.

Quinlan motions to approve at 120 feet, seconded by **Brown**.

Motion passes, only **Cook** dissenting.

Motion #1:

Commissioner Hoskins made a motion to **approve CUP 16-5558**. **Commissioner Selby** seconded the motion. **Upon roll call the motion for a 150' tower failed with a vote of 4-4-0**. Commissioners Hoffman, Quinlan, Autry, and Cook voted 'no'.

Motion #2:

Commissioner Hoskins made a motion to **approve CUP 16-5558**. **Commissioner Selby** seconded the motion. **Upon roll call the motion for a 135' tower failed with a vote of 4-4-0**. Commissioners Hoffman, Quinlan, Autry, and Cook voted 'no'.

Motion #3:

Commissioner Quinlan made a motion to **approve CUP 16-5558** with all conditions as recommended by staff. **Commissioner Brown** seconded the motion. **Upon roll call the motion for a 120' tower passed with a vote of 7-1-0**. Commissioner Cook voted 'no'.

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.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, 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.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Development Services Presentation – Jeremy Pate

Jeremy Pate, Director of Development Services gave a brief Development Services presentation.

Mayor Jordan thanked Jeremy Pate and his staff for their work.

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

Agenda Additions: None

Consent:

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

Approved

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.

Resolution 174-16 as recorded in the office of the City Clerk

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.

Resolution 175-16 as recorded in the office of the City Clerk

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.

Resolution 176-16 as recorded in the office of the City Clerk

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.

Resolution 177-16 as recorded in the office of the City Clerk

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.

Resolution 178-16 as recorded in the office of the City Clerk

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.

Resolution 179-16 as recorded in the office of the City Clerk

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.

Resolution 180-16 as recorded in the office of the City Clerk

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.

Resolution 181-16 as recorded in the office of the City Clerk

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.

Resolution 182-16 as recorded in the office of the City Clerk

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

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 subject to the attached 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.*

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

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

Ron Caviness, Applicant: Do we need to discuss the validity of my Bill of Assurance?

City Attorney Kit Williams: It's not the validity. We need to make sure we really understand what you are proposing.

Ron Caviness: In the Bill of Assurance I put that a maximum of 400 single family houses would be built and that is all.

City Attorney Kit Williams: I thought that was your intent. I wanted to make sure it included both those zones. 400 single families in both the Neighborhood Conservation and Neighborhood Services would be all that would be built there.

Ron Caviness: Correct.

City Attorney Kit Williams: Thank you for making that clear. This land is actually owned by a LLC. Are you and your wife the only owners of the LLC?

Ron Caviness: Yes. My wife and I are 50/50 owners. I am the president of the corporation and I am authorized to speak for the corporation.

City Attorney Kit Williams: You are signing the Bill of Assurance for the corporation, as well as yourself?

Ron Caviness: Yes.

Alderman La Tour: I encourage us to consider this strongly. While I am concerned with what the neighbors think about the rezoning, he has given us what we need to proceed with this. We are not building apartments. We are building single family houses. We can't afford to make it a park. This land will be developed and we can't expect a private owner to sit on his investment and not get a return on it.

Alderman Long: Jeremy, I've received input from the surrounding areas about the environmental impact on that piece of property and the corresponding flooding that happens. Can you talk about the process and how it is addressed?

Jeremy Pate: This is a recognized stream on the property that the request for Residential Agriculture is being made. The floodplain extends beyond that area, but FEMA has flood wave and floodplain regulations with which the city must comply. In addition, Council has adopted a Streamside Protection ordinance. The Corp of Engineers is the authority on wetlands. They supersede our authority in that particular case. Because this site floods, that would be part of our review process. There have been some studies already done and those would be submitted to the Corps of Engineers. Whatever decision they make, the city would then have to abide by as well.

Alderman Long: When we had the Falling Waters rezoning before us, the Environmental Action Committee took a look at that ordinance. Would this be something the Council feels that they should also look at?

Alderman Kinion: I commend the developer for giving us a Bill of Assurance and for defining a good compromise as we move forward. Looking at the topography of the property and knowing we have steps in place that can mitigate damage to the wetlands in this area, I feel at this point I

would hardly endorse this specific development as it is presented to us. If you look at it closely and you know what we have as far as future planting, this is an ideal compromise.

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

Ordinance 5909 as Recorded in the office of the City Clerk

New Business:

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.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution.

Mayor Jordan: Great partnership. Good work Matt.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 183-16 as recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff feels the proposed zoning is compatible with the surrounding properties. The Planning Commission voted 7-1 in favor. He discussed the notification process for a rezoning.

Mayor Jordan: I got a few calls and emails about the notification process.

Alderman Tennant: I heard from some people about the notification process. The people that live across the street on Birdie or Par, the requirement is only to notify those within just a certain distance of Crossover. How do you know how far in the neighborhood to go to do any sort of notification?

Jeremy Pate: It's only those properties that are adjacent, we consider across the street, we ignore the street essentially, and consider those adjacent. We don't require another lot in. The second lot in does not get a letter mailed to their house. There is a sign and we notify through our public agendas.

Alderman Tennant: I don't know if there is a way to change that. I don't want to put any extra burden on city staff. A lot of these people on Birdie and Par are going to be affected by this because that's the only way out. I worry we aren't notifying enough people in this case. I would like to hold it and not vote on it tonight. Was there any study done or anything looked at as far as the traffic? Is there any concern about the level of traffic coming in and out with no light or turn lane?

Jeremy Pate: There has not been a traffic study done with the rezoning. We don't know what is actually going to develop there at this time. The uses that have been discussed and the zoning that is allowed with the acreage doesn't throw up a red flag for us. It is not a super high intensity use that is going to potentially happen there. We just widened this major arterial. We have to evaluate cross traffic at the time of development. The need for a future signal will also have to be evaluated with the development.

Alderman Tennant: I want us to look at this carefully because someday that road might connect to Bridgewater and over by Overton Park. There are a lot of people that live over in that area and Oakland Zion has more housing. This will be a major connector to Crossover for people who want to avoid Highways 45 and 265. In the future there is going to be a lot of cars on that interchange and that needs to be considered. For this particular proposal, leaving it here and giving more people a chance to speak on it is very important. I don't believe enough people were notified because of the way the process works.

Elizabeth Link, Representing Foster Development: When we met with staff and talked about notification, we took the town's requirement and added many more people than your ordinance required. I hope I don't get penalized for the process you have on the books. As far as traffic, we are talking about 100 rooms of assisted living and memory care. Traffic studies that we have done for a similar project in Memphis shows we have under 30 cars during peak time in the morning and under 20 during peak time in the evening. It is a very low use of roads and infrastructure. We are also proposing up to 32 units of apartments for 55 and older. We are talking about building a walkable neighborhood and a green design. As far as traffic and the connection, our traffic is going to be miniscule. If other projects come later on that road, I assume more improvements to an interchange will be required at that point. We will be doing a traffic study with our project as required by staff.

Alderman Tennant: In no way did I mean your project will be penalized for this. My comments were mainly on the process itself, regardless of what development or rezoning we would have. There are a lot of people that will be affected by this. I want us to examine this.

Elizabeth Link: The State of Arkansas believes this particular area of Washington County is very low on assisted living and memory care beds. It is a need you all have and we are hoping to fill 100 of the 250 beds. You are still going to be short. I'm not talking about 20 years from now, I'm talking about now. We are hoping we can at least help on that side of town to meet the need.

Alderman Tennant: Thank you very much.

Jeremy Pate: I want to clarify. When looking at the aerial photograph there is a turn lane to a future street off of Par Court to the east. It was constructed with the Highway Department's improvements.

This ordinance was left on the First Reading

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.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5910 as Recorded in the office of the City Clerk

RZN 16-5550 (2155 N. Ruppel 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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff finds the proposed zoning to be compatible with the surrounding land uses in the area. The Planning Commission voted 7-1 in favor of the request. He stated four members of the public

spoke in opposition of the request with concerns of increased traffic. He stated the exhibits were replaced in the ordinance. He had the applicant remove the right-of-way that the city purchased for the Mount Comfort extension and part of the Ruppel Road. It now encompasses about 70 acres of the property.

City Attorney Kit Williams: We had submitted this ordinance with 73 acres and staff is now recommending we remove the right-of-way which makes it about 70 acres. We need to amend the ordinance to reflect the new exhibits.

Jeremy Pate: This would be reflective of the right-of-way we have already acquired through the Mount Comfort Road widening project.

Mayor Jordan: You are asking for an amendment?

City Attorney Kit Williams: It was recommended by the Planning Department.

Tom Terminella, Representing Jim and Judy Hazen: It is my understanding we were removing just the right-of-way that the city has already acquired.

City Attorney Kit Williams: That is my understanding.

Tom Terminella: We are good with it.

Alderman Long: I have started getting a lot of public input. I would appreciate the Council holding it on this reading tonight.

Mayor Jordan: Kit, please read the amendment.

City Attorney Kit Williams: The only amendment would be to the title. Instead of saying approximately 73.37 acres, it would say approximately 70 acres with the acknowledgment that the Exhibit A map and Exhibit B legal description have been slightly changed by the Planning Department.

Alderman Long moved to amend the title to say approximately 70 acres with the Exhibit A map and Exhibit B legal description being slightly changed. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

A discussion followed about leaving the item on the First Reading.

Marilyn Braswell, 2254 North Hidden Creek Lane spoke in opposition of the rezoning. She voiced her concerns about traffic, safety, and environmental issues.

Tom Terminella requested for citizens with concerns to contact him.

This ordinance was left on the First Reading

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.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

Alderman 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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5911 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5912 as Recorded in the office of the City Clerk

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.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He explained the contract is for a two year period with an amount of \$150,000 per year. He stated the second page of the contract inadvertently talks about coordinating with the city with a reference to the Chamber of Commerce. He stated the Chamber of Commerce is the next contract being considered on the agenda. He wanted to make sure the contract got revised before being approved and signed. Staff recommends approval.

Don Marr, Chief of Staff: On page two of the contract under Exhibit A where it says the City of Fayetteville shall coordinate with the Fayetteville Chamber of Commerce, it should say Startup Junkie on this particular contract. As well as any modifications shall be agreed upon by both parties it should say, Startup Junkie, not Fayetteville Chamber of Commerce.

Alderman Long: Do we need to amend the contract prior to this being authorized and signed?

City Attorney Kit Williams: No, you don't have too. You should express your willingness that this be changed and we will change it before the Mayor signs it.

Alderman La Tour: Where is Startup Junkie located?

Jeremy Pate: In Fayetteville.

Jeff Amerine, Startup Junkie: We are located on the second floor of the Pryor Center for the last three years.

Alderman La Tour: What is your educational background?

Jeff Amerine: United States Naval Academy graduate with a background in physical science and engineering. A Master's Degree in Operations Management from the University of Arkansas. I am an adjunct professor of entrepreneurship at the U of A.

Alderman La Tour: How long have you been in this business?

Jeff Amerine: I have been through the startup process eight times over the last 26 years. I have specifically been in this business since 2008 as part of the Innovate Arkansas program.

Alderman La Tour: Have you contracted with any other municipal governments to provide this sort of service?

Jeff Amerine: We have been under contract with regional economic development groups such as the Northwest Arkansas Council. Yet to be announced pending legislative review, we will be under contract with the University of Central Arkansas. We have agreements with municipalities in Canada. We are familiar with having stakeholders in all aspects of state, federal, county, and city governments.

City Attorney Kit Williams: You heard about the mix-up putting the Chamber of Commerce in place where you were supposed to be in. You have no complaint that we are going to fix that contract?

Jeff Amerine: We are happy with it being changed.

City Attorney Kit Williams: It shall be correct when you see it.

Jeff Amerine: Thank you.

Lorraine O'Neal, 3001 West Wedington stated she has always viewed consulting services with skepticism. She doesn't believe there is any benefit to spending money on consulting.

Peter Tonnessen, Ward 3 stated that Fayetteville is part of Northwest Arkansas which is ranked as the third most desirable place to live. He stated he doesn't understand why the city needs to spend money on these kinds of services. He believes their standards of performance are unmeasurable. He spoke in opposition of the resolution.

Keeton Smith, Ward 1 stated he is a commercial lender and partners with Startup Junkie. He stated that Startup Junkie provides free services to all the startups and entrepreneurs that they support. He spoke in favor of the resolution.

Alderman Marsh: I personally met with Startup Junkie for mentoring. I am starting my own business here in Fayetteville. I think their planning services, they assisted me with, was invaluable. By contracting with the city we will be able to use this resource for a greater spectrum of our young entrepreneurial community.

Alderman La Tour: Alderwoman Marsh maintains that your services are very valuable. It seems like people would be willing to pay for those services. Why don't you charge for your services?

Jeff Amerine: I have built businesses, not just in Arkansas, but those that were tied to Silicon Valley. I worked at three Fortune 500 companies in executive positions. I spent seven years at the U of A running the technology commercialization function. Startups have an extremely high failure rate and startups are essential to economic development in small business. Startups can't afford to pay McKinsey, Ernst & Young or other highly paid consultants at that critical point in their maturation. These services are essential to make sure they don't hit the same mine fields a lot of us hit through trial and error. When companies are sustainable they should pay for their consulting. When they are at the concept stage, not really sure what they need to do, and don't have access to strategic advice the failure rate increases. You don't get the economic benefit and

we need these startups to succeed. We need to retain the talent that comes out of the University to build new businesses here.

Alderman La Tour: Would you agree with me that my client should fire me if I don't save them more in tax than I cost them?

Jeff Amerine: Absolutely. There should be a return.

Alderman La Tour: Right, there should be a return. On that basis you would expect a startup in a very delicate stage of business to hire a professional. Have you ever made a payroll?

Jeff Amerine: Absolutely. Eight different times in my career.

Alderman La Tour: When you list Fortune 500 experience that is impressive.

Jeff Amerine: Eight different startups, three Fortune 500's, seven years at the University of Arkansas. I have had profit and loss experience every single situation I've ever been in.

Alderman La Tour: I'm glad to hear that. You should charge for your service.

Alderman Petty stated that anybody who thinks this kind of organization isn't necessary needs to do the history. He stated success stories started with an organization like this helping out.

Alderman Gray: The first time I met this group was when I was on the committee to select them. I was very impressed with their presentation. Anyone who has lived in Fayetteville has seen many businesses start up and don't make it. We need to look at what we can do to help those businesses be successful. This group is going to do this for us and I give them my support.

Alderman Tennant: It is good and healthy to question consultants. I don't think it is a bad thing with the questions that have been brought up because this is a lot of money. Living in the corporate technology world, a lot of people have failed at their jobs and have become consultants. The questioning leads me to be supportive because I have no doubt this group provides a positive for our area. The measurable dollar amount that comes from them comes later in the job creation. I am very much in support.

Alderman Petty gave a brief discussion about innovative districts and creating an economic opportunity for the City of Fayetteville over the next decade.

Alderman Marsh moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 7-1. Alderman La Tour voting no.

Resolution 184-16 as recorded in the office of the City Clerk

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.

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

Chung Tan, Fayetteville Chamber of Commerce thanked Mayor Jordan and City Council for their first contract in 2009. She stated they have made many relationships. She looks forward to working on this contract while concentrating on business retention and expansion.

Peter Tonnessen, Ward 3: Has the city been paying the Chamber of Commerce since 2009?

Mayor Jordan: Yes.

Peter Tonnessen stated it strikes him as odd that the city and Chamber of Commerce are contractually connected. He believes it is a conflict. He spoke in opposition of the resolution.

Alderman Long: You don't want us to approve the contract. Would you prefer us to hire an in-house economic development team?

Peter Tonnessen: Yes. I have been impressed by a lot of the city employees. There are a lot of great people working in this city.

Lorraine O'Neal, 3001 West Wedington: I am opposed to this. My concept of the Chamber of Commerce has been that they worked for business. For the city to pay them consulting services is beyond my grasp of comprehension. Is the contract with the Chamber of Commerce contingent on them providing some proof that what they are actually doing is succeeding? I would like to see some of those numbers.

Mayor Jordan: We started off with Fayetteville Forward about 2009. In 2013, I was approached by Council members that we needed to revise our economic development plan. We had open meetings and I conferred with many of you at the meetings. By direction of the Council we hired a consultant to give us an economic development plan. We hired Boyette. They brought us in a plan and these are the steps from that plan. The Council has a choice. You could either do that plan or not do that plan. We were not going to get into a situation where we had developed a plan and not bring it forward. When the Council gives us direction to develop certain plans and in this case advice on our economic plan, we bring it forward. I'm leaving it up to you all on what you want to do with this.

Don Marr, Chief of Staff: Every city, particularly the top 20 cities contract with their Chamber of Commerce to provide business retention and expansion services. Many of the development Councils in Northeast Arkansas, Central Arkansas, and in Northwest Arkansas contracts with all of the Chambers in the region to provide interviews of companies on what is keeping them here and what their issues are. This economic development strategic plan is extremely detailed into the focus areas of each of these contracts and what services are to be provided. They keep inventories of available land and buildings for inquiries we receive. One of the number one complaints when Mayor Jordan was elected was that the City of Fayetteville did not have a single point of contact

for economic development opportunities. Mayor Jordan directed the staff through Fayetteville Forward for us to change that and the Council adopted it. We did an RFP process. The Chamber has reported every quarter for the entire six year period that we have been under contract with them. Out of all the cities in Arkansas we have received more quick action closing fund dollars from the Governor's office than any city in this state. We have staff that have other jobs and we have never had a 100% dedicated staff member for this because we wear many hats. The expertise we are getting in these two contracts is 100% dedicated focused effort. We need to spend time focused on promoting what is taking place in our economic development process with our current contractor and with our new contractor. The Chamber of Commerce created one company every work day in our last contract period. There are not a lot of cities who can say that. This information is on the city website. We are thrilled with both of our potential providers. The third part of the plan you paid for was to have a dedicated Economic Development & Vitality Manager at the city to coordinate our contracts and our state and federal relationships. We are investing in job growth.

Mayor Jordan expressed that the City of Fayetteville is a transparent government.

Peter Tonnessen believes in the economic drive of individuals and partnerships. He stated he is skeptical of the government becoming too involved.

Alderman Gray moved to approve the resolution. Alderman Schoppmeyer seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 185-16 as recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

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

Alderman La Tour: If a development company came in and wanted to develop something here in Fayetteville, would they get a million dollars from the city?

Chris Brown: The Council has the authority to authorize these cost share agreements. We bring them from time to time. It is a case by case basis if the money is available and if the Council deems it to be a good deal for the city. Anybody can ask the question. The money is available.

Alderman La Tour: Suppose my development company convinces this Council to give us a million dollars. We spend the money on the infrastructure and then we ask the city for reimbursement and we say we are going to take the million dollars and subsidize loans for low income people. As soon as you make the million-dollar reimbursement to us we declare bankruptcy. Do those people ever get helped?

Chris Brown: That is a good legal question as to what might happen.

Michael Ward, Partners for Better Housing Executive Director stated homes at Willow Bend is a nine-acre infill site in the Walker Park neighborhood. They intend to build 77 homes over the next three to four years utilizing traditional neighborhood development that fosters community and connectivity. The goal is to build a mixed income community. He stated the project meets four out of the six goals of the 2030 City Plan.

Alderman La Tour: You are building 77 homes. How many of that 77 will be subsidized through this million dollar subsidy?

Michael Ward: Potentially two thirds of the homes. 26 homes will be dedicated to people who make 50% to 80% of area median income. 26 homes will be dedicated to people who make 81% to 100% of area median income at the time of purchase.

Alderman La Tour: 52 will be subsidized?

Michael Ward: That's the plan.

Alderman La Tour: Suppose you have 100 people wanting to move into these 52 homes. How do you decide?

Michael Ward: We haven't done this before, so we will have to create a vetting process. It is a good problem to have.

Alderman La Tour: When you are giving away money, you will find you have a lot of friends.

Michael Ward: They have to qualify. Not just anyone can get this.

Alderman La Tour: Is your pledge still to forgive the subsidy if they live there for 12 years?

Michael Ward: Yes.

Alderman La Tour: Is that a contractual provision in your contract you are proposing with buyers?

Michael Ward: Yes.

Alderman La Tour: If we the City Council give you a million dollars, we expect you to do what you tell us you are going to do with it. If you are telling us you are going to give it away in 12 years, we expect you to be obligated to that. Right?

Michael Ward: One would assume.

Alderman Gray: We have talked about this for a long time. It is something we need very desperately in our town. We need to move on with this and create affordable housing.

Alderman Marsh: We have found ourselves in the unfortunate position where wages are not keeping track with the cost of housing in our community. This is an innovative solution to enable people to make the first step into home ownership. I have received a lot of positive feedback from the neighborhood. I'm looking forward to the drainage infrastructure. It will help improve an area that is experiencing a lot of right-of-way drainage. This project will improve connectivity. There are a lot of homes within walking distance of goods and services, but there are not a lot of pedestrian connections through there. This will have implications much greater than just the houses we are building. The neighborhood as a whole will be positive.

Alderman Long: I appreciate everything Partners for Better Housing has done. It was 2013 when this was initially discussed at City Council and set forth in the budget. I had a concern the city couldn't legally do this and require the subsidy be given for some people and not others. After speaking with the City Attorney, I still have the same concern. The City Attorney doesn't know if we can legally do this 100%. I'm not going to vote to allocate city funds when there could be a chance we could be sued and lose. My constituents have expressed to me that they are paying these taxes and they want to see a portion of this money spent in their area of town.

Alderman La Tour: What Alan just spoke is my big problem with it. We are taking a million dollars from our other taxpayers and giving them to 52 special taxpayers. Most people are trying to make ends meet. I don't feel good about asking them to pay for somebody else's house when they are struggling to pay for their own. The point that Alderman Long makes about legality, we discussed this with Kit Williams at Agenda Session. He told us it was probably legal. I prefer to have more assurance than that.

Alderman Kinion: We have talked a lot tonight about economic vitality of our community. I was on the original Partners for Better Housing when we were looking at options for affordable housing. It was one of the city plan goals set forth. We were fortunate to get property that was not utilized in the south part of town and needed attention for infrastructure. This program is going to allow us to expand economic opportunities for individuals that can live and work in our city and become productive in the long run. It fits into the Walker Park plan that we worked a long time on. I understand if someone says I don't want to support someone else. I pay taxes too. When I pay my taxes I have compassion for folks that want to own a home. They are hardworking individuals looking for an opportunity. We have the chance to provide an opportunity to revitalize a part of our town that is otherwise not vital and not being developed. I believe this is the right thing to do.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-2. Alderman Long and Alderman La Tour voting no.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: What we are actually doing is reimbursing for infrastructure improvements. This is in a neighborhood that has historically been underinvested in. There are large parts of this neighborhood that were built without sidewalks and appropriate drainage infrastructure. Partners for Better Housing is going to build the infrastructure, including the low impact development infrastructure. We are going to reimburse them for those improvements to our city and then they are going to turn around and take that money and use it for a good cause. I hope it is legal. Kit's best advice is that it probably is. If the city is going to get sued for something, trying to find innovative ways to serve our citizens with affordable housing is not such a bad thing to have to defend.

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 6-2. Alderman Long and Alderman La Tour voting no.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I have written memos on this for three years expressing some concerns I had with it. Article 2, Section 18, Privileges and Immunities Equality of the Arkansas Constitution which 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. I have found cases interpreting this. They have both enforced this on occasion, invalidated a statute, and upheld statutes. The most recent talks about you must treat everybody the same that is similarly situated. Does that mean we can through indirect means assist persons that are earning below the average median income and treat them all the same, but treat them differently than people making more money? This is the big issue. This contract is more likely than not constitutional. This is a risk of a million dollars. I will take the more cautious approach and say that I would rather you stay clearly within our power and not get close to the edge. I don't think you are going over the edge on this. My recommendation cannot be in support of this contract and this ordinance. Even though at a million dollars it is a lot of money, it is a finite amount of money. When I have been more forceful in asking you not to do something, it is usually because there was very much more risk for the city. As Alderman Marsh stated, we are basically paying for our infrastructure and we can do that. In order to try to protect that investment as Alderman La Tour wants us to do, I have drafted a contract. The contract tries to assure the money we are paying, to the developers once the city has accepted the infrastructure they've built, would be used as you wanted it to be used and not pocketed. There is a direct link between the city and the soft second mortgages this money would fund because of that there is some constitutional risk. It is not high in my opinion.

Alderman La Tour: Mr. Ward told us he doesn't have the vetting process down yet. 52 people are getting preferential treatment in the same income class that the other 48 are not getting. We have people similarly situated that are in the same below average income and some of them are getting preferential treatment. Therein is the problem.

City Attorney Kit Williams: The way the contract is drafted is they have to continue to offer the soft second mortgages until all of the money the city has paid for the infrastructure is exhausted. They will have to vet the applicants to see if they can qualify for some of the other types of assistance they outlined in their booklet. I included the booklet as an exhibit to the contract as part

of the contract. Everything they said in their booklet and everything they presented to you in this contract, I am going to do my best to hold them to it. When the money runs out, then I guess they can't accept any more applications. They must treat everybody fairly up to that point in time. There will be a process for people to go through. It will be a first come first served until the money runs out. I don't think the courts would say that was an unfair system.

Alderman La Tour: You are not showing compassion when you vote to spend taxpayer money. If you want to show us your compassion, spend your money, not other people's money. We are spending other people's money to benefit a select group.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Long and Alderman La Tour voting no.

Ordinance 5913 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Alderman Petty gave a brief description of the ordinance.

Alderman Long: We will allow them to construct these with gravel, but the city won't take responsibility for maintaining it?

Alderman Petty: Yes and that is imparity with the current policy we have with alleys.

Alderman La Tour: If we don't maintain alleys constructed this way, will we require the person who built it to maintain it?

Chris Brown, City Engineer: The existing ordinance in Chapter 172 provides some maintenance requirements. There is a violation of that chapter if the driveway is not maintained properly.

Alderman La Tour: By the adjoining landowner?

Chris Brown: It would be in violation of the city ordinance and they could be issued a violation by the city.

Alderman La Tour: You are saying the adjoining landowner has the obligation of maintaining the alley.

Chris Brown: This is where it gets kind of murky in that it is within city right-of-way. Multiple owners could own it and then it becomes a matter of the property owners working it out as to who would be maintaining it.

Alderman La Tour: But the city owns the right-of-way and the alleyway, right, not the owners?

Chris Brown: Right, but Chapter 172 is the driveway ordinance. There are maintenance requirements for driveways. It would be the users of that driveway.

Alderman La Tour: If I get permission from the City Engineer to build an aggregate alleyway instead of an asphalt alleyway, then the city would be looking to me to maintain it.

Don Marr, Chief of Staff: It is just like private streets. Some of the locations where the developer chose not to build to the street standards and they built it as a private street or they have an alleyway. Such as Salem Village, all the roads that are not public streets, the POA in that particular location is responsible for maintaining those. If there isn't a formal POA structure, then it would be the homeowners of adjoining adjacent property to the alley.

Mayor Jordan: At my house I have an alley and I maintain that alley.

Alderman Kinion: Over in the area where I live there are alleyways that are grass. Are they going to now be required to meet some type of engineering standard?

Chris Brown: No. We would typically look at using this ordinance as part of a new development or a new home. People sometimes use city alleys for gardens, storage buildings, and other various things. None of that would change in terms of this ordinance.

Alderman Kinion: I'm not sure this ordinance is clear. Is it clear?

Chris Brown: It is always in accordance with development or part of a building permit. We don't go out and enforce existing situations.

Peter Tonnessen, Ward 3: Who were the handful of contractors who requested Mr. Petty to request this change?

Alderman Petty: I am not authorized to share their names. Some of them have submitted email records to us and some of them might be in the audience to talk about it.

Peter Tonnessen: If I do a Freedom of Information Act request for your emails I can then get the names?

Alderman Petty: Yes.

A discussion followed about gradient of gravel percentages.

Rob Sharp, Ward 1 stated he was in favor of the ordinance. He believes it is a compromised solution that is affordable.

City Attorney Kit Williams: I want to understand the intent of the drafting. It says exiting alley rights-of way. Does that mean existing right now or existing anytime in the future? Does it mean for tonight?

Alderman Petty: Yes.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5914 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: Our last two ward cleanups for the fall are taking place over the next several weeks.

This weekend is the Alabama game and we expect increased traffic. We are trying our game day parking program again in the Dickson Street Entertainment area at our Spring Street Deck.

We have lane closures on I-49 between exits 65 and 69 for Arkansas Highway & Transportation project work.

The city is currently taking food truck applications October 3rd through October 31st.

If you need mulch or compost, you can get it on Saturdays from 8 a.m. to noon.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 8:28 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

UNOFFICIAL

Branson, Lisa

From: CityClerk
Sent: Tuesday, October 18, 2016 7:46 AM
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
Cc: job.branch@lindseymgmt.com
Subject: FW: The Rezoning of 21 Acres Off Of Crossover

Please see the email below from Job Branch regarding rezoning of 21 acres off of Crossover.

Have a nice day!

From: Job Branch [mailto:job.branch@lindseymgmt.com]
Sent: Monday, October 17, 2016 3:02 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: The Rezoning of 21 Acres Off Of Crossover

Sondra,
I own a home in Paradise View Estates. My house is located on North Par Court. Paradise View Estates is directly across the street from the subject property. The 21 acres is currently zoned for mix agriculture and residential single family/4 units per acre which is the same as our neighborhood. The proposed change in the zoning of this property is a mix of residential two and three family per acre (12 units per acre), institutional, and community services. I strongly oppose the proposed rezoning due to the traffic issues and problems entering and exiting our neighborhood because of the median that was added when crossover was widened to four lanes. If you are traveling north on crossover the only entrance to our neighborhood is the Par Court entrance. If you exit our neighborhood from Birdie and need to go north on Crossover you have to go south on Crossover for a few hundred feet and make a u turn to go north on Crossover. In the mornings or late afternoons during high traffic times it is very congested and dangerous. All of this was caused by adding the median to Crossover when it was widened. If the proposed change in the zoning of these 21 acres is allowed and increased to two and three family per acre (12 units per acre), institutional, and community services it will create more traffic congestion and will make exiting and entering our neighborhood more difficult and dangerous. If this property is rezoned what is the plan for someone to go south on Crossover? If someone is going south on Crossover how will they enter this property? I believe that changing the zoning on this property will greatly increase the volume of traffic and the Crossover median will make what is currently a bad situation even worse. I'm opposed to this proposed rezoning of these 21 acres. I appreciate you taking the time to read my email. Thank you!

Job Branch
Lindsey Management Co., Inc.
1200 East Joyce Boulevard, 6th Floor
PO Box 13000
Fayetteville, Ar 72703
(479) 521-6686
(479) 527-8876 (direct fax)
job.branch@lindseymanagement.com

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

CityClerk

From: Catherine Hipp <cathipp@me.com>
Sent: Tuesday, October 18, 2016 12:51 PM
To: CityClerk
Cc: Collins.a.andrews@gmail.com
Subject: Rezoning of land on Crossover at Birdie Dr and Par Ct

Please forward this message to all city council members and Major Jordan

To the City Council:

As a resident at 2902 E Birdie Dr I am deeply concerned about the implications of this rezoning. In fact, I believe if implemented, this change will negatively impact property values as well as destroy the quiet, intimate character of this neighborhood, which is a huge factor in its appeal. It sounds as if the new rezoning could bring a strip mall to our doorstep. Our tree lined, quiet, safe neighborhood would be busier, brighter (as a result of 24 hour commercial lighting), noisier, and significantly less safe.

While I realize Fayetteville is growing quickly, I believe we must plan our neighborhoods carefully. It is the responsibility of city planners to implement growth without destroying what makes this city unique and desirable. This change would significantly downgrade a popular, thriving neighborhood. Instead, keeping the zoning of the land as it is would enable growth by expanding this neighborhood on the other side of Crossover. Please do not vote to rezone this land, which would destroy this unique neighborhood.

Sincerely,
Catherine Hipp
917-664-6373

Branson, Lisa

From: Longward4@gmail.com <longward4@gmail.com>
Sent: Tuesday, October 18, 2016 7:52 AM
To: Smith, Sondra; Branson, Lisa
Subject: Fwd: Macey Townhomes on city council agenda 10/18/2016

Can you please forward this to the other council members?

Begin forwarded message:

From: "ron hearon" <rhearon@sbcglobal.net>
Date: October 18, 2016 at 12:03:15 AM CDT
To: <longward4@gmail.com>
Cc: <mayor@fayetteville-ar.gov>
Subject: Macey Townhomes on city council agenda 10/18/2016

Alan,

One of the reasons that many people in this neighborhood decided to live in Pine Valley subdivision is that the neighborhood is a very SAFE, quiet, low traffic neighborhood. It is a one way in, one way out neighborhood and that keeps traffic count limited to residents in the neighborhood. In addition, crime is lower because traffic is lower.

This new large scale development, Macey Dr. Townhomes, is looking at funneling, at the minimum, an additional 114 - 171 cars twice a day through a SAFE, peaceful, and quiet neighborhood: All because a developer doesn't want to connect to Mt. Comfort Rd because of the expense. He would rather cut costs and endanger public safety, rather than connecting to one of the city's major thoroughfares.

As you can see from the picture of the neighborhood below, this is the street to which the developer is trying to connect and it is a very peaceful, SAFE and quiet street. This picture was taken on a Friday afternoon and is typical of how many of the streets in Pine Valley Subdivision are used. People feel safe to walk their dogs and kids are not in danger from **an additional 114 -171 cars twice a day**. This doesn't take into account the additional hazards of concrete trucks and construction traffic on 23 year old streets that are in reasonably decent condition.



If the picture doesn't come through, please let us know.

Please help keep our neighborhood SAFE, quiet, low traffic and vote no on this new large scale development.

Sincerely,

Ron & Renee Hearon

479-582-9384

479-283-9613

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, October 18, 2016 7:40 AM
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: Regarding LSD 16-5488 The Macey Drive Townhomes

Can you please forward this to the council members at the request of my constituent?

Sincerely,

Alan

Begin forwarded message:

From: Martha Clark
Date: October 17, 2016 at 8:09:13 PM CDT
To: Alderman Long
Subject: Regarding LSD 16-5488 The Macey Drive Townhomes

Dear Alderman Long,

I would like to express my sincere concerns regarding the extension of Macey Drive within the Pine Valley Subdivision to allow access to develop Macey Drive Townhomes, eleven new residential structures with 57 multi-family units and its associated parking.

I have lived in the Pine Valley neighborhood since January of 2008, having chosen it for its quiet, off the beaten path nature. With the development proposed, the traffic on my quiet street would increase by probably 80 cars or more each morning and evening, as the only proposed access to this Large Scale Development would be through my quiet neighborhood. This is not acceptable. Our neighborhood streets are not designed for that type of

traffic. I do not want this extension to be allowed for this purpose.

I would like the council to consider other options for the developer such as access directly to Mount Comfort Road.

I am not in favor of high density developments adjacent to or passing through smaller, established neighborhoods.

I will be at the council meeting Tuesday evening.

Most sincerely,

Martha M.M. Clark
2843 W. Riverridge Drive

September 19, 2016

City Clerk's Office
113 West Mountain Street
Fayetteville, AR 72701

RE: Appeal of LSD 16-5488 The Macey Drive Townhomes

To Whom It May Concern,

Please accept this letter as a formal request to appeal the Planning Commission's decision to deny LSD 16-5488 The Macey Drive Townhomes. I respectfully request this project be placed on the City Council's agenda for the next available date.

Our justification for the appeals is as follows:

1. We have complied with every ordinance, statute, and law necessary to develop property in the City of Fayetteville. Our intended use is aligned with the City's long term plan for the property evidenced by the existing RMF-24 zoning condition.
2. All City of Fayetteville departments involved in this project have recommended it for approval (engineering, planning, fire, solid waste, etc.) and see no issues.
3. The Planning Commission denied the project based on subjective analysis and the assumption that a possible traffic safety issue existed within the Pine Valley Subdivision. There is no conclusive evidence that any traffic safety issues exist.
4. The newly completed intersection at Shiloh Drive and Mount Comfort will safely and easily control traffic entering and leaving this area. The intersection was designed and built with additional capacity to handle increased traffic counts related to new rooftops being built in this part of town.

Based on the above information, we feel strongly that our property rights are being unjustly hindered by denial of this proposed development. Again, we have received approval from all departments within the City of Fayetteville and have met or exceeded any and all ordinances governing development of this property.

I hope you will agree with our position and allow The Macey Drive Townhomes to be heard in front of the City Council.

We believe this development is a positive addition to the City of Fayetteville and hope that the City Council will agree. Together we will leave our *Legacy* one *Venture* at a time.

Sincerely,



Tim Brisiel





WashingtonRegional Medical Center

3215 N. NORTH HILLS BLVD. / FAYETTEVILLE, ARKANSAS 72703

479-713-1000

www.wregional.com

September 19, 2016

David Reynolds
Project Manager
Smith Communications
520 N College
Fayetteville, AR 72701

Dear Dave;

This correspondence is to review the various site placement considerations of the Smith Communication cell tower. If you recall we started the collaborative discussions in August 2014. There were various ground sites reviewed but in the end most were ruled out due to cell tower height considerations, FAA regulatory concerns, and access issues.

The various ground sites included:

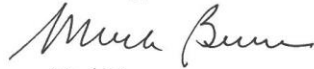
- Main Hospital Roof – Due to the height considerations of the tower this site was ruled out due to impacts on the pre-approved FAA helicopter flight paths to the ER helipad and the future Women's Tower expansion with a 5th floor 2nd helipad. Additionally, there was great concern about lightening management and hospital building safety with a rooftop location.
- Pond – Located on the north side of campus, facing 71B. This pond is required as a "drainage holding" location in support of rain water runoff from the parking lots at the hospital. Consideration was given to filling in the pond and placing the cell tower in its location. Other reviews were conducted to identify a "replacement drainage holding" location, but none were found suitable due to the volume requirements of the existing pond site.
- Lower Greg Street Open Land – North Side of Scull Creek – This site was reviewed and initially deemed sufficient. However in reviewing the size of the current trees the site was ruled out due to the "grand tree" status of multiple trees exceeding 36" inches in diameter.

David Reynolds
Project Manager
Smith Communications
Page 2

- Lower Greg / Appleby Open Land – The site would require large amounts of land fill to bring the base location up above the flood plain for Scull Creek, which was considered reasonable. We asked the FAA to review in consideration of both the existing ED helipad and the Women's Tower 2nd helipad, and the clearance was approved. This site was reviewed and deemed an appropriate site by the engineers. This is the site that both Washington Regional Medical Center and Smith Communications agreed would be acceptable.

Please let us know if you need any additional information.

Sincerely,



Mark Bever
Executive Vice President/Administrator



Rebecca D. Magee
Senior VP Chief Information Officer

Cc: Tom Olmstead, WRMS



October 6, 2016

City of Fayetteville
Planning Committee and Staff
RE: Washington Regional Proposed Wireless Communications Facility

In response to the City of Fayetteville's request to reevaluate the minimum antenna heights and the reexamination of other specific possible locations for colocation at existing structures (WRMC Roof Top and Kutak Rock roof top at 234 Millsap Rd), I have examined the requested issues and locations and have issued these findings.

Lowering of the antenna / tower height – Verizon studied this option with a center line (CL) mounting heights of 145', 135', and 115'. My engineering review indicates that at the proposed facility, a 145' CL is the minimum elevation needed to improve and provide adequate service to the target area.

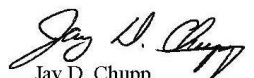
Both the 135' and 115' CLs were examined and found that they will not provide adequate service for Verizon Wireless to make needed improvements to the network in that area. At these elevations, I cannot justify this site with such limited returns to the network performance.

The building rooftop at 234 Millsap Rd (Kutak-Rock) and the rooftop of Washington Regional Medical Center would provide even more degraded service than the previously examined 135' and 115' levels and are not viable options. Please see the attached documents which illustrates the service differences between the tower at 150' (CL 145'), 140' (CL 135') and at 120' (CL 115').

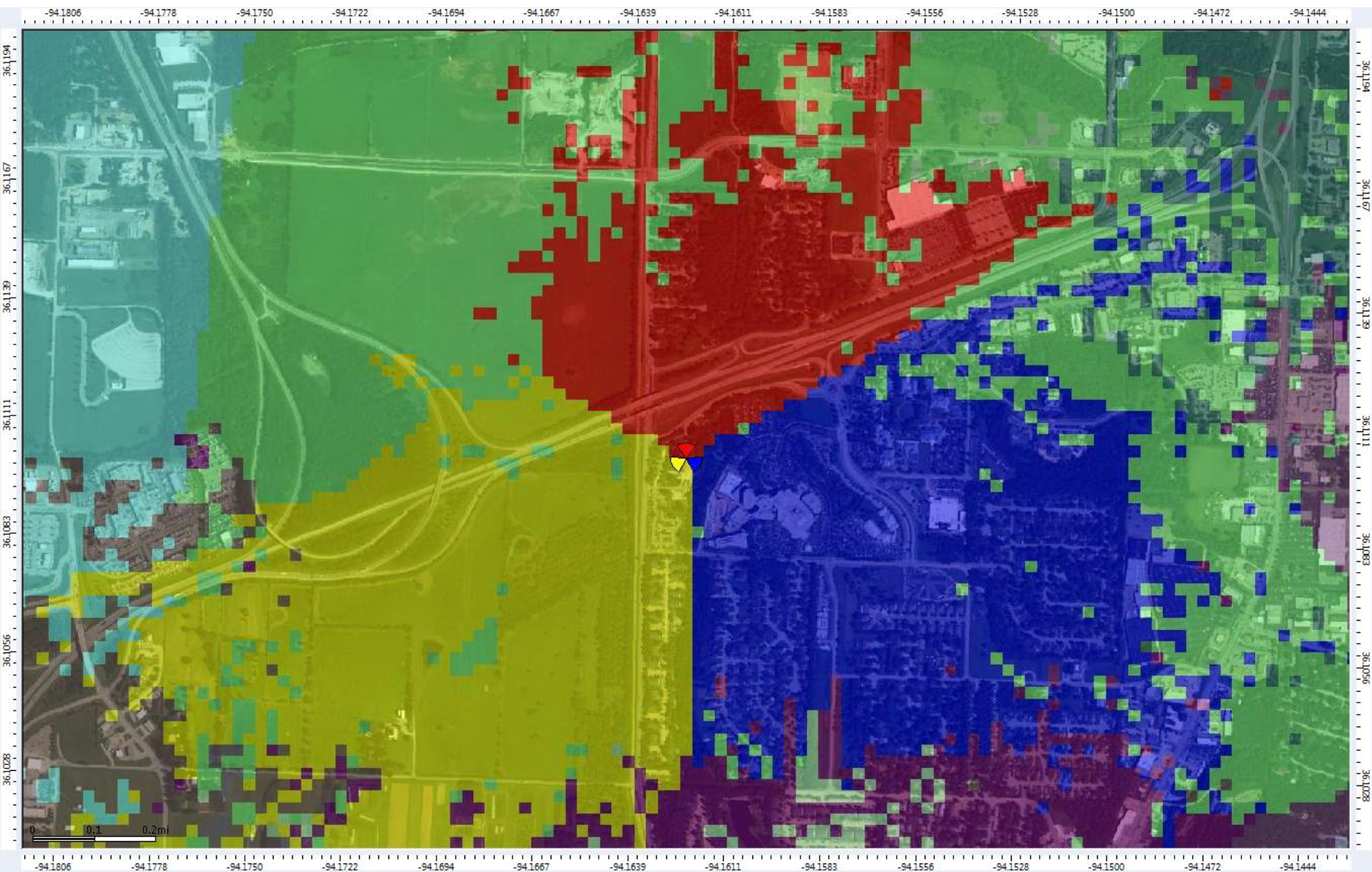
This site is designed to provide service to the immediate Washington Regional Medical Center buildings and campus, but it will also provide much improved service to the surrounding homes to the south as well as up and down the Fulbright Expressway between Hwy 112 and the flyover near College Ave. This site will also provide greatly improved service to a notoriously bad coverage area of Fayetteville: the housing addition behind Evelin Hills and the Fiesta Square Shopping Center; both will see a much needed improvement. This area would be mostly directly affected by lowering the antenna height. Other affected areas include several other popular commercial centers to the north of the Fulbright Expressway such as the Target and Kohl's department stores and the other business located in that area as well as the apartment communities and buildings being developed at Gregg Ave. and Van Ashe Dr.

If the city requires Smith Communications to provide facilities of less than a 150' tower (145' CL), it will be Verizon Wireless' position that the project be eliminated from the 2016 build plan and reassessed after that.

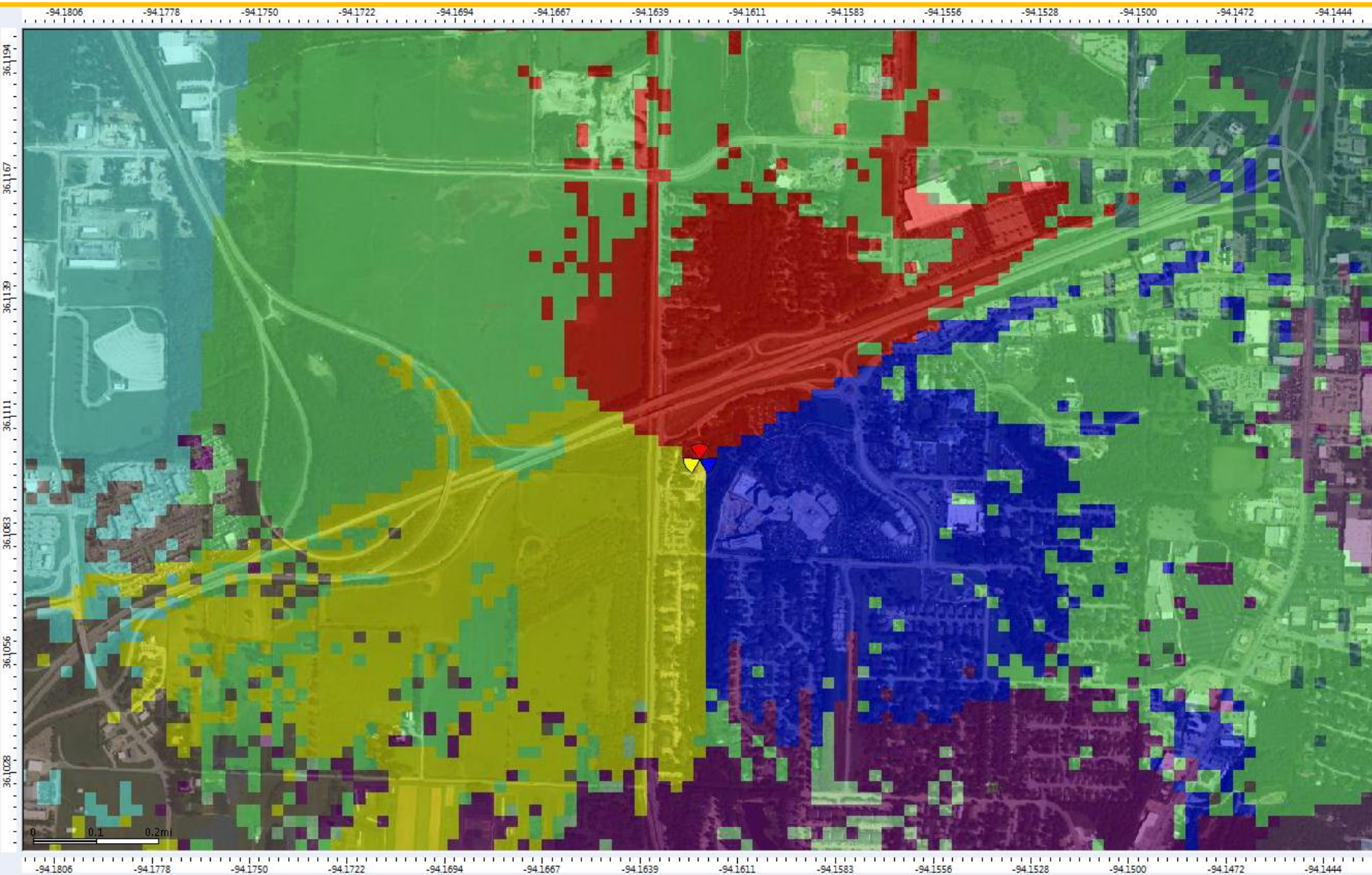
Sincerely,


Jay D. Chupp
Engineer IV – RF Design

Antenna Center Line of 145Ft.

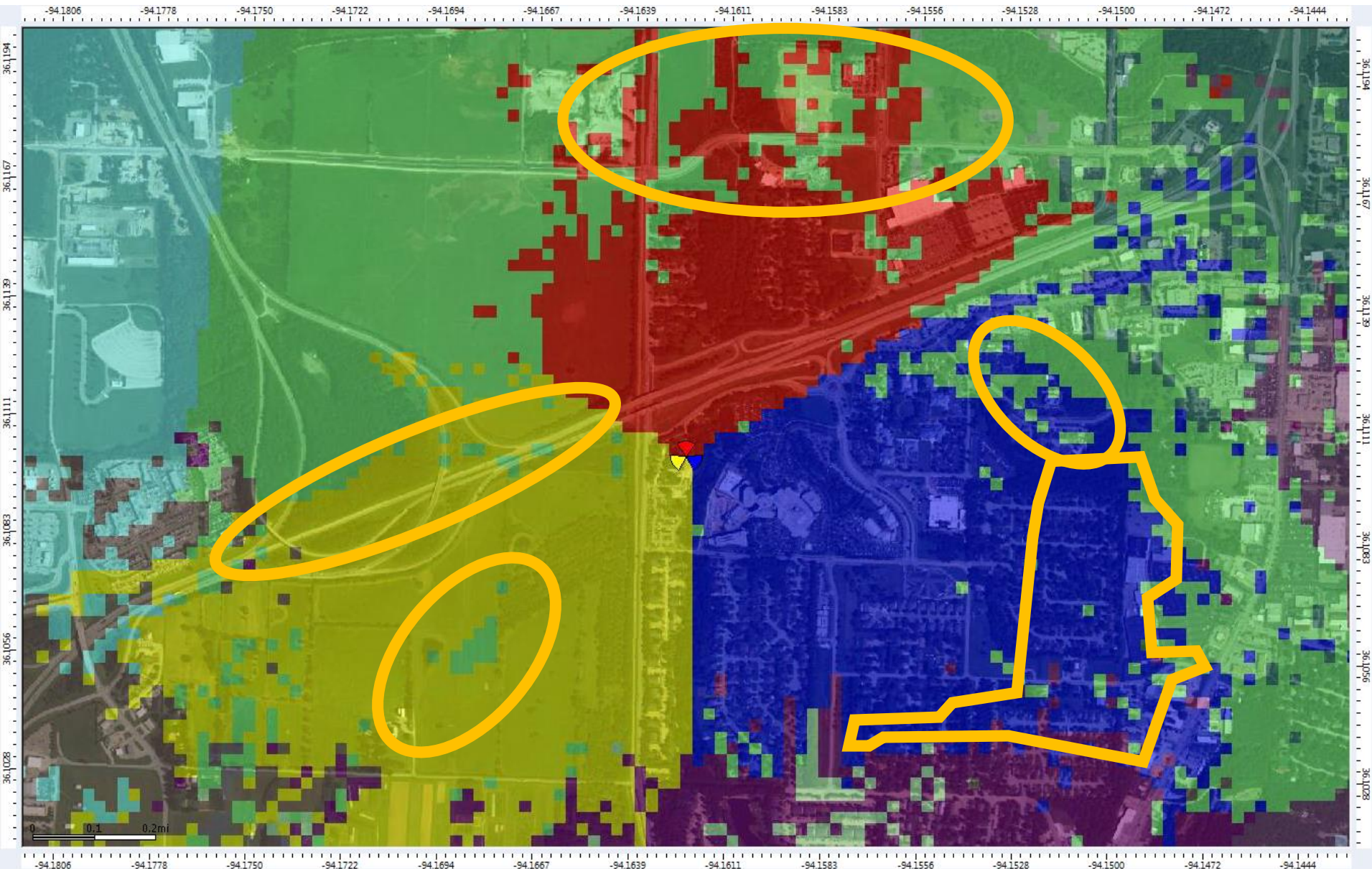


Antenna Center Line of 115Ft.

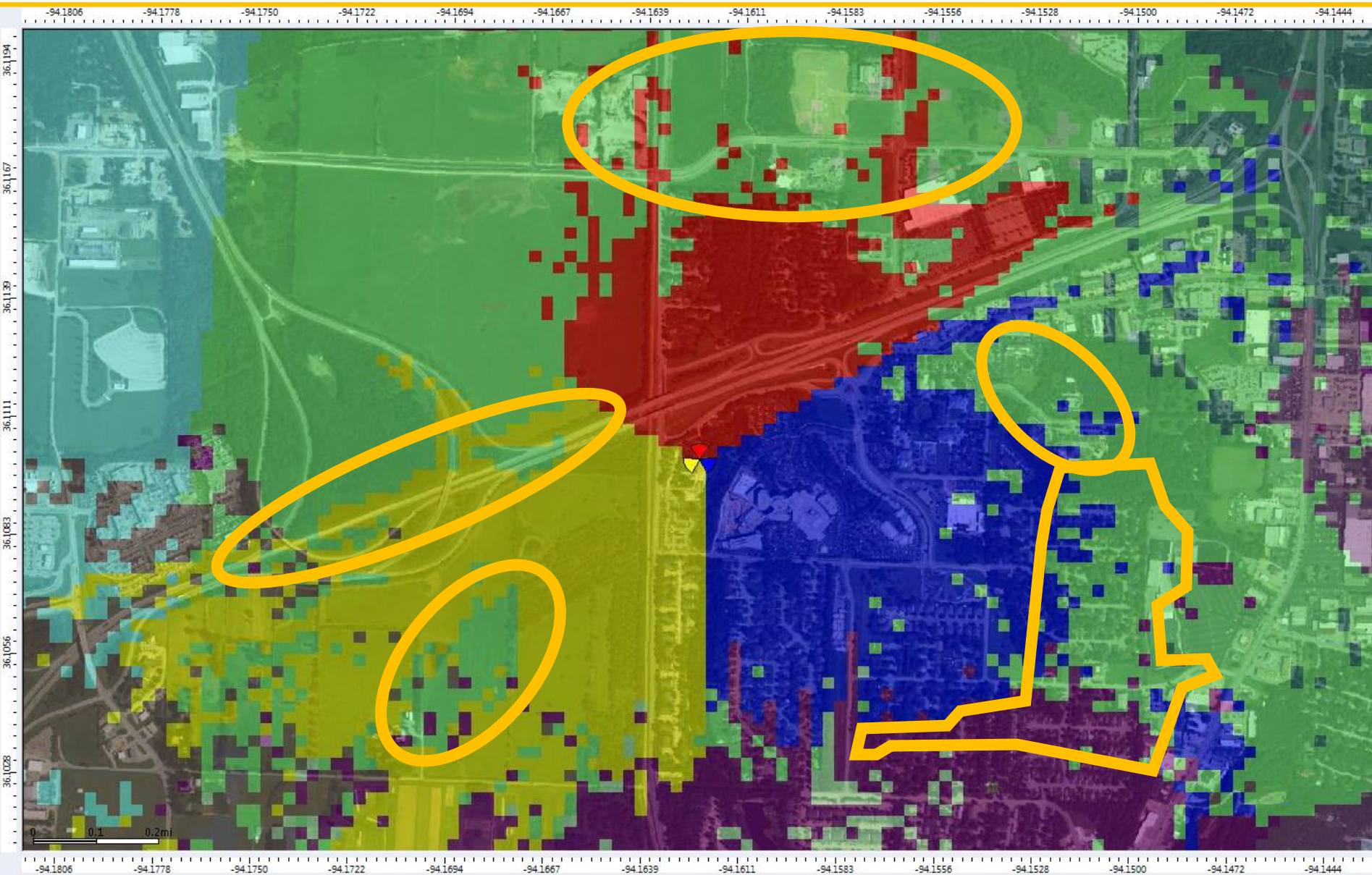


Antenna Center Line of 145Ft.

Areas of most pronounced difference inside gold rings



Antenna Center Line of 115Ft.



David Reynolds

From: Magee, Becky <bmagee@wregional.com>
Sent: Tuesday, October 18, 2016 1:13 PM
To: David Reynolds
Subject: Fwd: Cell Tower

Dave. The letter.

Sent from iPhone- technology is great! Becky Magee 479.409.8991

Begin forwarded message:

From: "Bradley, Bill" <bbradley@wregional.com<mailto:bbradley@wregional.com>>
Date: October 18, 2016 at 12:40:35 PM CDT
To: "Magee, Becky" <bmagee@wregional.com<mailto:bmagee@wregional.com>>
Subject: FW: Cell Tower

FYI – hope this helps. Can forward to Dave if you like.

From: Bradley, Bill
Sent: Tuesday, October 18, 2016 12:40 PM
To: 'ward3_pos1@fayetteville-ar.gov<mailto:ward3_pos1@fayetteville-ar.gov>'; 'ward3_pos2@fayetteville-ar.gov<mailto:ward3_pos2@fayetteville-ar.gov>'
Subject: Cell Tower

Gentlemen – I wanted to briefly “weigh-in” on an important issue for Washington Regional. As each of you and the rest of the city council contemplate the “Cell Tower Project and Appeal”, please be aware of its critical importance in improving the substandard cell signal reception currently on our campus. Our many visitors, families, and caregivers, like most of us, rely heavily on our cell phones for most of our communication. For our caregivers, including physicians and nurses, they are integral in the diagnosis and treatment of our patients. This includes common yet critical communications with the hospital or other caregivers about aspects of patient care and mobile access to search engines such as “Up to Date”, PubMed, etc. in caring for our valued patients..... We would not have an award winning, attractive campus design if we didn’t value aesthetics. Our unrealistic desire would be that we have no towers of any kind for electricity, cell service, etc. so we see little difference between a shorter tower and the original tower from a “look” standpoint. Our priority is the functionality of the tower and its subsequent effect on our institutional functionality in optimally caring for our patients. The shorter tower is disproportionately less effective than the taller version(20% shorter = 40% less effective). While not all our communication is emergent/critical, some of it clearly is and we need reliability! Thus, we can only 30 ft. is a material difference in that regard. I ask that you both favorably consider the appeal. Thanks.

David Reynolds

From: Neal Pendergraft <zipppy@33st.com>
Sent: Friday, October 14, 2016 2:09 PM
To: David Reynolds
Cc: ttremine@aol.com
Subject: Re: FW: Washington Regional Tower

Dave - Sorry for my delay. I spoke to Tom Terminella and we are in agreement that this tower is good for our developments. I understand the City, however, I believe my develop plans and the City's are aligned. Any development needs great cell and broadband service. As for aesthetics, your tower is near a railroad track! I think the train noise is going to hurt us much more than a cell tower. We intend to try to maintain all the trees along the tracks which will help shield us from seeing your tower. As the guy who will be taking the risk on tenants, buyers, etc., while I don't love the tower style, I think the benefits of great cell and broadband outweigh the look of the tower. As I stated in my first email, I believe the tower and the service it provides are an asset to our part of the City. Let me know if you need more information from me. Sincerely, Neal R. Pendergraft for 1155 Properties, LLC, RPM1 Properties, LLC and Drake ST Property, LLC.

On Fri, Oct 7, 2016 at 1:41 PM, David Reynolds <dreynolds@smithradio.com> wrote:
Mr. Pendergraft and Mr. Terminella,

Thank You Both for your help and support of our (Smith Communications) project to construct a Wireless Communications Facility at WRMC, but I need to ask you both for a specific favor.

Below is a comment from the Staff Report that has been echoed from some of the Commission Members, and as the major land owners who are actively marketing and developing the property the commission believes my proposal would "discourage development"

We would be very grateful for your feedback on this issue.

- Would you, or your future development, or tenants of the development, be discouraged from buying or renting space within the facilities, because of the proposed Flagpole type tower as proposed and the WRMC Campus?

- Do you believe that top level wireless services and the ability to use wireless devices and services would be a positive factor in the developments future?

- As the developers of the Uptown Commercial District would you expect that a great majority of your tenants, residents and customers would be heavily dependent on their ability to access broadband communications?

(See Staff Report Comment Below)

Granting the requested conditional use for a 150'tall flagpole tower in this location may affect the public interest, where locating a large tower on this property may discourage future development and seriously impact Fayetteville's urban and natural skyline, possibly resulting in a development pattern that is contrary to the City's adopted land use policies. Staff firmly believes the proposed cell tower would adversely affect the public interest for aesthetics and gateway views. The proposed freestanding 150 foot cell tower is located in the heart of the city's Uptown Commercial District.

Thank you for your Help with this project we would appreciate any comments you may have that we could share with the City of Fayetteville on this subject.

Dave Reynolds
Tower Project Manager
Smith Communications
[479-443-2222](tel:479-443-2222) Office
[479-387-5010](tel:479-387-5010) Cell
Dreynolds@smithradio.com

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

From: Davis, Harry [<mailto:hdavis@fayetteville-ar.gov>]
Sent: Friday, August 26, 2016 1:07 PM
To: David Reynolds <dreynolds@smithradio.com>
Cc: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: RE: Washington Regional Tower

Mr. Reynolds,

Great, thank you for providing this. I have added it to the project file.

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 11, 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:

Agenda Additions

A. Consent:

A. 1 [2015-0657](#)

APPROVAL OF THE OCTOBER 4, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0452](#)

CANON COPIERS AND MAINTENANCE:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CANON COPIERS AND MAINTENANCE FROM VARIOUS VENDORS IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH APRIL 30, 2017 AND ANY FUTURE RENEWAL PERIODS, PURSUANT TO A STATE PROCUREMENT CONTRACT

Attachments: [CANON COPIERS AND MAINTENANCE:](#)

A. 3 [2016-0454](#)

SCHINDLER ELEVATOR CORPORATION:

A RESOLUTION TO APPROVE A FIVE YEAR EXTENDED WARRANTY AGREEMENT WITH SCHINDLER ELEVATOR CORPORATION IN THE AMOUNT OF \$5,100.00 PER YEAR FOR REPAIR AND MAINTENANCE OF THE SPRING STREET PARKING DECK ELEVATOR

Attachments: [SCHINDLER ELEVATOR CORPORATION](#)

A. 4 [2016-0464](#)**FAYETTEVILLE RACE SERIES:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$16,200.00 TO INCREASE FUNDING FOR THE FAYETTEVILLE RACE SERIES

Attachments: [FAYETTEVILLE RACE SERIES](#)
 [BA_FAYETTEVILLE RACE SERIES](#)

A. 5 [2016-0427](#)**RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC.:**

A RESOLUTION TO AWARD RFQ NO. 16-01 AND AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH ALLGEIER, MARTIN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$90,280.00 FOR THE UTILITY ELECTRICAL STUDY PROJECT

Attachments: [RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC.](#)

B. Unfinished Business:**B. 1** [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

(LEFT ON FIRST READING)

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

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.

B. 2 [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 70 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

(LEFT ON THE FIRST READING)

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

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

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:**C. 1** [2016-0447](#)**MUELLER SYSTEMS, LLC:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF A LEAK DETECTION SYSTEM PILOT PROGRAM FROM MUELLER SYSTEMS, LLC IN THE AMOUNT OF \$26,985.00

Attachments: [MUELLER SYSTEMS, LLC](#)

C. 2 [2016-0458](#)**RZN 16-5566 (1615 E. HUNTSVILLE RD./HARRISON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5566 FOR APPROXIMATELY 1.53 ACRES LOCATED AT 1615 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Attachments: [16-5566 \(1615 E. HUNTSVILLE RD./HARRISON\)](#)

C. 3 [2016-0463](#)**RZN 16-5573 (1030 N. COLLEGE AVE./LAZENBY):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5573 FOR APPROXIMATELY 0.73 ACRES LOCATED AT THE SOUTHWEST CORNER OF NORTH STREET AND COLLEGE AVENUE FROM R-O, RESIDENTIAL OFFICE TO UT, URBAN THOROUGHFARE

Attachments: [RZN 16-5573 \(1030 N. COLLEGE AVE./LAZENBY\)](#)

C. 4 [2016-0459](#)**RZN 16-5576 (1160 S. HAPPY HOLLOW RD./PROMOLIFE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5576 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 1160 SOUTH HAPPY HOLLOW ROAD FROM C-2, THOROUGHFARE COMMERCIAL AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND R-A, RESIDENTIAL AGRICULTURAL

Attachments: [16-5576 \(1160 S. HAPPY HOLLOW RD./PROMOLIFE\)](#)

C. 5 [2016-0467](#)**VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):**

AN ORDINANCE TO APPROVE VAC 16-5571 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. TO VACATE A PORTION OF JUPITER DRIVE FROM MCGUIRE STREET TO THE AEP SUBSTATION

Attachments: [VAC 16-5571 \(WEST JUPITER DR./JUPITER DRIVE\)](#)

C. 6 [2016-0445](#)**APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:**

A RESOLUTION TO GRANT THE APPEAL OF TIM BRISEIEL OF LEGACY VENTURES AND TO APPROVE LARGE SCALE DEVELOPMENT 16-5488 MACEY DRIVE TOWNHOMES

Attachments: [APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES](#)

C. 7 [2016-0449](#)**AMEND § 157.03 AND § 157.04:**

AN ORDINANCE TO AMEND § 157.03 ANNEXATION AND ZONING MAP AMENDMENTS TO INCLUDE PLANNED ZONING DISTRICTS AND TO REPLACE § 157.04 WITH A NEW NOTIFICATION REQUIREMENT IF AN INDEFINITELY TABLED REZONING ORDINANCE IS REMOVED FROM THE TABLE

Attachments: [AMEND § 157.03 AND § 157.04](#)

C. 8 [2016-0462](#)**AMEND CHAPTERS 161, 162, AND 164:**

AN ORDINANCE TO AMEND CHAPTERS 161 AND 162 TO RENAME AND REPLACE “COTTAGE HOUSING DEVELOPMENT” WITH “CLUSTER HOUSING DEVELOPMENT”; TO RENAME CHAPTER 164 TO **SUPPLEMENTARY ZONING REGULATIONS AND SPECIALIZED DEVELOPMENT REQUIREMENTS**, TO REPLACE § 164.22 COTTAGE HOUSING DEVELOPMENT WITH § 164.22 **CLUSTER HOUSING DEVELOPMENT** AND MAKE FURTHER AMENDMENTS TO § 164.22

Attachments: [AMEND CHAPTERS 161, 162, AND 164](#)

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: 2015-0657

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE OCTOBER 4, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0452

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

CANON COPIERS AND MAINTENANCE:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CANON COPIERS AND MAINTENANCE FROM VARIOUS VENDORS IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH APRIL 30, 2017 AND ANY FUTURE RENEWAL PERIODS, PURSUANT TO A STATE PROCUREMENT CONTRACT

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 Canon copiers and maintenance from various vendors in variable amounts and for varying unit prices as needed through April 30, 2017 and any future renewal periods, pursuant to a state procurement contract.

City of Fayetteville Staff Review Form

2016-0452

Legistar File ID

10/18/2016

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

Andrea Rennie

9/23/2016

Purchasing /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends utilizing state contract # SP-12-0100, a contract solicited through the State of Arkansas Office of Procurement, issued to multiple vendors for copier purchases and maintenance for an initial term through 04/30/2017 and as renewed under the existing agreement.

Budget Impact:

4270.900.9270-5801.00

Replacement & Disaster Recovery

Account Number

Fund

04038.1

Replacement Copier Funds

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 145,039.00

Funds Obligated \$ 9,724.97

Current Balance \$ 135,314.03

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 135,314.03

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 18, 2016

TO: Mayor Lioneld Jordan and Fayetteville City Council

THRU: Paul A. Becker, Chief Financial Officer

FROM: Andrea Rennie, Purchasing Manager

DATE: Friday, September 23, 2016

SUBJECT: Approval of utilization of state contract SP-12-0100

RECOMMENDATION:

Staff recommends utilizing state contract # SP-12-0100, a contract solicited through the State of Arkansas Office of Procurement, for copier purchases and maintenance for an initial term through 04/30/2017 and as renewed under the existing agreement.

BACKGROUND:

In 2003, the City began evaluating copiers available on the competitively bid State of Arkansas copier contract. Several brands were evaluated for a month each and resulted in the City selecting Canon as the copier that best fit the City's needs.

Canon copiers have provided the City with an outstanding life span and productivity, now replacing copiers approximately every 8 years.

DISCUSSION:

To keep up with technology, the City must replace a copier for a division or department where volume has outgrown the machine or maintenance/warranty is no longer covered by the manufacturer. Purchasing then transfers the used machine to another division where a lower monthly volume is expected or auctions the copier for parts only through the City's online auction provider.

Providing high quality copiers to departments and divisions allows the City to reduce or eliminate the number of copies made on small inkjet printers or fax machines. Costs per copy for small inkjet printers and fax machines are three to four times the cost of utilizing the City's copier program. This process has allowed the City to reduce copy expense, eliminate most small printers and fax machines, and keep the number of copiers and replacement printers we have had to purchase to a bare minimum. Because most all employees are familiar with Canon copiers, there is very little or no training needed, thus increasing productivity.

Standardization of equipment through the copier program has resulted in:

- Low maintenance service cost saving the City money
- Greatly reduced the purchase of small copy machines and printers, which have extremely expensive toner costs
- Savings on paper with more availability for 2-sided printing
- Consistent copier platforms to allow efficient use for City employees to make copies and scans from multiple locations throughout the City
- Printer, scanner, fax and copier capability all in one machine, when needed
- Ability to read meters on all copiers remotely, without having to go to each machine
- Scanning both sides of a document with a single pass, saving staff time and reducing wear and tear on machines
- Scanning to email has eliminated the need to make paper copies
- Reduced staff time spent by Purchasing and IT by having all maintenance consolidated on a single bill and working with a single provider
- Increased staff productivity with digital technology and reduced equipment downtime
- Faster and fuller range of printing solutions
- Allows scanning of documents to a mailbox to pull up and print at a later date/time;
- Capability to print on demand instead of storing paper copies
- Color machines capability to set to default black and white so color is used only when needed for a specific application such as maps, graphs, etc.

BUDGET/STAFF IMPACT:

Copiers are budgeted in the copier replacement account. Departments and divisions are charged by the copy for the actual number of copies made each month. The maintenance service program requires no minimum contract. There is no charge to departments or divisions for scanning.

There is a per copy charge passed along to departments and divisions, which is slightly increased over actual maintenance cost from the vendor to pay for the City's maintenance contract, toner, staples, paper and a small amount to fund the replacement account. At the beginning of each month the prior month copier readings are read and a journal entry is created to charge each department and division for the amount of copies made for the previous month.

Attachments:

State of Arkansas, Term Contract, SP-12-0100

State of Arkansas, Contract SP-12-0100, Vendor/Contract Information

State of Arkansas, OSP Memorandum on Utilizing the State Copier Purchase Contracts



Term Contract

Vendor No. 100201221
Contact JEAN BURKHALTER
Your reference SP-12-0100

CANON SOLUTIONS AMERICA INC
300 COMMERCE SQUARE BLVD
BURLINGTON NJ 08016

Contract No. 4600028396
Date 01/09/2013

Contact Stephanie Cellers
Telephone 501-371-6065
Fax 501-324-9311

Our ref. ST
Incoterms FOB
DESTINATION

Send Invoice To:

As specified on agency PO

Ship To:

CANON SOLUTIONS AMERICA INC
300 COMMERCE SQUARE BLVD
BURLINGTON NJ 08016

Valid from: 01/01/2013

Valid to: 04/30/2017

Reference Tracking SP-12-0100
Commodity: Copier, Printer, Scanner Purchase

This is a term contract issued by the Office of State Procurement. This is not authority to ship. A separate purchase order will be issued. This contract constitutes acceptance of your bid along with all terms and conditions therein and signifies the offerer's knowledge and acceptance of all terms and conditions set forth within the Invitation For Bid.

Type of Contract: Term

Contract Period: May 1, 2016 through April 30, 2017 with an option to renew one (1) additional times in one (1) year increments or a portion thereof.

Contact Information:

Angela Allman, Office of State Procurement
(P) 501-371-6156 (F) 501-324-9311
angela.allman@dfa.arkansas.gov

Disregard line item pricing. Refer to pricing sheets on the OSP website.

Subcontractors:

Canon Solutions America
Jean Burkhalter
501-376-2679
jean.burkhalter@csa.canon.com

Sumner Group Datamax 100169078
Virginia McClellan

GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

All purchasing rules and regulations defined by the State of Arkansas apply to this document.

Purchasing Official/Fiscal Officer

01/10/2013



Term Contract

Vendor No. 100201221
Contact JEAN BURKHALTER
Your reference SP-12-0100

Contract No. 4600028396
Date 01/09/2013
Our reference ST

(501) 603-3000
vmcclellan@datamax.com

Office Equipment Texarkana 100128234
Deborah Nuckolls
(903) 793-6762
dnucksolls@cableone.net

Preferred Office Products Ft. Smith 100030632
Alan Dickinson
(479) 782-7991
adickinson@preferred-office.com

RJ Young 100178941
Tim Dunn
(901)373-6331
tim.dunn@rjyoung.com

Item	Material/Description	Target Qty	UM	Unit Price	Amount
0001	10129600 COPIER, EQUIPMENT	1,000,000.00	Lump Sum	1.00	\$ 1,000,000.00
0002	10129613 MAINTENANCE & VALUE ADD SVCS, COPIER	1,000,000.00	Lump Sum	1.00	\$ 1,000,000.00
Estimated Net Value					2,000,000.00

TERM AWARD TERMS AND CONDITIONS

1. GENERAL: All terms and conditions stated in the invitation for bid govern this contract.
2. PRICES: Prices are firm and not subject to escalation, unless otherwise specified in the invitation for bid.
3. DISCOUNTS: All cash discounts offered will be taken if earned.
4. TAXES: Most state agencies must pay state sales tax. Before billing, the contractor should contact the ordering agency to find out if that agency must pay sales tax. Itemize state sales tax when applicable on invoices.
5. BRAND NAME REFERENCES: The contractor guarantees that the commodity delivered is the same as specified in the bid.
6. GUARANTY: All items delivered are to be newly manufactured, in first- class condition, latest model and design, including, where applicable, containers suitable for shipment and storage unless otherwise indicated in the

GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

All purchasing rules and regulations defined by the State of Arkansas apply to this document.

**Term Contract**

Vendor No. 100201221
Contact JEAN BURKHALTER
Your reference SP-12-0100

Contract No. 4600028396
Date 01/09/2013
Our reference ST

bid invitation. The contractor guarantees that everything furnished hereunder will be free from defects in design, workmanship, and material; that if sold by drawing, sample or specification, it will conform thereto and will serve the function for which furnished. The contractor further guarantees that if the items furnished hereunder are to be installed by the contractor, such items will function properly when installed. The contractor also guarantees that all applicable laws have been complied with relating to construction, packaging, labeling, and registration. The contractor's obligations under this paragraph shall survive for a period of one year from the date of delivery, unless otherwise specified in the invitation for bid.

7. **AWARD:** This contract award does not authorize shipment. Shipment against this contract is authorized by the receipt of a purchase order from the ordering agency. A written purchase order mailed or otherwise furnished to the contractor results in a binding obligation without further action by either party.

8. **DELIVERY:** The term of the contract is shown on the face of the contract award. The contractor is required to supply the state's needs during this term. The number of days required to place the commodity in the receiving agency's designated location under normal conditions is also shown. Consistent failure to meet delivery without a valid reason may cause removal from the bidders' list or suspension of eligibility for award.

9. **BACK ORDERS OR DELAY IN DELIVERY:** Back orders or failure to deliver within the time required may be default of the contract. The contractor must give written notice to the Office of State Procurement and ordering agency of the reason and the expected delivery date. If the reason is not acceptable, the contractor is in default. The Office of State Procurement has the right to extend delivery if reasons appear valid. If the date is not acceptable, the agency may buy elsewhere.

10. **DELIVERY REQUIREMENTS:** No substitutions or cancellations are permitted without written approval of the Office of State Procurement. Delivery shall be made during agency work hours only, 8:00 a.m. to 4:30 p.m., unless prior approval for other delivery has been obtained from the agency. Packing memoranda shall be enclosed with each shipment.

11. **STORAGE:** The ordering agency is responsible for storage if the contractor delivers within the time required and the agency cannot accept delivery.

12. **DEFAULT:** All commodities furnished will be subject to inspection and acceptance of the ordering agency after delivery. Default in promised delivery or failure to meet specifications authorizes the Office of State Procurement to cancel this contract or any portion of same and reasonably purchase commodities elsewhere and charge full increase, if any, in cost and handling to the defaulting contractor.

13. **VARIATION IN QUANTITY:** The state assumes no liability for commodities produced, processed or shipped in excess of the amount specified herein.

14. **INVOICING:** The contractor shall submit an original and two copies of an itemized invoice showing the bid number and purchase request number when itemized in the invitation for bid. Invoices must be sent to "Invoice to" point shown on the purchase order.

15. **STATE PROPERTY:** Any specifications, drawing, technical information, dies, cuts, negatives, positives, data or any other commodity furnished to the contractor hereunder or in contemplation hereof or developed by the contractor for the use hereunder shall remain property of the state, be kept confidential, be used only as expressly authorized, and be returned at the contractor's expense to the F.O.B. point, properly identifying what is being returned.

GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

All purchasing rules and regulations defined by the State of Arkansas apply to this document.



Term Contract

Vendor No. 100201221
Contact JEAN BURKHALTER
Your reference SP-12-0100

Contract No. 4600028396
Date 01/09/2013
Our reference ST

16. **ASSIGNMENT:** This contract is not assignable nor the duties hereunder delegable by either party without the written consent of the other party to the contract.

17. **OTHER REMEDIES:** In addition to the remedies outlined herein, the contractor and the state have the right to pursue any other remedy permitted by law or in equity.

18. **LACK OF FUNDS:** The state may cancel this contract to the extent funds are no longer legally available for expenditures under this contract. Any delivered but unpaid for goods will be returned in normal condition to the contractor by the state. If the state is unable to return the commodities in normal condition and there are no funds legally available to pay for the goods, the contractor may file a claim with the Arkansas Claims Commission. If the contractor has provided services and there are no longer funds legally available to pay for the services, the contractor may file a claim.

19. **QUANTITIES:** The state may order more or less than the estimated quantity in the invitation for bid.

20. **DISCLOSURE:** Failure to make any disclosure required by the Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

GENERAL CONDITIONS AND INSTRUCTIONS TO VENDOR:

All purchasing rules and regulations defined by the State of Arkansas apply to this document.

**SP-12-0100 Copier Purchase
Vendor/Contract Information**

Updated 4/14/16

Canon Solutions America				
Contract Number: 4600028396			Vendor Number: 100201221	
	Canon Solutions America	Michael Hurley	631-330-2613	mhurley@cusa.canon.com
	PARTNER	CONTACT	PHONE	EMAIL
	Canon Solutions America	Jean Burkhalter	501-376-2679	Jean.burkhalter@csa.canon.com
	Office Equipment-Texarkana	Deborah Nuckolls	903-793-6762	dnuckolls@cableone.net
	Preferred Office Products-Ft Smith	Alan Dickinson	479-782-7991	adickinson@preferred-office.com
	Sumner Group dba Datamax	Virginia McClellan	501-603-3000	vmcclellan@datamax.com
	RJ Young	Tim Dunn	901-373-6331	tim.dunn@rjyoung.com

KIP	Amber Ross	800-252-6793	aross@kipamerica.com	100181007	4600023440
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Konica Minolta				
Contract Number: 4600023450			Vendor Number: 100074202	
	Konica Minolta	Kristen McKenna	813-207-8276	kmckenna@kmbs.konicaminolta.us
	PARTNER	CONTACT	PHONE	EMAIL
	Bulls Office Systems	Rusty Bushong	479-782-5546	rbushong@bullsoffice.com
	Professional Business Systems	Matt Mawby	479-636-0001	mmawby@pbsteam.com
	Sumner Group dba Datamax/MICRO	David Holzhauer	501-603-3000	dholzhauer@datamax-lr.com
	Digital Business Solutions	Richard Piechocki	479-783-4980	richard@digitalofficemachines.com

Kyocera Mita				
Contract Number: 4600023455			Vendor Number: 100150057	
	Kyocera Mita	J. Dan Woolly	972-893-1155	dan.woolly@da.kyocera.com
	PARTNER	CONTACT	PHONE	EMAIL
	Arkansas Copier Center	Randal Thompson	501-562-8297	randal@arkansascopier.com
	Capital Business Machines	Brett Rogers	501-375-1111	brett@capbiz.com
	Corporate Business Systems	Jim Quensenberry	479-271-6622	lcave@cbs-solutions.com
	Datamax Micro	Barry Simon	501-603-3000	bsimon@datamax-lr.com
	Wight Office Machines	Mike Wight	479-782-8256	wight@wightoffice.com

**SP-12-0100 Copier Purchase
Vendor/Contract Information**

Updated 4/14/16

Lexmark				
Contract Number: 4600023456			Vendor Number: 100178523	
	Lexmark	Mary Beth Carter	859-232-2116	carterm@lexmark.com
	PARTNER	CONTACT	PHONE	EMAIL
	Complete Computing	Troy Cheatham	501-372-3379	troy.cheatham@complete.com
	Datamax	David Holzhauer	501-603-3000	dholzhauer@datamax-lr.com
	Standard Business Systems	Steve Milam	501-663-4414	stevem@standardbusiness.com
	Discount Imaging	Darriell Mathis	479-424-1616	darriell@solutionsbydi.com

Muratec				
Contract Number: 4600023461			Vendor Number: 100085164	
	Muratec	Jerry Roberts	469-429-3489	jroberts@muratec.com
	PARTNER	CONTACT	PHONE	EMAIL
	Central Business Equipment	Frank Cope	501-833-8150	frankcope@centralbe.com
	Digital Business Solutions	Richard Piechocki	479-783-4980	Richard@digitalofficemachines.com
	Digital Printing Solutions, Inc.	David Hale	479-636-0112	dhale@dpsone.com
	Discount Imaging	Darriell Mathis	479-484-9700	darriellmathis@hotmail.com
	Professional Business Systems	Chris Meyer	479-636-0001	cmeyer@pbsteam.com

Oce Copy Systems (Canon Solutions America)	Charles A. King	501-376-2679	chking@csa.canon.com	100201221	4600028397
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Ricoh				
Contract Number: 4600029409			Vendor Number: 100096514	
	Ricoh	Ben Rotz	512-699-8949	Ben.Rotz@richoh-usa.com
	PARTNER	CONTACT	PHONE	EMAIL
	Cabot Office Machines	Warren Bailey	501-843-7256	mfpsales@cabotoffice.com
	RJ Young	Chip Crunk	615-255-8551	Chip.crunk@rjyoung.com

**SP-12-0100 Copier Purchase
Vendor/Contract Information**

Updated 4/14/16

Sharp				
Contract Number: 4600023472			Vendor Number: 100179999	
Sharp	Gary Thompson	614-883-4163	thomsog@sharpsec.com	

Toshiba				
Contract Number: 4600023473			Vendor Number: 100180079	
Toshiba	Mike McKinley	678-613-2311	Mike.McKinley@tabs.toshiba.com	
PARTNER	CONTACT	PHONE	EMAIL	
Standard Business Systems	Steve Milam	501-663-4414	stevem@standardbusiness.com	

Xerox				
Contract Number: 4600023475			Vendor Number: 100000257	
Xerox	Christy Wisinger	501-821-5030	Christiann.wisinger@xerox.com	
Xerox	Lisa Perkins	502-410-8679	lisa.perkins@xerox.com	
PARTNER	CONTACT	PHONE	EMAIL	
Dixie Digital Imaging	Kelly Smith	479-783-6600	Kelly@dixiedigital.com	
Total Document Solutions	Tim Stanley	479-575-0770	tim@gettds.com	
XMC of Little Rock	Steve Little	501-228-8900	slittle@xmcinc.com	
XMC of Memphis	Bob Hamilton	901-737-8910		



STATE OF ARKANSAS

OFFICE OF STATE PROCUREMENT
1509 West Seventh Street, Suite 300

Department of Finance and Administration

Little Rock, AR 72201
Phone: (501) 324-9316

Memorandum

To: All State Agencies, Colleges and University, Boards and Commissions,
Cooperative Purchasing Members

Attn: Agency Chief Information Technology Officer, Purchasing Agents, Agency
Procurement Officials, and Chief Fiscal Officers

From: Jared Chaney

Date: August 23, 2012

Subject: Using the State Copier Purchase Contracts

The Copier Purchase Contract SP-12-0100 is now ready for use. Please refer to the following website for a list of all awarded vendors and equipment:

<http://www.dfa.arkansas.gov/offices/procurement/contracts/Pages/default.aspx>.

The following material numbers **must** be used for all purchases:

Equipment: 10129600

Maintenance and Services: 10129613

If payment is made to a reseller, the PO must include the following:

1. Bid Number SP-12-0100
2. Vendor contract number

Key highlights of the contract:

Delivery:

All proposed discounts include the full cost of standard ground delivery to any destination within Arkansas (discounts must reflect FOB destination).

Trade-in:

The State reserves the right to offer used equipment in trade as part of the purchase price, in accordance with values in effect at the time the item is traded. Trade-in equipment is represented by the State "as is" and expresses no warranty as to its condition. Equipment for trade-in **shall** be picked up by the vendor/reseller at the point indicated in the agency's purchase order and **shall** be removed at vendor/resellers expense.

If any trade-in equipment contains a hard drive, it will be the State's responsibility to overwrite and cleanse the hard drive prior to equipment removal. However, if the agency requests the vendor to cleanse the hard drive that cost can be deducted from the trade-in value given by the vendor.

Discounts:

Contract users can gain additional savings by following some basic procedures when using the contracts and dealing with the contract vendors. **Remember, discounts reflect a single unit purchase discount. This is the minimum discount under the contract that you pay.**

Agencies can obtain **greater** discounts and savings by:

1. Arranging single or scheduled deliveries of bulk buys

2. Requesting quotes from multiple contracted vendors or negotiating with vendors to achieve maximum savings
3. Checking vendor websites for specials and promotions

Should you have any questions or need assistance with the new copier contract, please contact:

Jared Chaney
(501) 371-6059
jared.chaney@dfa.arkansas.gov



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0454

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

SCHINDLER ELEVATOR CORPORATION:

A RESOLUTION TO APPROVE A FIVE YEAR EXTENDED WARRANTY AGREEMENT WITH SCHINDLER ELEVATOR CORPORATION IN THE AMOUNT OF \$5,100.00 PER YEAR FOR REPAIR AND MAINTENANCE OF THE SPRING STREET PARKING DECK ELEVATOR

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a five year Extended Warrant Agreement with Schindler Elevator Corporation in the amount of \$5,100.00 per year for repair and maintenance of the Spring Street Parking Deck elevator.

City of Fayetteville Staff Review Form

2016-0454

Legistar File ID

10/18/2016

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

Justin Clay

9/30/2016

Parking & Telecommunications /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approving a contract for extended warranty of the elevator located in the Spring Steet Parking Deck.

Budget Impact:

2130.430.9132-5315.00

2130 Parking

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 9,989.75

Funds Obligated \$ 4,645.75

Current Balance \$ 5,344.00

Does item have a cost? Yes

Item Cost \$ 5,100.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 244.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 18, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Peter Nierengarten, Sustainability & Parking Director

FROM: Justin Clay, Parking Manager

DATE: September 30, 2016

SUBJECT: **Extended Elevator Warranty Contract for Spring Street Parking Deck**

RECOMMENDATION:

Staff recommends the execution of a contract with Schindler Elevator Corporation for a five year extended warranty on the elevator located in the Spring Street Parking Deck.

BACKGROUND:

In October 2015, the City completed construction of the Spring Street Parking Deck. The elevator contained therein is under warranty for one year, which will expire on October 22, 2016. To prevent interruption of service on the elevator a new warranty agreement should be executed.

DISCUSSION:

The proposed warranty agreement covers repair and maintenance on the elevator for a period of five years. Schindler Elevator Corporation installed the elevator initially and is, in staff's opinion, best suited to regularly examine, clean, and, as needed, repair or replace malfunctioning components of the elevator. The warranty may be extended for periods of five years.

BUDGET/STAFF IMPACT:

No staff impact.

The annual cost of the extended warranty is \$5,100.00. Any changes in cost or fees to this contract due to material and labor increases will not be allowed without the City's prior approval. No budget adjustment is necessary for this contract. Although a warranty was not specifically budgeted for in FY16, staff believes that the cost of this contract can be absorbed in existing funding levels for FY16.

Attachments:

Extended Warranty Agreement with Schindler Elevator Corporation

Schindler EW - Extended Warranty Agreement

Schindler Elevator Corporation
400 Hardin Road
Suite 170
Little Rock, AR 72211-3507
Phone: 501-375-0930
Fax: 501-375-2634

To: City of Fayetteville
Fayetteville, AR 72701-5134

Agent For:

This warranty is in lieu of all other warranties referred to or set forth in the Contract Documents for the Fayetteville Entertainment District project, located at 229 N School Ave, Fayetteville, AR 72701-5134 and this Agreement takes precedence over, and incorporates no additional or different terms from any contract documents associated with the project.

Schindler warrants that the Equipment as furnished will comply with the contractual specification; sections: "warranty". If properly notified, Schindler will, at its expense, correct any defects and workmanship and materials occurring for 5 years from October 21, 2016, which are due to ordinary wear and tear and not to improper use, care, or vandalism. Schindler's total cumulative liability under this warranty or anything done in connection therewith, including breach, shall not exceed the price of the part upon which such liability based. The warranty provided herein shall be void if inspection / repair is performed by someone other than Schindler Elevator Corporation, in a manner less than Schindler Elevator Corporation's standards. Schindler Elevator Corporation maintains high and rigid standards for its personnel in product knowledge and training requirements. In addition, Schindler will extend the routine inspection necessary to maintain this warranty in force through October 20, 2021. This warranty shall be extended for additional periods of 5 years unless terminated by either party by written notice not less than 90 (ninety) days prior to the above date or the termination date of any renewal period. This Agreement will be assigned to any successor in interest, should your interest be terminated prior to the above date, or prior to the expiration date of any subsequent renewal, upon notification to and acceptance by us of such assignment.

As part of its inspection requirements, Schindler will regularly examine, clean, lubricate, adjust and where conditions warrant, repair or replace broken or malfunctioning components, including: all labor and material to keep Equipment running to original specifications by Schindler, the original Equipment manufacturer. See attached Equipment list for a **Description of Equipment** covered by this agreement.

SCHINDLER DIGITAL - You will be provided access to Schindler's digital tools, which include Schindler Direct, Schindler Dashboard, and Schindler Dashboard Mobile. These digital tools and their three subscription tiers are described below.

Schindler Direct provides remote connectivity to your Equipment. Schindler Direct will automatically notify us if any connected component or function is operating outside established parameters. When appropriate, we will communicate with you to schedule appropriate service calls. Monitoring will be performed 24/7 and will automatically communicate with our Customer Service Network using dedicated wireless cellular technology. Schindler will make every reasonable effort to maintain wireless connectivity. If cellular service is not available or becomes unavailable you have the responsibility to install, maintain and pay for a dedicated telephone line, and to notify us at any time of any interruption of such telephone service. If requested, you will provide the proper wiring diagrams for the equipment covered. These diagrams will remain your property, and will be maintained by Schindler for use in troubleshooting and servicing the equipment.

Schindler Dashboard and Dashboard Mobile are communication technologies that provide access to real-time information about your equipment including: performance history, reports, push notifications, service call records, unit profiles and more.

The three subscription tiers for Schindler Digital are:

Digital Connect – Schindler's Digital Connect package provides wireless cellular communication from your equipment's controller to Schindler's data network. This allows Schindler Direct to be connected to your equipment 24/7. Digital connect also provides access to the basic features of Dashboard and Dashboard Mobile, giving you real time information on your equipment.

Digital Enhanced – The Enhanced Package includes Digital Connect, plus access to Schindler's Digital Support Team. This team analyzes information gathered by Schindler Direct, which improves the reliability of your equipment and improves the response time. The Digital Support Team can alert you when a shutdown is detected, helps confirm issues remotely, and provides real-time ETAs for technicians en route. With these enhanced diagnostics, we can guarantee that you will not be charged for Running on Arrival calls. Under the "No Running on Arrival Guarantee," Schindler will fully cover the cost of any callback during regular hours related to the following situations: Elevator or Escalator Running in normal operation, or running under any of the following special services modes: Independent service, Fireman's service (Phase I or Phase II), or Inspection operation. All other callbacks will be billed as outlined in the service agreement.

Digital Premium (Coming Soon) – The premium package is our top tier, and was created for customers requiring the most comprehensive level of service. Our premium package offers the highest level of functionality and support. The Premium tier also includes concierge level assistance for all of your service needs.

During the term of this agreement, you have the ability to adjust the tier you have selected at your convenience.

Schindler will use only competent technicians specially trained to service this Equipment. Items beyond Schindler's control, such as vandalism and abuse of the Equipment are not covered under Schindler's inspection responsibilities. Schindler will provide emergency minor warranty service and/or repair work on a twenty-four (24) hours a day, seven (7) days a week basis, excluding elevator trade holidays. A request for service will be considered an "emergency minor warranty service and/or repair work" if it is to correct a malfunction or adjust the equipment and requires immediate attention and is not caused by misuse, abuse or other factors beyond our control. The term does not include any correction or adjustment that requires more than one technician or more than two hours to complete. If you authorize callbacks outside regular working hours, on weekends, or on elevator trade holidays, Schindler will invoice the Owner at Schindler's standard billing rates, including travel time and expenses.

For emergency repairs, please notify Schindler at 1-800-225-3123. The following information will be required:

Building identification number and a brief description of the problem.

The price of this extended warranty agreement shall be \$425.00 (Dollars) per month, payable in annual installments of \$5,100.00, plus any applicable sales, use or other taxes. The price shall be adjusted annually as of the date of the local labor rate adjustment, to reflect changes in Schindler costs for labor. If there is a delay in determining a new labor rate, we will notify you and adjust the price at the time of such determination, and we will retroactively bill or issue credit, as appropriate, for the period of such delay. We also reserve the right to adjust the contract price quarterly / annually on the basis of changes in other expenses such as fuel, waste disposal, government regulations or administrative costs. This offer is firm for 90 days from the date of our proposal. Acceptance beyond that date may require updates of the Price and Price Adjustment Provisions.

This Agreement does not include Schindler Digital. If you would like to choose a Schindler Digital tier, please indicate by checking below:

- ☐ Upgrade to the Digital Connect Package - \$10 per unit, per month addition.
☐ Upgrade to the Digital Enhanced Package - \$20 per unit, per month addition.

The annual contract price adjustment will not apply to Schindler Digital. Schindler reserves the right to make adjustments to the monthly fee for the Schindler Digital tiers as additional value added features and functionality are added to the selected offering

The terms and conditions attached here to are incorporated herein by reference.

Acceptance by you as owner's agent or authorized representative and subsequent approval by our authorized representative will be required to validate this agreement.

Proposed By: William Honea

Approved By: Shawn Huber

Accepted By: _____

Estimate Number: TDLG-AA8RRT (2016.5.1)

For: Schindler Elevator Corporation

For: City of Fayetteville

Date: September 19, 2016

Date: 9/27/16

Date: _____

Amendments to the Contract Document:

#1 - Amend paragraph 8 on page 3: "However, the City shall have the right to terminate this agreement in the event future expenditures are not approved in the annual City budget. Notice shall be given to Schindler by the City Ninety Days prior to termination in the event funds are not budgeted.

#2 - Strike subsection (a) under "Invoices" which would require the city to pay interest on past due amounts. This conflicts with City Policy IC-2.8(3), which says that "The City is very credit worthy and pays its bills within a reasonable time. The City DOES NOT agree to any interest or penalty for "untimely" payments."

#3 - 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 City Council in advance of the change in cost or fees." We understand that Price Adjustments due to materials and labor increases are normal in this industry and will not exceed 4% in any given year.

#4- This contract has been changed from 10 years to 5 years.

#5- The terms of the proposed agreement are still valid.

Terms and Conditions

Excluded from Schindler's inspection responsibilities are the following:

Hoistway door hinges, panels, frames, gates and sills; cabs and cab flooring; freight elevator door straps, cab doors, gates and removable cab panels; cab mirrors and handrails; power switches, fuses and feeders to controllers; light fixtures and lamps; cover plates for signal fixtures and operating stations; smoke detectors; cleaning of cab interiors and exposed sills; plungers, casings and cylinders; all piping and connections except that portion which is exposed in the machine room and hoistway; emergency power generators; emergency cab lighting; communication devices; intercom or music systems; air conditioners or heaters, fireman's phones and card readers. Exterior panels; skirt and deck panels; balustrades; relamping of illuminated balustrades; power switches, fuses and feeders to controllers; cleaning of exposed surfaces; escalator steps and electric walk pallets; any batteries associated with the equipment; obsolete items, (defined as parts, components or equipment either 20 or more years from original installation, or no longer available from the original equipment manufacturer or an industry parts supplier, replaceable only by refabrication.)

Other than title, there are no additional warranties or guarantees, expressed or implied, including but not limited to, warranties of merchantability or fitness for a particular purpose, which are expressly disclaimed.

The purchaser agrees to provide Schindler with full and free access to the Equipment to render inspection/service thereon, to provide a safe work place for Schindler's employees, and to remove any hazardous materials in accordance with applicable laws and regulations.

Schindler has based its price on the assumption that, in performing the work required by this Agreement, it will not encounter conditions having an unusual or adverse effect on the Equipment or the circumstances under which it must perform the work, it shall not be responsible for any adverse effects resulting from such conditions. If Schindler encounters such conditions, it may at its option, suspend the performance of Inspection and its warranty obligations under the Agreement pending negotiation of additional charges as compensation for increases in its costs.

Possession or control of the Equipment shall remain with the Purchaser, and the Purchaser shall retain its normal responsibility and liability as Owner, Possessor, or Custodian of the Equipment. The Purchaser agrees to at all times carefully monitor the Equipment and its use and, in the event of the malfunction, operation problem, or dangerous condition, to immediately remove the unit from service, erect barriers and post warnings to prevent use of the Equipment, and promptly notify Schindler using the Schindler Customer Service Network.

Schindler hereby disclaims responsibility for accidents, injuries or malfunctions related to misuse of the Equipment or vandalism, or for obsolescence, or other causes beyond our control, or for Equipment failures not detectable upon normal examination or otherwise not found to be the result of Schindler's specific negligent act or omission.

Schindler will not be responsible for a loss, damage, detention, or delay caused by strikes, lockouts, labor troubles, or disputes, fire, explosion, theft, earthquake, severe or unusual weather conditions, shortage of material or workers, malicious mischief, war, governmental orders, acts of God, or by any other cause beyond its control. Schindler will in no event be liable for special, indirect, incidental or consequential damages.

You will assign this Agreement to your successor in interest, should your interest in the premises cease prior to the initial or any renewal termination date. If this Agreement is terminated prematurely for any reason, other than our default, including failure to assign to a successor in interest as required above, you will pay as liquidated damages (but not penalty) the full remaining amount due under this agreement.

If either party to this Agreement claims default by the other, written notice of at least 30 days shall be provided, specifically describing the default. If cure of the default is not commenced within the thirty-day notification period, this Agreement may be terminated. In the event of litigation, the prevailing party will be entitled to its reasonable attorneys' fees and costs. If you elect to modernize any or all of the Equipment during the term of this agreement, you will give us the option, within a reasonable time, to prepare an offer for the work and/or evaluate competitor proposals and compare scope of work and price. If we are unable to match price and scope of work, or present an alternative proposal, this Agreement may be canceled with ninety (90) days written notice.

Invoices (including invoices for extra work outside the fixed price) will be paid upon presentation, on or before the last day of the month prior to the billing period. Late or non-payments will result in:

- (a) Interest on past due amounts at 1½% per month or the highest legal rate available;
- (b) Termination of the Agreement on ten (10) days prior written notice; and
- (c) Attorneys' fees, costs of collection and any other appropriate remedies for breach of contract.

Any proprietary material, information, data or devices contained in the equipment or work provided hereunder, or any component or feature thereof, remains our property. This includes, but is not limited to, any tools, devices, manuals, software (which is subject to a limited license for use in this building/premises/ equipment only), modems, source/ access/ object codes, passwords and the Schindler Direct feature ("SD") (if applicable) which we will deactivate and remove if the Agreement is terminated.

Our testing responsibilities do not include fees or changes imposed by local authorities in conjunction with witnessing, witnessing costs, inspecting, assisting inspection authorities, licensing or testing the Equipment including observation of testing by 3rd parties; changes in the testing requirements after the initial start date of this Agreement, or any other testing obligations other than as specifically set forth above, including, but not limited to seismic tests. Further, our testing responsibilities do not include performance, or the keeping of records related to, monthly firefighters service.

You will prevent access to the Equipment, including the SD feature and/or dedicated telephone line if applicable, by anyone other than us. We will not be responsible for any claims, losses, demands, lawsuits, judgment, verdicts, awards or settlements ("claims") arising from the use or misuse of SD, if it or any portion of it has been modified, tampered with, misused or abused. We will not be responsible for use, misuse, or misinterpretation of the reports, calls, signals, alarms or other such SD output, nor for claims arising from acts or omissions of others in connection with SD or from interruptions of telephone service to SD regardless of cause. You agree that you will defend, indemnify and hold us harmless from and against any such claims, and from any and all claims arising out of or in connection with this Agreement, and/or the Equipment, unless caused directly and solely by our established fault.

Schindler Elevator Corporation is insured at all locations where it undertakes business for the type of insurance. You agree to accept in full satisfaction of the insurance requirements for this Agreement, our standard Certificate of Insurance. We will not name additional insureds. Limits of liability as follows:

- (a) Workers' Compensation - Equal to or in excess of limits of Workers' Compensation laws in all states and the District of Columbia.
- (b) Comprehensive Liability - Up to Two Million Dollars (\$2,000,000.00) single limit per occurrence, Products/Completed Ops Aggregate \$5,000,000.
- (c) Auto Liability - \$5,000,000 CSL.
- (d) Employer's Liability - \$5,000,000 Each Accident/Employee/Policy Limit.

Fayetteville Entertainment District Equipment List

EQUIPMENT DESCRIPTION:

Qty	Manufacturer	Equipment	Application	Description	Rise/Length Openings	Capacity	Speed	Install#
	Fayetteville Entertainment District							
	229 N School Ave	Fayetteville, AR	72701-5134					
1	Schindler	Gearless	Passenger	ELEV 01	4F/0R	3500	150	J1565



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0464

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

FAYETTEVILLE RACE SERIES:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$16,200.00 TO INCREASE FUNDING FOR THE FAYETTEVILLE RACE SERIES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$16,200.00 to increase funding for the Fayetteville Race Series.

City of Fayetteville Staff Review Form

2016-0464

Legistar File ID

10/18/2016

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

John Crow

9/30/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a budget adjustment in the amount of \$16,200 for the Parks Development Fund 2250-9250 to increase funding for the Fayetteville Race Series/Special Events.

Budget Impact:

2250.520.9250-5200.00 and
2250.520.9250-5200.05

Parks Development

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ 20,204.00

Funds Obligated \$ 22,174.00

Current Balance \$ (1,970.00)

Does item have a cost? Yes

Item Cost \$ 14,230.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 16,200.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 24, 2016

TO: Mayor Lioneld Jordan

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

FROM: John Crow, Recreation Superintendent

DATE: September 29, 2016

SUBJECT: Budget Adjustment – Parks & Recreation Special Events

RECOMMENDATION:

Staff recommends approval of a budget adjustment in the amount of \$16,200 for the Parks Development Fund 2250-9250 to increase funding for the Fayetteville Race Series/Special Events.

BACKGROUND:

The Fayetteville Race Series was created in 2015 to add new and unique recreational opportunities for the residents of Fayetteville and non-residents that choose to visit our city to participate. The popularity of the events has exceeded expectations up to this point, especially the Square to Square Bicycle Ride. This collaborative event between the cities of Bentonville and Fayetteville is held twice annually on the Razorback Regional Greenway. The first fall event had 722 participants, much more than the anticipated 350. The spring of 2016 event saw an increase to 951 riders, then to 1,203 in for the most recent event held on September 10th. The significant increase in participation has inherently increased the expenditures of the events.

DISCUSSION:

With the budgeting process for the Parks and Recreation Department taking place in July, the budget for the 2016 Fayetteville Race Series was set before the first Square to Square event in the Fall of 2015. The event participation during the first year more than doubled the expected amount. The next two Square to Square events have seen a 31% and 26% increase respectively, causing a need for increased expenditures in order to maintain a quality event. It should be noted that all the added costs are more than covered through sponsorships, donations and registration revenues. This includes a donation from the Hero Half Marathon for our efforts in assisting organizing and running the event. Staff is requesting a budget adjustment of \$16,200 to ensure coverage of expenditures for not only the Square to Square event, but also the Run for the Parks on November 20th and the Frozen Toes 15K Trail Run on January 14th.

BUDGET/STAFF IMPACT:

The Parks Development Fund (2250-9250) will be impacted by \$16,200 of additional projected expenditures for the remainder of this year. These expenditures will be recovered by additional revenues collected through event registrations, sponsorships and donations. In addition to the

registrations, sponsorships and donations collected, these events also contribute to the Parks HMR revenues through the visitors' utilization of our hotels and restaurants.

Attachments:

Spreadsheet

City of Fayetteville
Parks and Recreation Department
Special Events

REVENUE

\$ 68,114

Event	Sponsorships Donations	Registration	Total
Frozen Toes 15K (2016)	\$ -	\$ 334.00	\$ 334.00
Frozen Toes 15K (2017)	\$ 1,300.00	\$ 3,850.00	\$ 5,150.00
Cow Paddy 5K	\$ 2,484.00	\$ -	\$ 2,484.00
Square to Square (Spring)	\$ 3,242.50	\$ 12,867.00	\$ 16,109.50
Ladies Du	\$ 833.00	\$ 8,880.00	\$ 9,713.00
Splash and Dash	\$ 335.00	\$ 1,540.00	\$ 1,875.00
Square to Square (Fall)	\$ 5,925.00	\$ 15,990.00	\$ 21,915.00
Hero Half Marathon	\$ 3,500.00		\$ 3,500.00
Run for the Parks	\$ 1,333.00	\$ 5,700.00	\$ 7,033.00
	<u>\$ 18,952.50</u>	<u>\$ 49,161</u>	

EXPENDITURES

\$ 30,058.64

Event	Total Expenditures
Frozen Toes 15K (2016)	\$ 1,318.32
Frozen Toes 15K (2017)	\$ 700.00
Cow Paddy 5K	\$ -
Square to Square (Spring)	\$ 9,009.41
Ladies Du	\$ 7,343.69
Splash and Dash	\$ 1,627.22
Square to Square (Fall)	\$ 7,233.00
Hero Half Marathon	\$ -
Run for the Parks	\$ 2,827.00

Net Profit \$ 38,054.86

Projected

Note: A&P grant paid direct expenses
Ladies Du - \$1,000
S2S (Fall) - \$2,000

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

Budget Year 2016	Division /Org2 PARKS & RECREATION (520) Requestor: Alan Bearden	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Request for approval to use \$16,200 from fund balance for remaining expenditures required for Parks & Recreation - Special Events for the remainder of 2016. This request amount is a portion of the amount that revenues (from registration fees, sponsorships and donations) exceed the expenditures that are necessary to hold Special Events (i.e., Square to Square Bicycle Ride, Frozen Toes 15K Run, Run for the Parks, Hero Half Marathon, etc.).

RESOLUTION/ORDINANCE	COUNCIL DATE:	10/18/2016
	LEGISTAR FILE ID#:	2016-0464
	<i>Barbara Fell</i>	
	9/30/2016 9:57 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	16,200	16,200	v.20160722			
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name
	Expense	Revenue	Project	Sub		
2250.520.9250-5200.05	15,600	-			EX	Supplies - Tournament/Awards
2250.520.9250-4999.99	-	16,200			RE	Use Fund Balance - Current
2250.520.9250-5200.00	600	-			EX	Supplies - Office/Printing
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0427

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC.:

A RESOLUTION TO AWARD RFQ NO. 16-01 AND AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH ALLGEIER, MARTIN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$90,280.00 FOR THE UTILITY ELECTRICAL STUDY PROJECT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards RFQ No. 16-01 and authorizes a professional engineering services contract with Allgeier, Martin and Associates, Inc. in an amount not to exceed \$90,280.00 for the Utility Electrical Study project.

City of Fayetteville Staff Review Form

2016-0427

Legistar File ID

10/18/2016

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

Tim Nyander

9/20/2016

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

APPROVAL OF THE ENGINEERING CONTRACT WITH ALLGEIER, MARTIN AND ASSOCIATES, INC. FOR AN ELECTRICAL STUDY OF THE TWO WWTP'S AND MAJOR LIFT STATIONS FOR THE AMOUNT OF \$90,280.00.

Budget Impact:

5400.720.5700-5314.00

Water/Sewer

Account Number

Fund

02017.1

Sanitary Sewer Rehabilitation

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 4,426,348.00

Funds Obligated \$ 963,104.88

Current Balance \$ 3,463,243.12

Does item have a cost? Yes

Item Cost \$ 90,280.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 3,372,963.12

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 18, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Utilities Director
Water & Sewer Committee

FROM: Jim Beavers, P.E.

DATE: September 20, 2016

SUBJECT: Approval of the engineering contract with Allgeier, Martin and Associates, Inc. for an electrical study of the two WWTP's and major lift stations for the total amount of \$90,280.00.

RECOMMENDATION:

Fayetteville City Staff recommends approval of the professional engineering contract with Allgeier, Martin and Associates, Inc. in the not to exceed amount of \$90,280.00 for the utility electrical study.

BACKGROUND:

Aging electrical equipment and changes in the electrical code necessitate a study of the electrical equipment and arc flash hazards for the West Side Waste Water Treatment Plant, the Noland Waste Water Treatment Plant and the major lift stations.

DISCUSSION:

On August 26, 2016 the City of Fayetteville conducted a formal qualifications based Engineering Selection (RFQ 16-01) for the proposed Utility Electrical Study project. The firm of Allgeier, Martin and Associates, Inc. was selected

The contract scope and the not to exceed costs were negotiated by City Utilities staff.

BUDGET/STAFF IMPACT:

Budgeted funds are available in the Sewer System Rehabilitation Project.

Attachments:

1. Staff Review Form
2. Contract signed by Allgeier, Martin and Associates, Inc.

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
ALLGEIER, MARTIN AND ASSOCIATES, INC.

WASTEWATER UTILITY ELECTRIC STUDY

THIS AGREEMENT is made as of _____, 20__, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and ALLGEIER, MARTIN AND ASSOCIATES, INC. with offices located in Joplin, Missouri (hereinafter called ENGINEER).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the planning, design, permitting, construction, operation, maintenance, management, and financing of City utilities and in particular requires services associated with Utility Electrical Studies of the Paul R. Noland (east) wastewater treatment plant (WWTP), the West Side WWTP, and the City's major sanitary sewer lift stations (The "Project"). Therefore, CITY OF FAYETTEVILLE and ENGINEER in consideration of their mutual covenants agree as follows:

ENGINEER shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of ENGINEER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of ENGINEER.
- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of ENGINEER.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF ENGINEER

- 2.1 Perform professional engineering services in connection with the Project as hereinafter stated.
- 2.1.1 The Scope of Services to be furnished by ENGINEER as a part of the Utility Electrical Study is included in Appendix A attached hereto and made part of this Agreement.
- 2.2 ENGINEER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. ENGINEER and CITY OF FAYETTEVILLE agree that ENGINEER has full responsibility for the engineering services.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time so as not to delay the services of ENGINEER:
 - 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
 - 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
 - 3.1.3 Provide access to and make all provisions for ENGINEER to enter upon property as required for ENGINEER to perform his services under this Agreement.
 - 3.1.4 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
 - 3.1.5 The Utilities Director is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The Utilities Director shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
 - 3.1.6 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

- 4.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 4.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. ENGINEER will proceed with providing the authorized services immediately upon receipt of written authorization from

CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed. The anticipated schedule for this project is included as Appendix A.

SECTION 5 - PAYMENTS TO ENGINEER

5.1 Compensation

- 5.1.1 For the Arc Flash Hazard Analysis and Mitigation Plan set forth in Appendix A, Section A.2.1, CITY OF FAYETTEVILLE shall pay ENGINEER on the basis of the hourly labor rates and non-labor rates, as set forth in Exhibit A, "Allgeier Martin and Associates, Inc. Rate Schedule", with a maximum fee, including direct labor expenses and non-labor expenses not-to-exceed \$59,540.00. Estimates of direct labor expenses by personnel classification, and non-labor expenses are shown in Exhibit B.
- 5.1.2 For the evaluation of the existing electrical equipment at the City's two wastewater treatment plants set forth in Appendix A, Section A.2.2 and subsequent subparagraphs, CITY OF FAYETTEVILLE shall pay ENGINEER on the basis of the hourly labor rates and non-labor rates, as set forth in Exhibit A, "Allgeier Martin and Associates, Inc. Rate Schedule", with a maximum fee, including direct labor expenses and non-labor expenses not-to-exceed \$30,740.00. Estimates of direct labor expenses by personnel classification, and non-labor expenses are shown in Exhibit B.
- 5.1.3 Payments made by CITY OF FAYETTEVILLE based upon ENGINEER'S Hourly Rates shall approximate the schedule in Exhibit B, "ESTIMATES OF EXPENSES". Underruns in one phase or item of the work may be used to offset overruns in another phase or item of work as long as the total contract amount is not exceeded.

5.2 Statements

- 5.2.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for services consistent with ENGINEER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by ENGINEER and approved by CITY OF FAYETTEVILLE. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the study and report for the Project.

5.3 Payments

- 5.3.1 All statements are payable upon receipt and due within thirty (30) days. If a portion of ENGINEER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise ENGINEER in writing of the basis for any disputed portion of any statement.

CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

5.4 Final Payment

- 5.4.1 Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, ENGINEER shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by ENGINEER to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against ENGINEER or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

- 6.1.1 During the course of performance of these services, ENGINEER will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

ENGINEER will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

- 6.1.2 CITY OF FAYETTEVILLE, and ENGINEER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of ENGINEER's services.

6.2 Professional Responsibility

6.2.1 ENGINEER will exercise reasonable skill, care, and diligence in the performance of ENGINEER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. ENGINEER agrees not to seek or accept any compensation or reimbursements from the City of Fayetteville for engineering work it performs to correct any errors, omissions or other deficiencies caused by ENGINEER's failure to meet customarily accepted professional engineering practices. CITY OF FAYETTEVILLE retains all other remedies to recover for its damages caused by any negligence of ENGINEER.

6.3 Cost Opinions and Projections

6.3.1 Cost opinions and projections prepared by ENGINEER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on ENGINEER's experience, qualifications, and judgment as a design professional. Since ENGINEER has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, ENGINEER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by ENGINEER.

6.4 Changes

6.4.1 CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of ENGINEER's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the duly authorized officer of ENGINEER.

6.5 Termination

6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

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

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

- 6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that ENGINEER is given:
- 6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
- 6.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 6.5.3.2 Any payment due to ENGINEER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of ENGINEER's default.
- 6.5.4 If termination for default is effected by ENGINEER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by ENGINEER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, ENGINEER shall:
- 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 6.5.5.2 After payment in accordance with Paragraphs 6.5.3 and 6.5.4 above, deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by ENGINEER in performing this Agreement, whether completed or in process. CITY OF FAYETTEVILLE shall have limited right to use the deliverables subject to the provisions of Paragraph 6.13.2.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of ENGINEER to fulfill contractual obligations, it is determined that ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.

6.6 Delays

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

6.7 Rights and Benefits

- 6.7.1 ENGINEER's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

6.8 Dispute Resolution

- 6.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and ENGINEER which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or ENGINEER in the performance of this Agreement, and disputes concerning payment.

- 6.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 6.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 6.8.3 and 6.8.4 have been complied with.

6.8.3 Notice of Dispute

- 6.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

- 6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give ENGINEER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

- 6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and ENGINEER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of ENGINEER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to ENGINEER for services rendered by ENGINEER.

6.10 Publications

6.10.1 Recognizing the importance of professional development on the part of ENGINEER's employees and the importance of ENGINEER's public relations, ENGINEER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to ENGINEER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to ENGINEER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of ENGINEER's activities pertaining to any such publication shall be for ENGINEER's account.

6.11 Indemnification

6.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and ENGINEER from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

6.12 Computer Models

6.12.1 ENGINEER may use or modify ENGINEER's proprietary computer models in service of CITY OF FAYETTEVILLE under this Agreement, or ENGINEER may develop computer models during ENGINEER's service to CITY OF FAYETTEVILLE under this Agreement. Such use, modification, or development by ENGINEER does not constitute a license to CITY OF FAYETTEVILLE to use or modify ENGINEER's computer models. Said proprietary computer models shall remain the sole property of the ENGINEER. CITY OF FAYETTEVILLE and ENGINEER will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use ENGINEER's computer models.

6.13 Ownership of Documents

6.13.1 All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. ENGINEER may retain reproduced copies of drawings and copies of other documents.

6.13.2 The CITY OF FAYETTEVILLE acknowledges the Engineer's documents, including all documents on electronic media ("delivered documents"), as instruments of professional

service. Nevertheless, the delivered documents prepared under this Agreement shall be delivered to and become the property of the CITY OF FAYETTEVILLE upon completion of the services and payment in full of all monies due to the Engineer. Except for the Engineer's services provided for by this Agreement as related to the construction and completion of a Project, the ENGINEER accepts no liability arising from any reuse of the delivered documents by the CITY OF FAYETTEVILLE, unless the Engineer is retained by CITY OF FAYETTEVILLE to make modifications or otherwise reuse the delivered documents. Except where the CITY OF FAYETTEVILLE reuses the delivered documents subsequent to the completion of the Project, nothing contained in this paragraph shall alter the Engineer's responsibilities and obligations under this Agreement.

- 6.13.3 Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. ENGINEER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.14 Notices

- 6.14.1 Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

113 West Mountain Street
Fayetteville, Arkansas 72701

ENGINEER's address:

7231 East 24th Street
Joplin, Missouri 64804-3485

6.15 Successor and Assigns

- 6.15.1 CITY OF FAYETTEVILLE and ENGINEER each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor ENGINEER shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

6.16 Controlling Law

- 6.16.1 This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

6.17 Entire Agreement

- 6.17.1 This Agreement represents the entire Agreement between ENGINEER and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to ENGINEER a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by ENGINEER, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of ENGINEER:

- 7.1.1 CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve ENGINEER of responsibility for the technical adequacy of the work. CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- 7.1.2 ENGINEER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by ENGINEER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.
- 7.1.3 ENGINEER's obligations under this clause are in addition to ENGINEER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against ENGINEER for faulty materials, equipment, or work.

7.2 Remedies

- 7.2.1 Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

7.3.1 ENGINEER shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. ENGINEER shall also maintain the financial information and data used by ENGINEER in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. ENGINEER will provide proper facilities for such access and inspection.

7.3.2 Records under Paragraph 7.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

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

7.3.3.1 Negotiated prime agreements:

7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of ENGINEER;

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

7.3.3.3.3 If the subagreement is terminated for default or for convenience.

7.4 Covenant Against Contingent Fees

7.4.1 ENGINEER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ENGINEER for the purpose of

securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7.5 Gratuities

7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that ENGINEER or any of ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, the State or EPA in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to ENGINEER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

7.5.2 In the event this Agreement is terminated as provided in Paragraph 7.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against ENGINEER as it could pursue in the event of a breach of the Agreement by ENGINEER. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs ENGINEER incurs in providing any such gratuities to any such officer or employee.

7.6 Arkansas Freedom of Information Act

7.6.1 City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, ENGINEER will provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

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

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

ALLGEIER, MARTIN AND ASSOCIATES, INC.

By: Deana A. Willis

Title: President

Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

CITY OF FAYETTEVILLE, ARKANSAS
AGREEMENT FOR ENGINEERING SERVICES

APPENDIX A – SCOPE OF SERVICES

This is Appendix A, consisting of five (5) pages, referred to in and part of the Agreement For Professional Services between the CITY OF FAYETTEVILLE, ARKANSAS and ALLGEIER, MARTIN AND ASSOCIATES, INC. dated _____.

Initial:

CITY OF FAYETTEVILLE _____

ALLGEIER, MARTIN AND ASSOCIATES, INC. D.A.W.

The following contains additional Scope of Services tasks:

A.1 General Scope

The work covered by this Agreement includes an evaluation of the electrical equipment at the City's two wastewater treatment plants and major lift stations, with special consideration given to arc flash requirements, and reliability of aging electrical equipment at the treatment plants. For the purpose of project accounting the project is separated into two components with project names as follows:

1. WWTF Arc Flash Study
2. WWTP Electrical Study

A.2 Specific Scope of Services

ALLGEIER, MARTIN AND ASSOCIATES, INC. shall provide a suitable engineering staff to obtain the necessary field information required to provide the following services:

A.2.1 WWTF Arc Flash Study

Conduct an Arc Flash Hazard Analysis and provide a Mitigation Plan for the CITY OF FAYETTEVILLE's two wastewater treatment plants and the City's major sanitary sewer lift stations. The evaluation and labeling shall be in accordance with current NFPA 70E standards and IEEE 1584 and shall include an evaluation of existing electrical drawings and installed equipment, modeling of 480 volt and 15 KV equipment, preparation of a written report, and labeling of the electrical equipment.

A.2.2 WWTP Electrical Study

Provide an evaluation of the existing electrical equipment at the City's two wastewater treatment plants as it relates to the availability of replacement parts for equipment prior to or at the time of failure. The engineering analysis shall include an inventory and evaluation of the 12.5 KW switching equipment and the 480 volt, 3-phase electrical control equipment including motor control centers, switchboards, panelboards, busways, and special switches. A written report or reports shall be developed, offering recommendations and opinions of cost for both immediate improvements and also future requirements to be included in the City's 2017-2021 Capital Improvements Plan.

A.2.2.1 Noland WWTP

The evaluation of the Paul R. Noland WWTP shall develop recommendations and opinions of costs to address current issues with the unavailability of replacement parts for the aging electrical equipment. A plan of action shall be set forth for either upgrading the entire system or establishing a coordinated response to equipment failures as they occur at this WWTP.

A.2.2.2 West Side WWTP

The evaluation of the newer West Side WWTP shall develop recommendations and opinions of cost to address issues with obtaining replacement equipment for specific motor control centers and/or switchboards that may be discontinued or not readily available when needed. A plan of action shall be set forth for either upgrading portions of the electrical system or establishing a coordinated response to equipment failures as the occur at this WWTP.

A.3 Project Deliverables

The following will be submitted to the CITY OF FAYETTEVILLE

A.3.1 WWTF Arc Flash Study

1. Three (3) copies of the results of the Arc Flash Hazard Analysis and Mitigation Plan for both wastewater treatment plants and the major sanitary lift stations.
2. Electronic files in accordance with the Agreement.

A.3.2 WWTP Electrical Study

1. Three (3) copies of the evaluation of electrical equipment at the City's two wastewater treatment plants.
2. Electronic files in accordance with the Agreement.

A.4 Compensation

In consideration of the performance of the foregoing services by ALLGEIER, MARTIN AND ASSOCIATES, INC., the CITY OF FAYETTEVILLE shall pay to ALLGEIER, MARTIN AND ASSOCIATES, INC. compensation as set forth in Section 5 of the Agreement For Professional Services.

A.4.1 Attachments

A.4.1.1 Exhibit A - ALLGEIER, MARTIN AND ASSOCIATES, INC. Rate Schedule

A.4.1.2 Exhibit B – Estimates of Expenses

A.5 Schedule

ALLGEIER, MARTIN AND ASSOCIATES, INC. anticipates completion of the WWTF Arc Flash Study and WWTP Electrical Study, and delivery of the associated engineering reports to the City within 120 calendar days from the issuance of the project Notice to Proceed.

EXHIBIT A
ALLGEIER, MARTIN AND ASSOCIATES, INC. RATE SCHEDULE

2016 -2017

LABOR RATES

<u>Classification</u>	<u>Hourly Billing Rate</u>	
	01/01/2016 thru 12/31/2016	01/01/2017 thru 12/31/2017
Principal/Engineer IV	\$185	\$191
Principal/Engineer III	\$170	\$175
Principal/Engineer II	\$140	\$145
Principal/Engineer I	\$130	\$135
Designer III/GIS Specialist	\$124	\$128
Designer/Technician III	\$104	\$108
Designer/Technician II	\$70	\$75
Designer/Technician I	\$65	\$70
Two-Man GPS Survey Crew	\$175	\$181
One-Man GPS Survey Crew	\$135	\$140
Three-Man Survey Crew	\$190	\$201
Two-Man Survey Crew	\$150	\$155
Registered Land Surveyor II	\$160	\$166
Registered Land Surveyor I	\$140	\$145
Survey Party Chief	\$86	\$88
Survey Crew Member	\$69	\$72
Right of Way Specialist	\$108	\$112
Construction Inspector III	\$104	\$108
Construction Inspector II	\$92	\$95
Construction Inspector I	\$84	\$88
Clerical	\$60	\$65
Print Specialist	\$60	\$65

Note: All pre-approved overtime hours shall be invoiced at 1½ times the hourly billing rate shown above.

NON-LABOR RATES

<u>Item</u>	<u>Rate</u>
Travel	\$0.54 per mile (or current IRS rate)
Subsistence	Actual Cost
Lodging	Actual cost
Special Postage or Shipping	Actual cost
Printing	Actual cost
Surveying Materials	Actual cost
Subcontract Specialty Services	Cost + 10%

EXHIBIT B
ESTIMATES OF EXPENSES

Arc Flash, West Side WWTF		
Engineer II	76 hrs. @ \$140/hr.	\$10,640
Technician II	90 hrs. @ \$70/hr.	6,300
Clerical	16 hrs. @ \$60/hr.	960
Print Specialist	8 hrs. @ \$60/hr.	480
Non-Labor Costs		<u>800</u>
Subtotal Estimated Cost		\$19,180
Arc Flash, Paul R. Noland WWTF		
Engineer II	84 hrs. @ \$140/hr.	\$11,760
Technician II	116 hrs. @ \$70/hr.	8,120
Clerical	16 hrs. @ \$60/hr.	960
Print Specialist	8 hrs. @ \$60/hr.	480
Non-Labor Costs		<u>1,200</u>
Subtotal Estimated Cost		\$22,520
Arc Flash, Sewage Lift Stations		
Engineer II	44 hrs. @ \$140/hr.	\$6,160
Technician II	128 hrs. @ \$70/hr.	8,960
Clerical	16 hrs. @ \$60/hr.	960
Print Specialist	6 hrs. @ \$60/hr.	360
Non-Labor Costs		<u>1,400</u>
Subtotal Estimated Cost		\$17,840
Paul R. Noland WWTF Electrical Study		
Engineer IV	8 hrs. @ \$185/hr.	\$1,480
Engineer III	24 hrs. @ \$170/hr.	4,080
Engineer II	24 hrs. @ \$140/hr.	3,360
Technician III	80 hrs. @ \$104/hr.	8,320
Clerical	10 hrs. @ \$60/hr.	600
Print Specialist	4 hrs. @ \$60/hr.	240
Non-Labor Costs		<u>500</u>
Subtotal Estimated Cost		\$18,580
West Side WWTF Electrical Study		
Engineer IV	8 hrs. @ \$185/hr.	\$1,480
Engineer III	8 hrs. @ \$170/hr.	1,360
Technician III	80 hrs. @ \$104/hr.	8,320
Clerical	6 hrs. @ \$60/hr.	360
Print Specialist	4 hrs. @ \$60/hr.	240
Non-Labor Costs		<u>400</u>
Subtotal Estimated Cost		\$12,160



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0433

Agenda Date: 10/18/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

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

(LEFT ON FIRST 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 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:

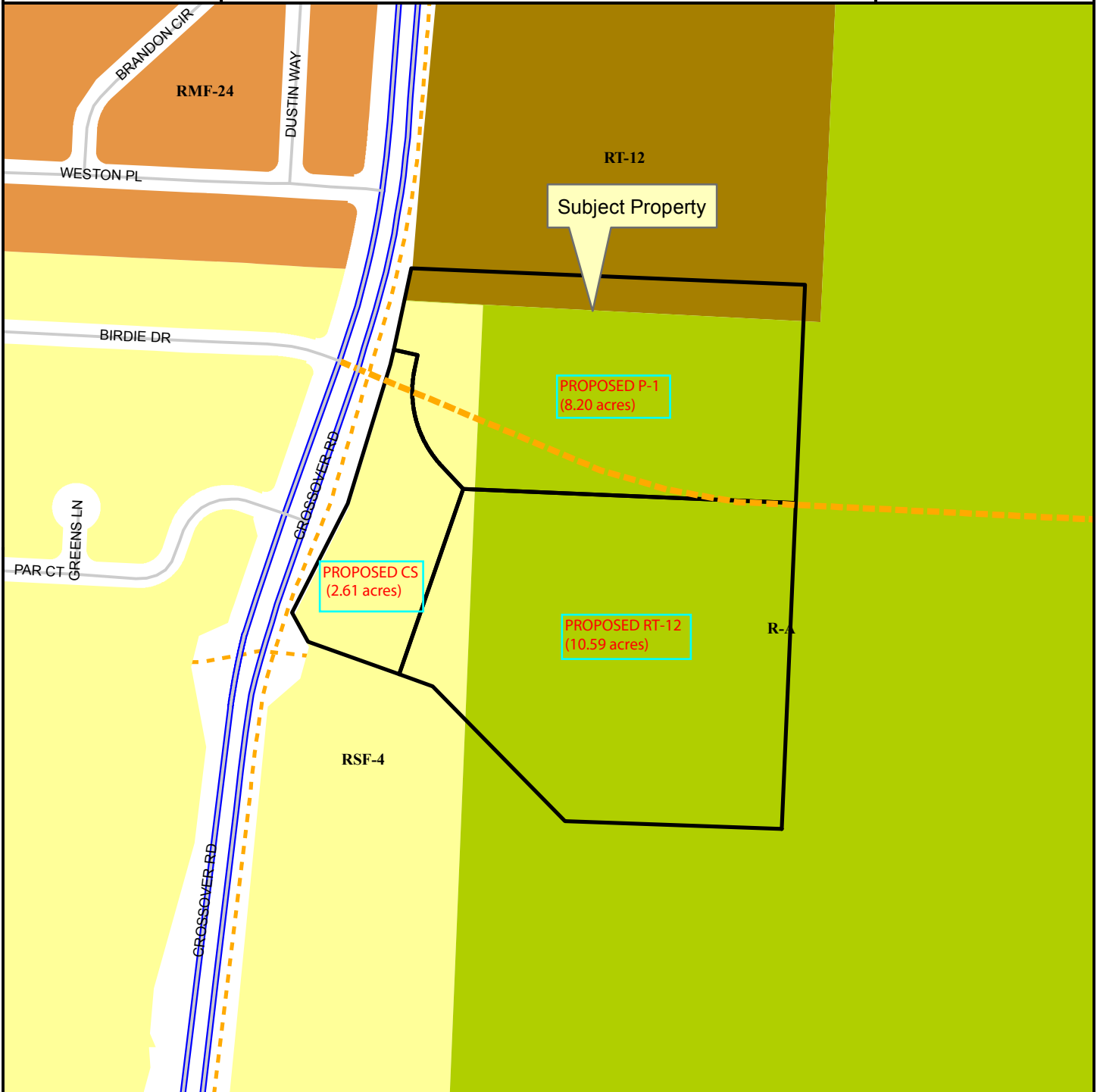
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 16-5543

VILLAGES ASSISTED LIVING

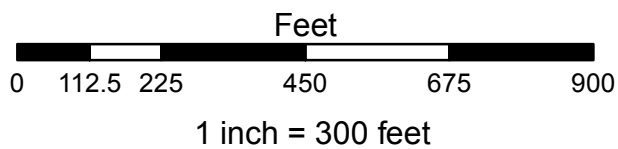


Close Up View



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**

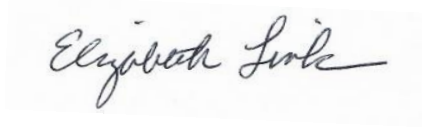
Assessor's Parcel Number(s) for subject property: **765-13251-000 (tract 2) and 765-13257-000 (tract 2)**

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 (1/2)
----------------	----------------

(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
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(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
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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 16-5543 / 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.

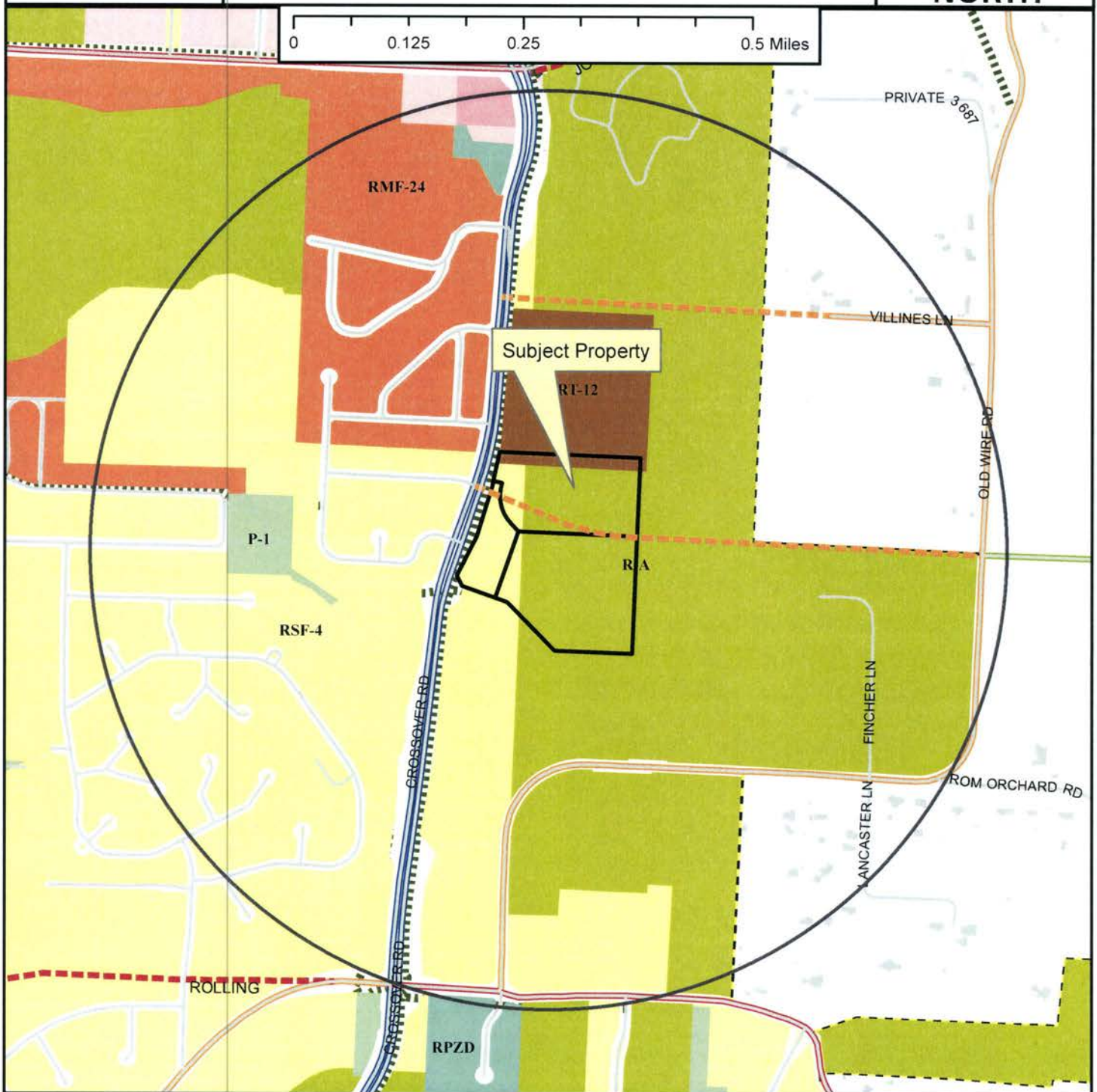
RZN 16-5543

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



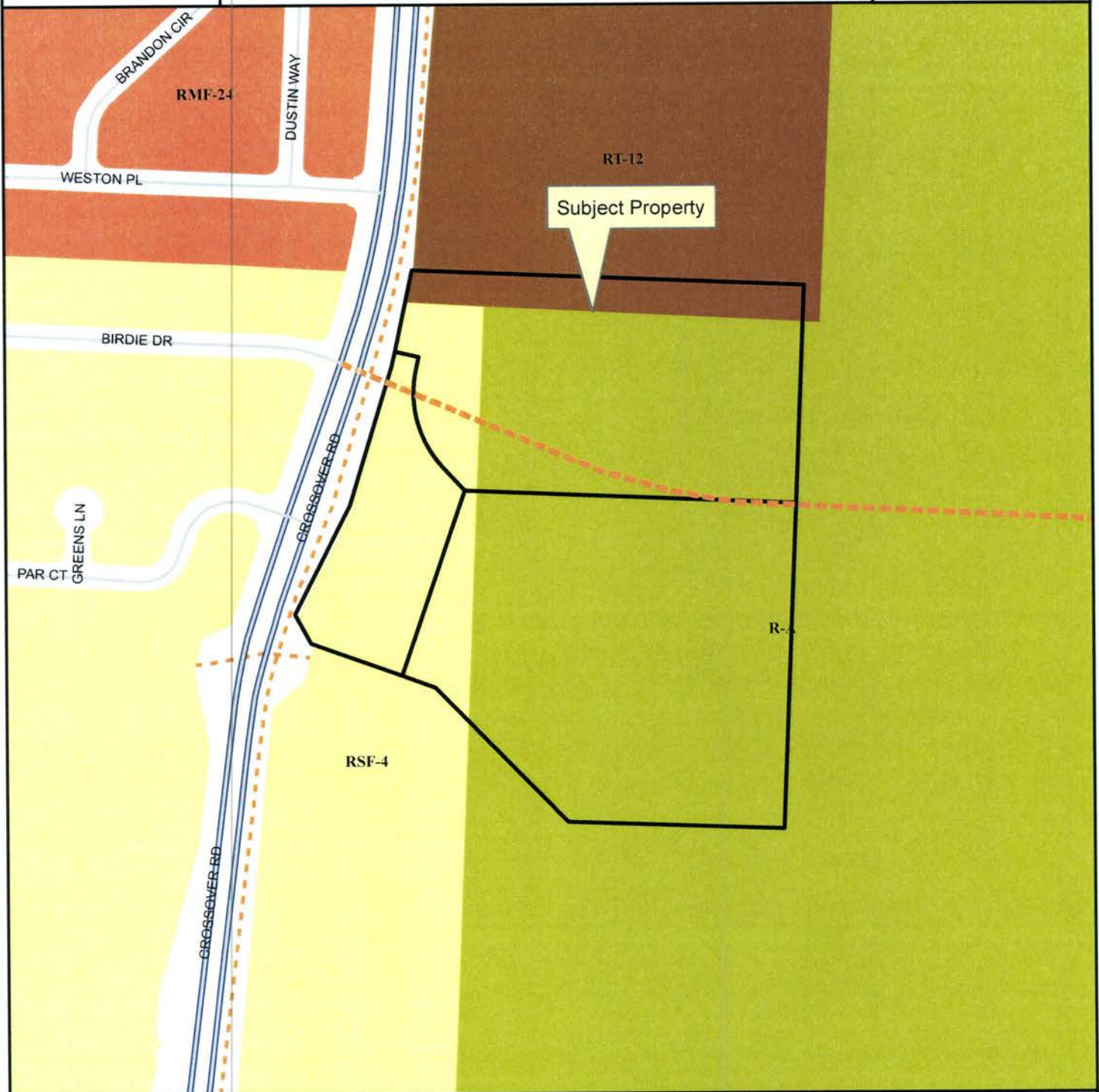
- | | |
|---|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RT-12 Residential Two and Three-family RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial I-2 General Industrial | <p>EXTRACTION</p> <p>COMMERCIAL</p> <ul style="list-style-type: none"> E-1 C-1 Residential-Office 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

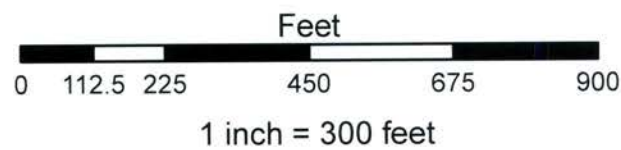
Close Up View

VILLAGES ASSISTED LIVING



Legend

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

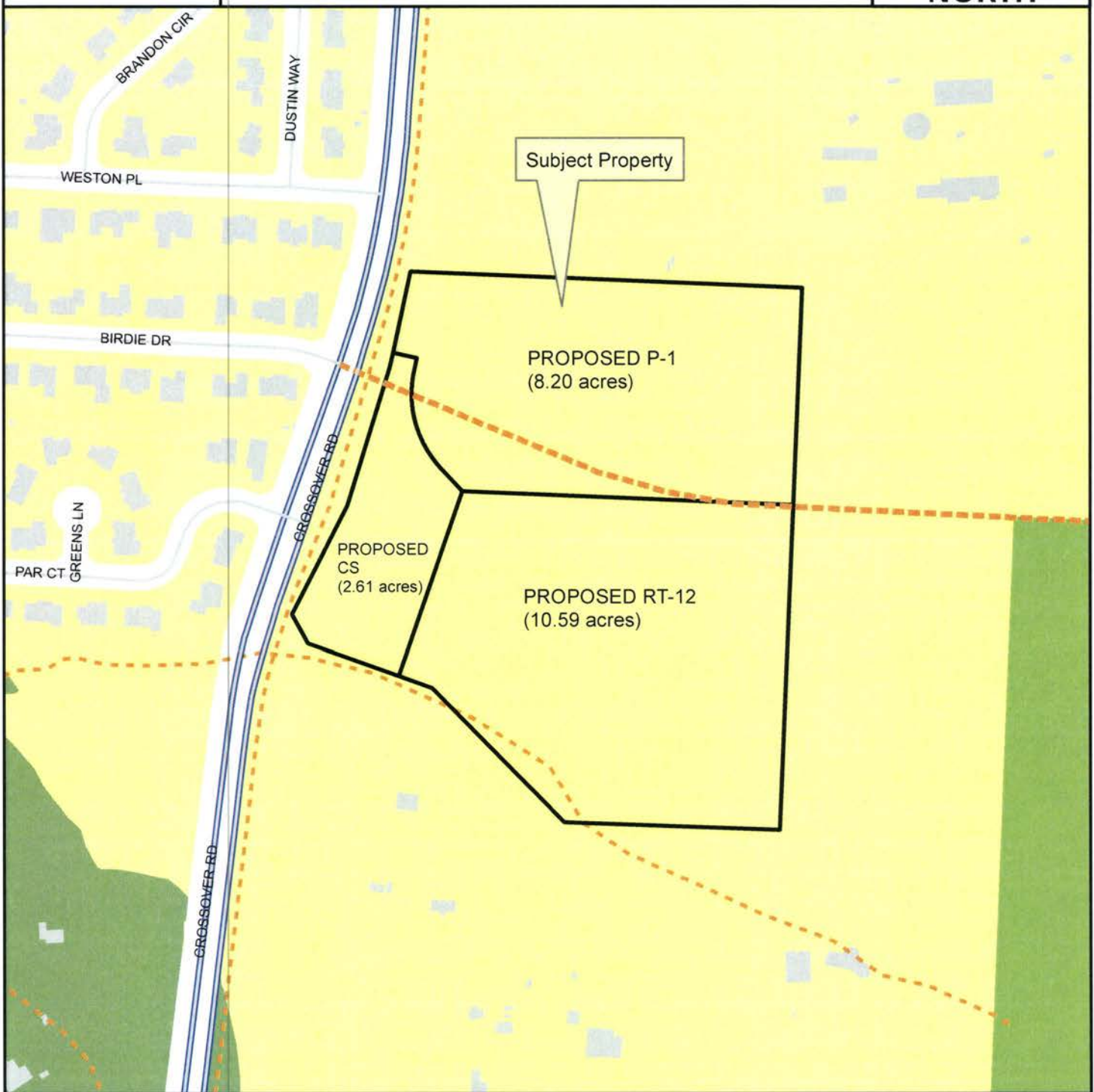


- Residential-Agricultural
- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24

RZN 16-5543

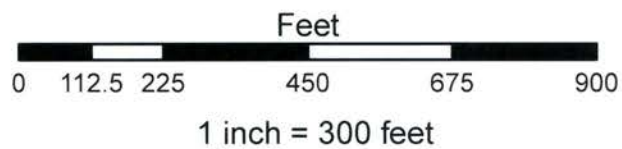
Future Land Use

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

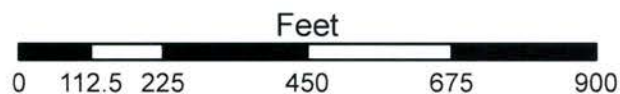
Current Land Use

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: 2016-0432

Agenda Date: 10/18/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 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

(LEFT ON THE FIRST 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 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:

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

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
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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)

161.20 - 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

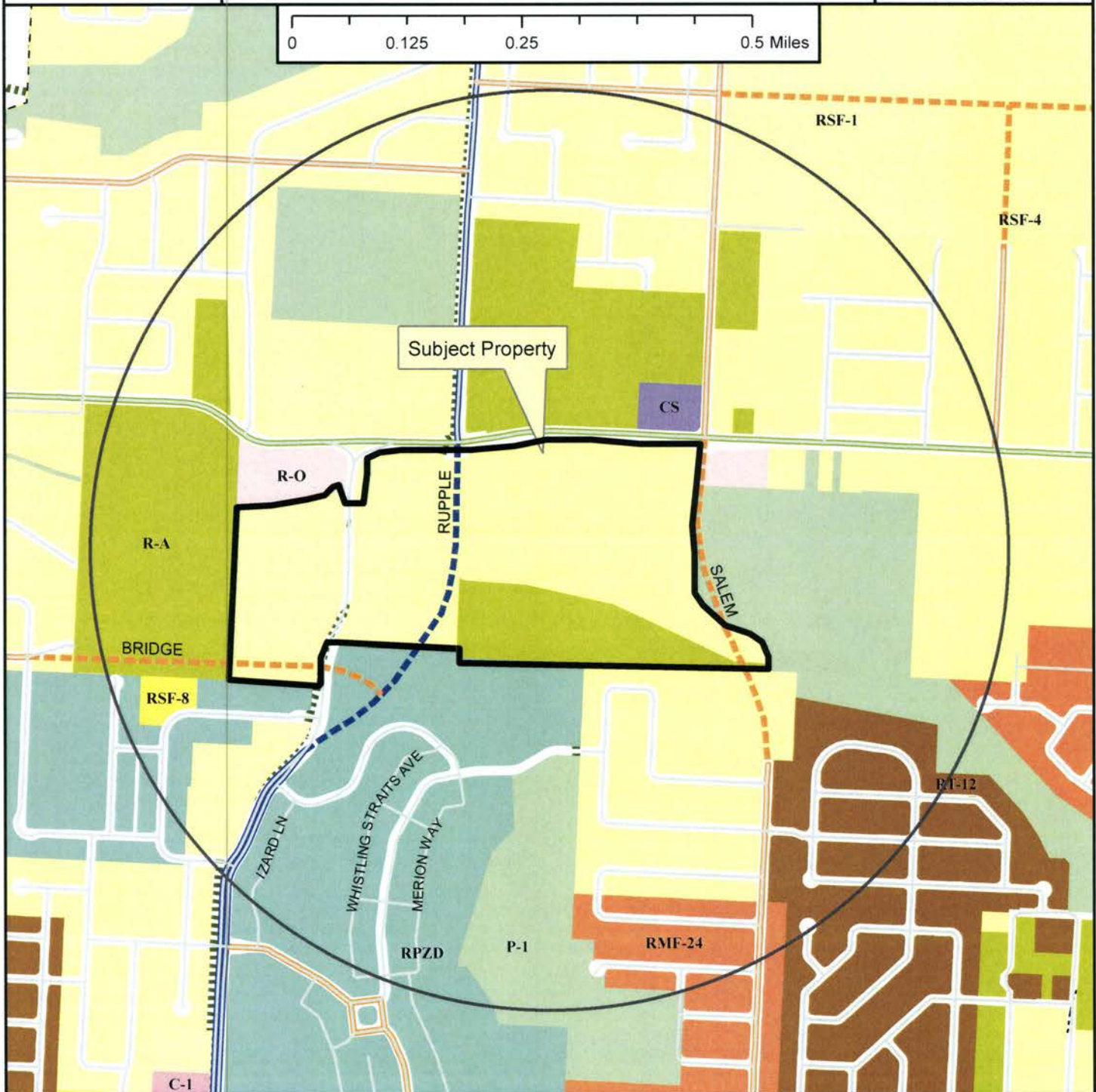
RZN 16-5550

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

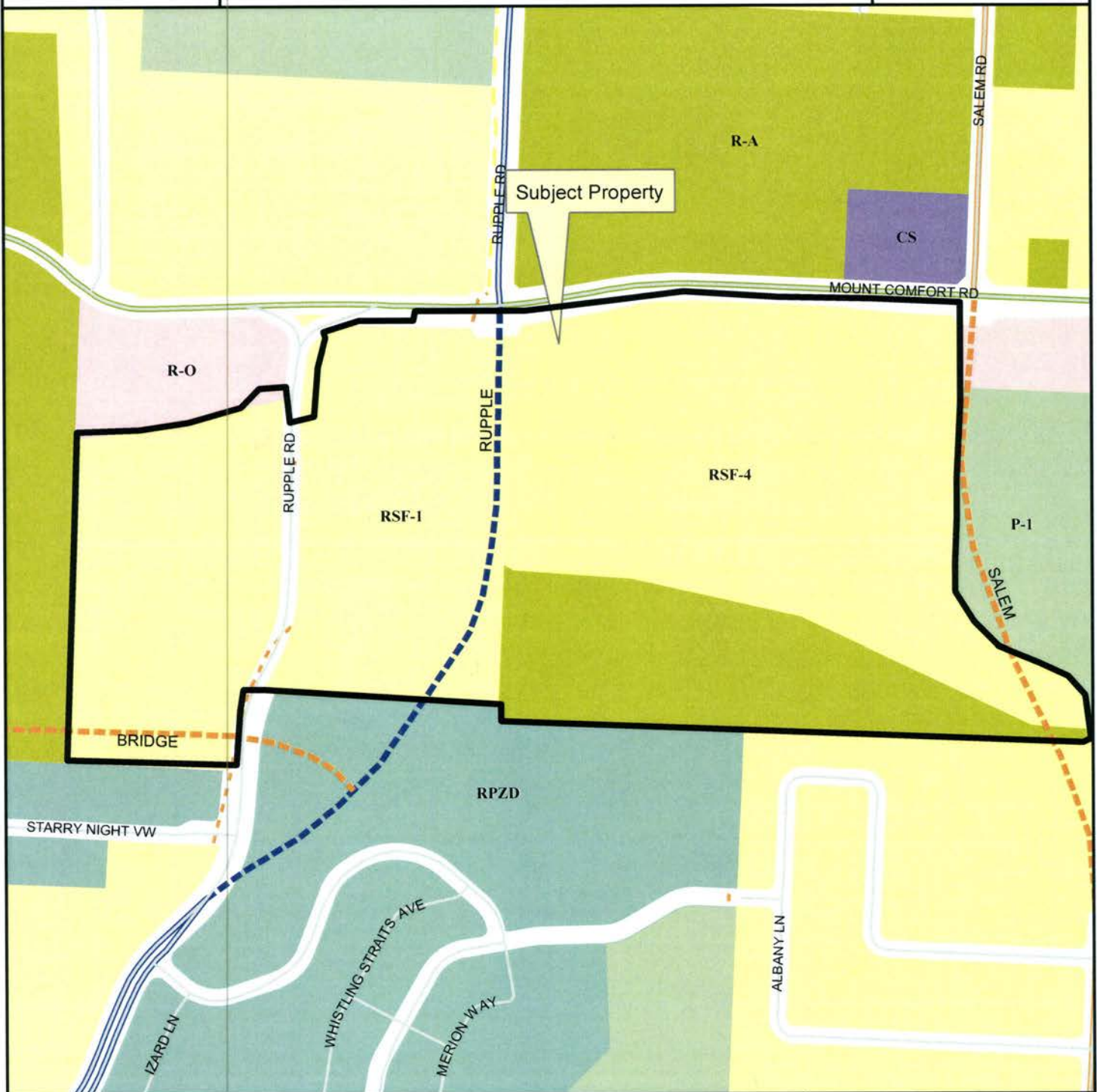
Planning Commission
September 12, 2016

Agenda Item 14
16-5550 Hazen
Page 16 of 19

RZN 16-5550

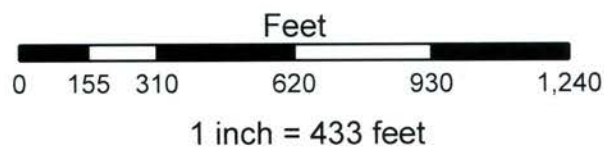
Close Up View

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

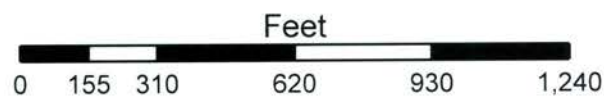
Current Land Use

2155 N. RUPPLE/HAZEN



Legend

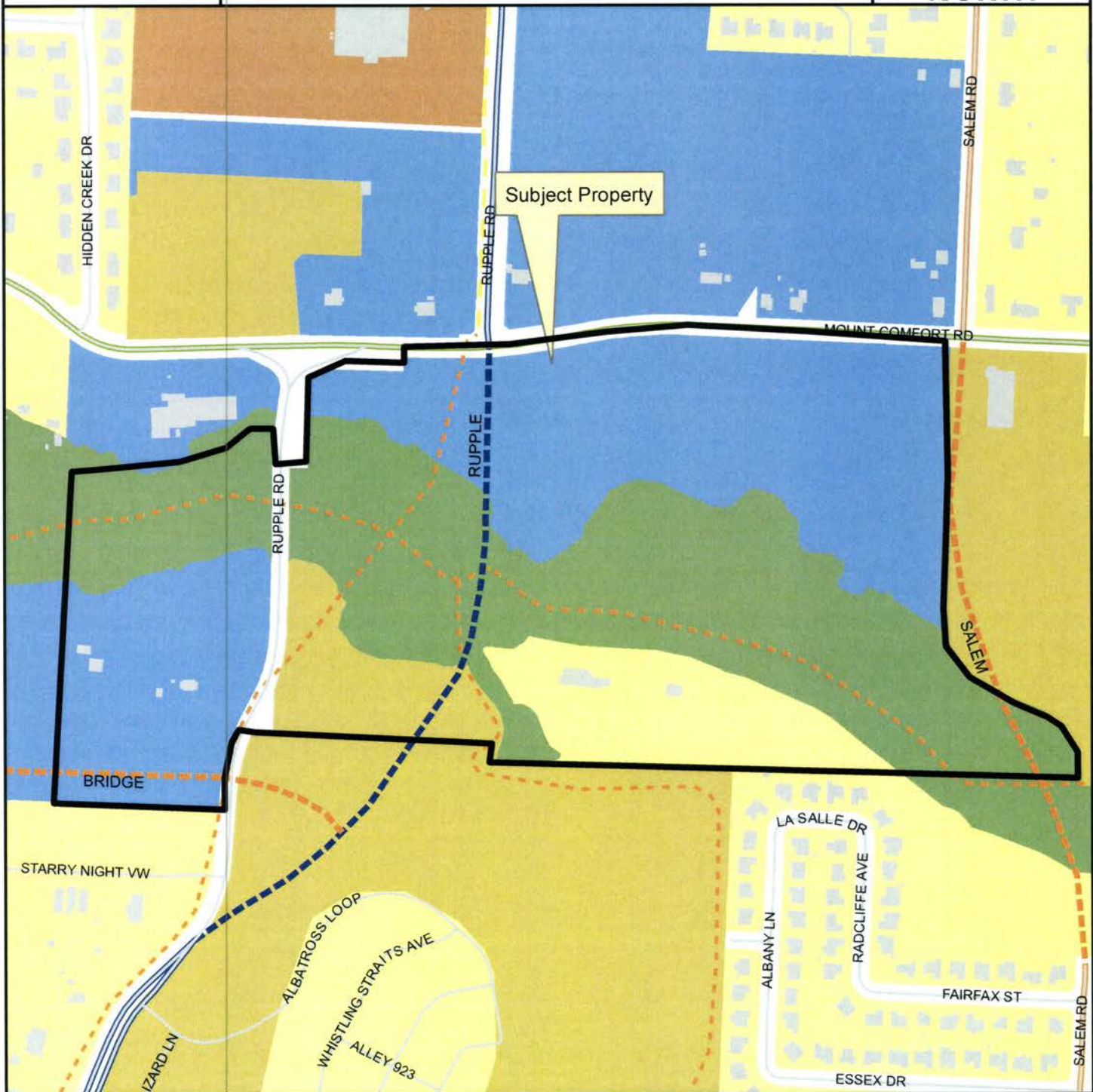
- Street
- Streets Planned**
- MSP Class**
- COLLECTOR
- PRIN ARTERIAL PKWY
- Streets Existing**
- MSP Class**
- COLLECTOR
- MINOR ARTERIAL
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)



RZN 16-5550

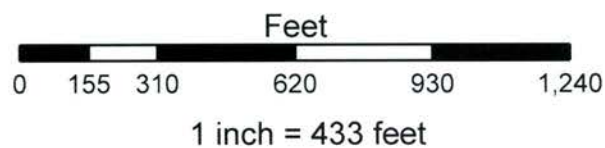
Future Land Use

2155 N. RUPPLE/HAZEN



Legend

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



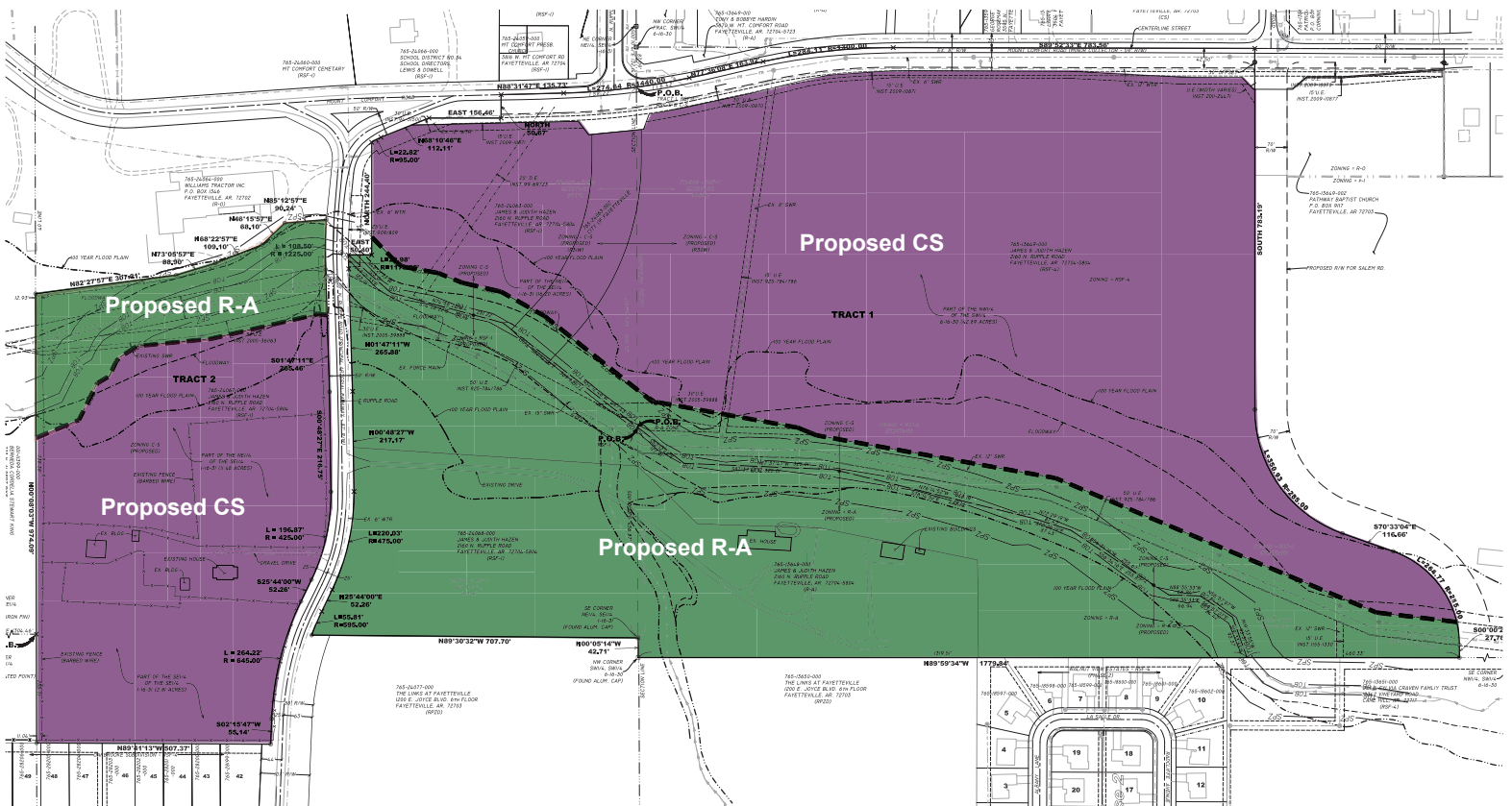
FUTURE LAND USE 2030

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

This exhibit was replaced with an updated exhibit

EXHIBIT 'A' RZN 16-5550

Proposed Community Services (CS): 45.90 acres
Proposed Residential Agricultural (R-A) 27.47 acres



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.

This exhibit was replaced with an updated exhibit

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.

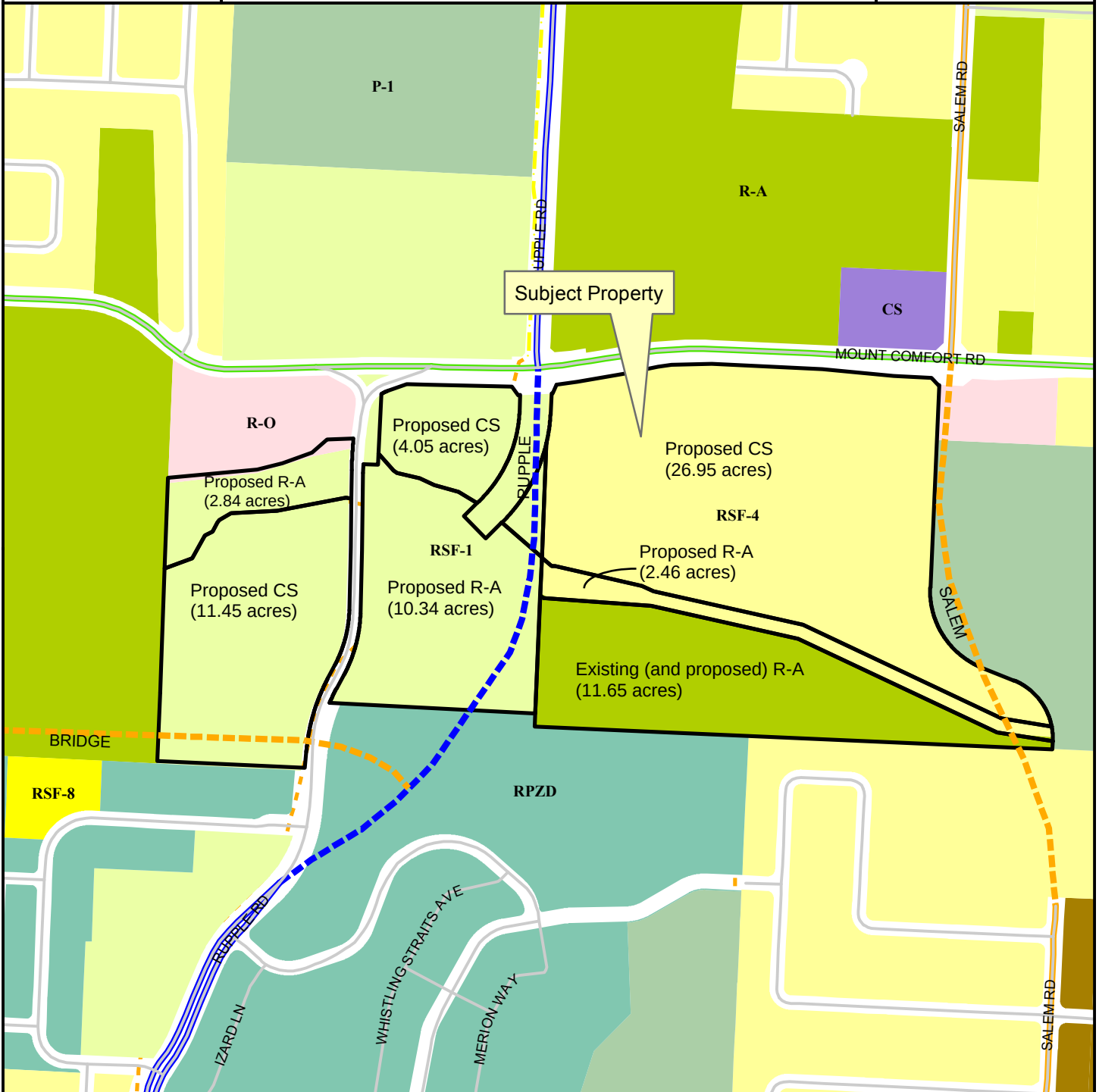
EXHIBIT 'A'

RZN 16-5550

HAZEN



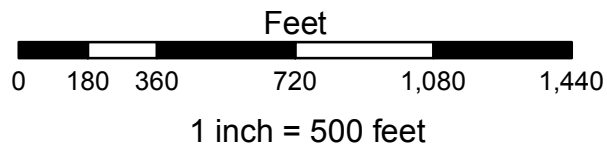
Close Up View



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)

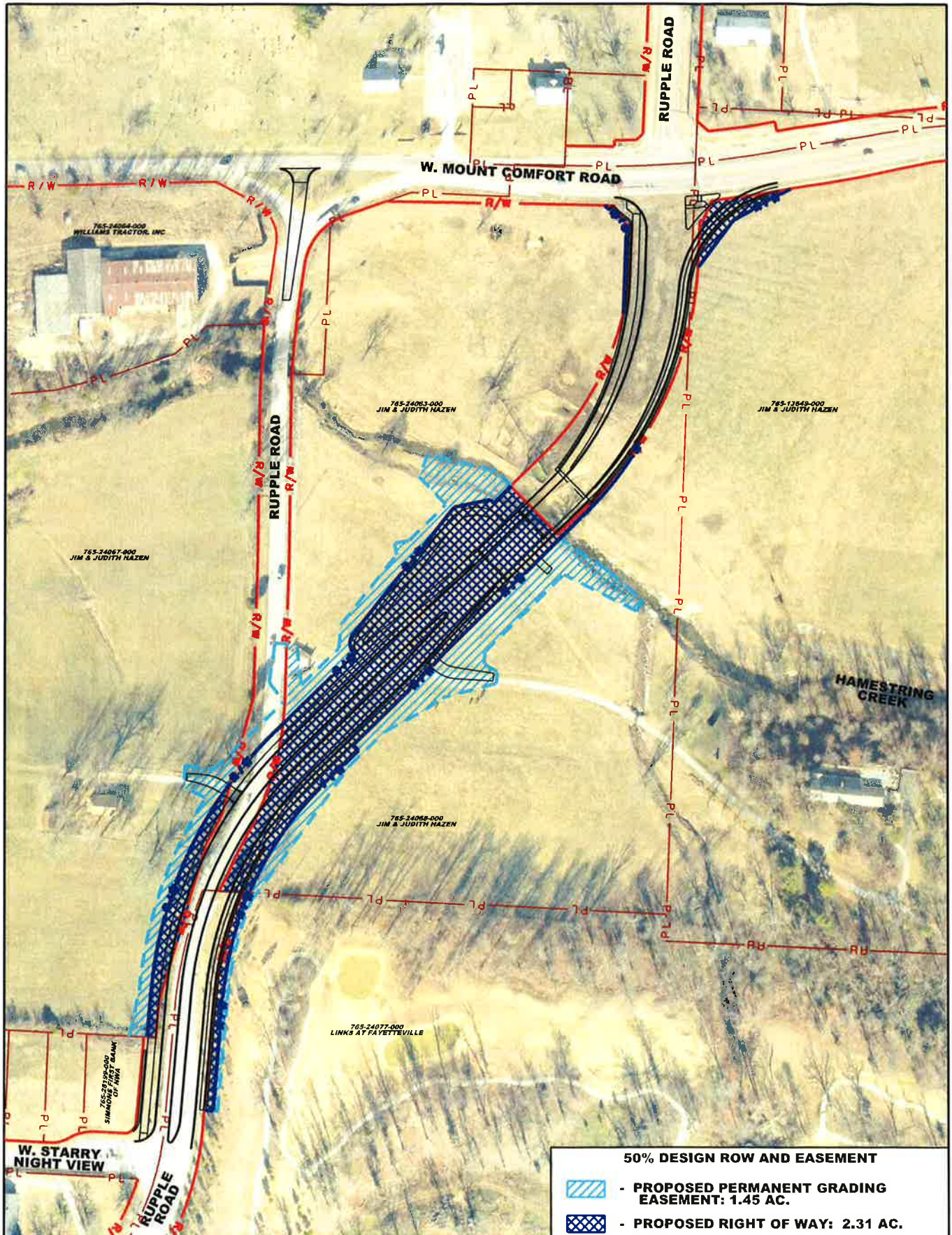
A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence 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

CITY OF
Fayetteville
 ARKANSAS



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0447

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

MUELLER SYSTEMS, LLC:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF A LEAK DETECTION SYSTEM PILOT PROGRAM FROM MUELLER SYSTEMS, LLC IN THE AMOUNT OF \$26,985.00

WHEREAS, the City has implemented a leak detection program to reduce the amount of unmetered water loss in the City's water distribution system and staff recommends that the City Council approve the purchase and implementation of an automated leak detection system pilot program to compare its effectiveness to other measures the City has taken; and

WHEREAS, the Mueller Mi.Echo Leak Detection System is the only automated leak detection system compatible with the Mueller fire hydrants in use within the City's water distribution system and Mueller Systems, LLC is the only distributor of that system.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is deemed not feasible or practical, and therefore waives the requirements of formal competitive bidding and authorizes the purchase of an automated leak detection system pilot program from Muller Systems, LLC in the amount of \$26,985.00.

City of Fayetteville Staff Review Form

2016-0447

Legistar File ID

10/18/2016

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

Tim Nyander

9/28/2016

Water & Sewer Maintenance /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends passing an Ordinance to waive the requirements of formal competitive bidding and authorize the purchase of a Leak Detection Pilot Program from Mueller Systems LLC in the Amount of \$26,985.00.

Budget Impact:

5400.720.1840-5801.00

Water & Sewer

Account Number

Fund

13019.1

W/S Equipment Expansion

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 420,081.00

Funds Obligated \$ 123,000.00

Current Balance \$ 297,081.00

Does item have a cost? Yes

Item Cost \$ 26,985.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 270,096.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 18, 2016

TO: Fayetteville City Council

THRU: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Fayetteville Water and Sewer Committee

FROM: Tim Nyander, Utilities Director

DATE: September 28, 2016

SUBJECT: Ordinance to waive the requirements of formal competitive bidding and authorize the purchase of a Leak Detection Pilot Program from Mueller Systems LLC in the Amount of \$26,985.00

RECOMMENDATION:

Staff recommends passing an Ordinance to waive the requirements of formal competitive bidding and authorize the purchase of a Leak Detection Pilot Program from Mueller Systems LLC in the Amount of \$26,985.00.

BACKGROUND:

Fayetteville continues with our leak detection program to reduce the amount of unmetered water loss. We have done contracts and continue with in-house staff to survey the system for leaks, but need to use more measures to identify water leaks.

DISCUSSION:

The Mueller Mi.Echo Leak Detection system that will be permanently installed in the area roughly bordered by E. Township Street on the north, N. Juneway Terrace on the west, E. Elm Street on the south, and N. Old Wire Road on the east. The system will continuously "listen" for frequency changes in the water lines to identify water leaks as they form and increasingly degrade, until repairs are needed. This system will help us better plan routine work and reduce emergency repairs on the water system. If this system proves to be effective, it could be expanded into other areas of the City.

The leak detection system nodes are compatible with the Mueller Centurion A-423 fire hydrants in use within the City of Fayetteville water distribution system. Mueller is the only company that offers this leak detection system that would work with the existing hydrants.

BUDGET/STAFF IMPACT:

Funds are available in the Water & Sewer Equipment Expansion Project.

ATTACHMENTS:

Staff Review Form
Mueller MiEcho Leak Detection System - Pilot Proposal
Sole Source Justification Letter from Mueller
Sole Source Justification Form

A DIVISION OF **Mueller Co.**

Mueller SYSTEMS

echologics

Mi.Echo Distribution Leak Detection System Pilot

Prepared for City of Fayetteville, AR

Prepared by: Ken Schone

9/13/2016

Executive Summary

The City of Fayetteville (Fayetteville) would like to monitor for leaks within the distribution piping system. Using the Mi.Echo distribution main leak detection system from Mueller Systems and Echologics, Fayetteville will be able to monitor leak noise events and locate leaks within the monitored pilot area.

Mi.Echo combines Mueller System AMI infrastructure with Echologics advanced technology.

The Mi.Echo system works on the same technology as the Mueller Systems Mi.Net smart meter AMI communications network.

The Mi.Echo automated leak detection system integrates acoustic-based leak detection technology from Echologics, with the Mi.Net Mueller infrastructure network. Mi.Net is Mueller Systems' fixed, two-way AMI network for utilities that fully automates meter readings, and this latest feature incorporates automated leak detection.

This proposal provides the system description, pricing, and a brief outline of the technical approach.

Regards,

Ken Schone

System Description

The Mi.Echo automated leak detection system will be installed along the section of distribution main piping system identified by Fayetteville.

The main component of the Mi.Echo system is the node—a radio frequency transceiver featuring Echologics' sensors, logger board, communications hardware, and battery power source.

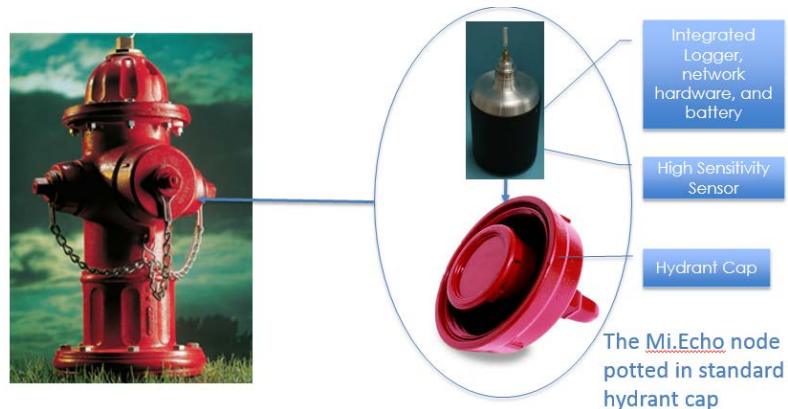


Figure 1 Mi.Echo node: Designed for installation in 90% of the pumper nozzle caps in North America.

Continuous pipeline monitoring reduces the consequences of leaks.

The Mi.Echo node is housed in a cast-iron or high-density plastic enclosure that replaces the pumper nozzle caps of wet and dry barrel fire hydrants throughout a utility's service area.

Leak detection is performed by a pair of Mi.Echo nodes in a similar fashion as the LeakFinderRT correlator. The transceivers collect acoustic data from pipelines before generating and wirelessly transmitting files containing the data to the Mi.Net System's host software component—Mi.Host.

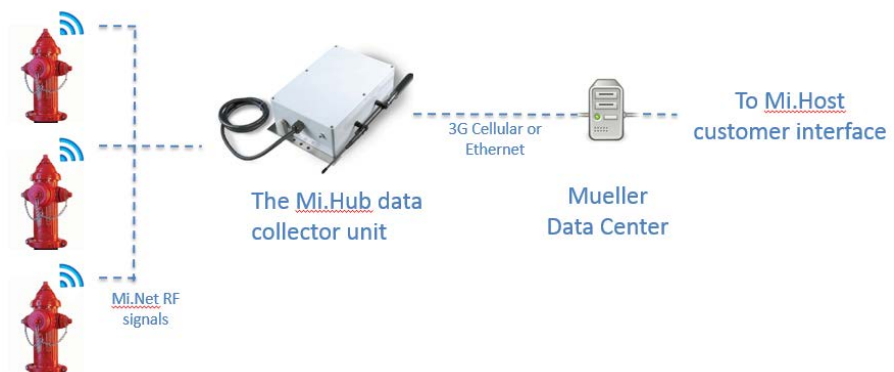


Figure 2 Mi.Echo System: Based on next-generation proven LeakFinderRT™ technology.

System operators can view the locations of leaks to determine whether or not immediate repairs need to be made, and they can compare collected data to reports transmitted by other Mi.Echo nodes to rule out false leak alarms.

Detected leaks can be viewed by utility workers online through the Mi.Host user interface, which is integrated with ESRI GIS Mapping software.

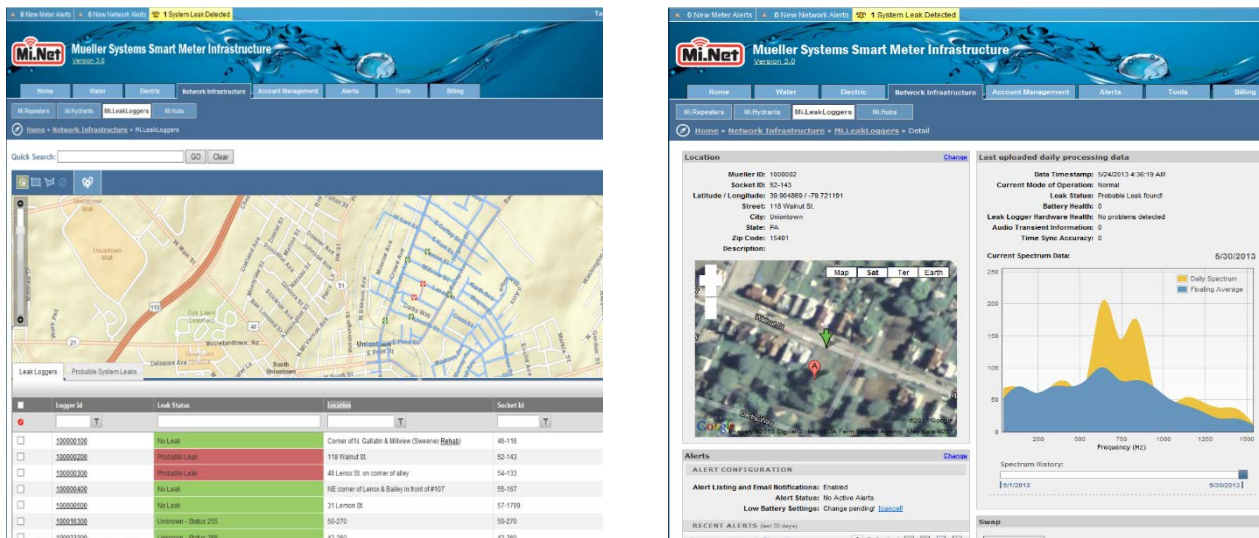


Figure 3 User Interface: Graphical and visual display of system status leveraging functionality of Mi.Host.

Information provided by continuous monitoring improves customer service.

Mi.Echo nodes are spaced at a maximum distance of 1,500 feet. The number of Mi.Hub data collection units for the pilot area have been determined based on the completed logger placement study and network survey. The Mi.Hub data collection units are not limited by the number of Mi.Echo nodes, but rather by local topography.

Project Description

The Mi.Echo automated leak detection system pilot will be installed within Fayetteville's distribution main piping system.

For the purposes of this proposal, 11 Mi.Echo nodes and 1 collector will be provided. (See attached propagation and logger placement study for target area) The specific locations of the hydrant nodes and the collector have been determined based on the completed logger placement study and network propagation study. Some of the factors that affected the placement of nodes and collector were local topography, elevation of the Mi.Hub collector, and area density.

Pricing is provided in the *Pricing Information* section.

Pricing Information

Figure 5 shows pricing for the supply and installation of the Mi.Echo system pilot.

Item	Est. Qty	Sale Price	Total
Mi.Echo acoustic hydrant sensor node with Mi.Net radio	11	\$1,200.00	\$13,200.00
Mi.Hub data collector unit	1	\$4,290.00	\$4,290.00
Mi.Repeater unit			
Mi.Host, User Interface Software - leak detection and mapping functionality, <1k units	1	\$9,600.00	\$9,600.00
GPRS data backhaul fees	1	\$360.00	\$360.00
System Operations Training – Per Day	3	\$1,500.00	\$4,500.00
Engineering Services, project planning, node and collector installation and start up	Lot	\$20,435.00	\$20,435.00
Sub-total			\$52,385.00
Special Mi.Echo pilot discount	1		(\$25,400.00)
Mi.Echo Distribution Main Leak Detection System			\$26,985.00

Figure 5 –Pricing Table valid until October 31, 2016, not including any applicable taxes.

*The price includes installation of the Mi.Echo system. Should any civil works or traffic control be required for installation, this would be the responsibility of Fayetteville.

*Annual fees:

MiHost – Fee will be no more than listed in price table above if number of loggers remains below 1000 units. For quantities of 11 to 100, price will be \$3,500.00

Cellular Backhaul - \$360.00

Collector Maintenance (Optional) - \$450.00

Statement of Work

Mueller Systems and Echologics propose the following technical details critical for the installation and operation of the Mi.Net AMI System.

Acoustic Survey – Echologics will survey the proposed area to conduct a thorough acoustic analysis of the piping network and to validate and supplement the data provided by Fayetteville. Specific hydrants selected for installation of leak detection sensors will be dependent upon input from Echologics.

Data Backhaul –3G Wide Area Network supported by AT&T will be used as the default communications to/from the Mi.Hub collector unit(s) and the Mi.Host data server. If available from the City, fiber or Ethernet connectivity is supported.

Network Installation – The required Mi.Hub Collector is proposed to be installed on the Water Tower located at 36.096273 Lat & -94.143227 Lon. AC power will provided by Fayetteville.

Mueller Systems:

- 1) Cooperate with Utility to identify locations for the Mi.Net infrastructure and the Mi.Echo nodes.
- 2) Prior to commencement of the system:
 - a. Provide all required AMI system hardware
 - b. Set-up a hosted Mi.Host AMI server and website for customer use.
 - c. Provide the services of a qualified Mueller Systems Project Manager to conduct product hardware, software and service tool training for the Customer, as applicable.
- 3) Set up network communication between the Mi.Echo nodes, Mi.Hub collectors and the Mi.Host Software.
- 4) Supply all necessary system operational training to utility personnel during the pilot period.
- 5) Fully cooperate with Fayetteville in performing the required testing of the pilot products.
- 6) Assist Utility with installation and commissioning, as applicable for the product, and provide Customer Support in accordance with Echologics/ Mueller Systems policies, procedures and practices.

Fayetteville Responsibilities:

- 1) Assist Mueller Systems with site location and equipment installation of all AMI Pilot products in accordance with Mueller Systems standard product installation recommendations, including but not limited to:
 - a. Mi.Hub network collectors.
 - b. OWL or DC repeaters.
- 2) Provide traffic control during installation of repeaters.
- 3) Assist Mueller Systems in selecting locations for the Mi.Echo nodes.
- 4) Provide samples of every distinct type of hydrant cap before the start of the project.
- 5) Cooperate with Echologics/ Mueller Systems in performance testing of all the AMI System components for proper functionality.
- 6) Utility will monitor data via the Muller Systems Mi.Host User Interface (UI) web site.
- 7) Provide feedback on system operation.
- 8) Identify one person as a primary user and contact and data manager (Utility Project Manager) to provide a single channel of communications.



10210 Statesville Blvd.
P.O. Box 128
Cleveland, NC27013
Ph: 704.278.2221
Fx: 704.278.9616
www.MuellerSystems.com

August 10, 2016

To whom it may concern:

RE: Sole Source Vendor for Mi.Net®

Thank you for your interest in the Mueller Infrastructure System (Mi.Net). The Mi.Net system links water meters, Mi.Echo leak detection sensors, and other control devices in an efficient wireless network for real-time access. This smart, migratable solution provides the ultimate in flexibility and scalability for water utilities.

The Mi.Net System is the only Full 2-Way Meter Management AMI system that includes permanent leak detection installed inside the fire hydrant available on the market today.

Mueller Systems is the sole source of the Mi.Net System and no other company or firm sells or distributes directly to The City of Fayetteville Arkansas. Competition in providing many of the Mi.Net System products are precluded by the existence of multiple patents and patents pending. As a few examples:

- US Patent: 9291502 – Acoustic Leak Sensor in a Fire Hydrant
- US Patent: 8660134 – Systems and Methods for Time-Based Hailing of Radio Frequency Devices
- US Patent: 8833390 – Remote Disconnect Water Meter
- US Patent: 8047072 – Composite Water Meter with Metal Threads
- US Patent: 8994551 – Systems and Methods for Remote Utility Metering and Meter Monitoring
- US Patent: 6453247 – PC Multimedia-Based Leak Detection System for Water Transmission Pipes
- US Patent: 8931505 – Infrastructure monitoring devices, systems, and methods

There are no other like System's available for purchase that would serve the same purpose or function and there is only one price for the Mi.Net System because of exclusive distribution and marketing rights.

Mueller Systems provides Smart Metering solutions to optimize the delivery and use of water. Municipalities that supply water need innovative ways to increase efficiencies, reduce costs, conserve water, and improve customer service.

For more than 150 years, the most practical, respected and intuitive products in the water industry have been built by the company now known as Mueller Systems.

Sincerely,

A handwritten signature in blue ink that reads "Matt Thomas".

Matt Thomas
District Manager

SOLE SOURCE JUSTIFICATION

PURPOSE:

This form, with one or more categories completed, must accompany purchase requisitions for the sole source procurement of equipment, services or supplies exceeding \$1000 (purchased from State Contract vendors excepted). The purpose of sole source justification is to show that competitive bidding is impractical because only one product or service provider can meet a specific need. Therefore, an equitable evaluation of comparable products or services must be made and documented by the requester who shows that rejection of other products or services is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product requested and a listing of those companies which were considered as alternative sources must be provided. Quality can be a subjective evaluation based upon opinion. Municipal (public) procurement law requires price considerations be evaluated via competitive quoting or bidding.

While all sole source justifications are subject to review, sole source justified purchases of \$20,000.00 or more must be publicly bid or a bid waiver approved by Council. Justifications must contain clear, in-depth, and accurate information in order to avoid protests and the possibility of delaying the procurement.

INSTRUCTIONS:

1. Please type or print legible in ink.
2. Complete all categories and sections that apply.
3. Provide full explanation, complete descriptions, and/or list all relevant reasons where space has been provided. Sole Source Justification forms lacking sufficient detail cannot be approved.
4. Sign and date the form in the space provided for "signature".
5. Improperly completed, and/or unsigned forms will be returned to the sender.

TO:	Purchasing Division	Date:	9/14/16
FROM:	Jeff Mincy Mark Rogers	Dept:	Water & Sewer
	Names of Requisitioner and Dept. Head		
SUBJECT:	Sole Source Justification		
	Purchase Requisition _____ (attached)		
	Proposed Vendor Mueller Systems		
	Product Description Mueller Mi.Echo Leak Detection system for Water Distribution		

STATEMENT

I am aware that Fayetteville Code of Ordinances, Title III Administration, Chapter 34, Article II mandates that the procurement of services, materials, equipment and supplies be via competitive quotes whenever the amount is over \$1,000.00. However, I am requesting sole source procurement based on the following criteria. (Attach additional sheets as necessary):

1. The requested product is an integral repair part or accessory compatible with existing equipment. (please state the manufacturer and model number of existing equipment):

The Mueller Mi.Echo automated leak detection system will be installed along a section of Water distribution main.
The system nodes are compatible with the Mueller Centurion A-423 fire hydrants in use within the
City of Fayetteville water distribution system.

2. The requested product has special design/performance features which are essential to my needs.

Both A and B portions of this category must be completed.

A. These features are:

The Mueller Infrastructure System (Mi.Net) links water meters, Mi.Echo leak detection sensors,
and other control devices in an efficient wireless network for real-time access. This smart, migratable solution
provides the ultimate in flexibility and scalability for water utilities.

- B. In addition to the product requested, I have contacted other suppliers and considered their product of similar capabilities. I find their product unacceptable for the following reasons (identify companies contacted, individuals contacted, model number and specific technical deficiency).

There are no other like System's available for purchase that would serve the same purpose or function
and there is only one price for the Mi.Net System because of exclusive distribution and marketing rights.

3. I have standardized the requested product/service; the use of another would require considerable time and money to evaluate.

Explain: _____

4. The requested product is one which I (or my staff) have specialized training and/or extensive experience. Retraining would incur substantial cost in money and/or time.

Explain: _____

5. Please consider sole source approval for this reason(s) (e.g. trade-in allowance; availability of services, parts and maintenance; product is a prototype; inventory of parts are maintained, etc.):

Mueller systems has provided a substantial Pilot pricing discount of -\$25,400.00 from the subtotal of \$52,385.00
leaving a balance due of \$26,985.00 for this purchase.

Authorization:

Full Name and Title of Requisitioner Jeff Mincy - Lead Warehouse Attendant

Signature J. Mincy (typed or printed in ink) Date 9/14/16

Full Name of Division Head Mark Rogers - Operations Manager

Signature [Signature] (typed or printed in ink) Date 09/14/2016



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0458

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 16-5566 (1615 E. HUNTSVILLE RD./HARRISON):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5566 FOR APPROXIMATELY 1.53 ACRES LOCATED AT 1615 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO CS, COMMUNITY SERVICES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single Family, 4 Units Per Acre to 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

2016-0458

Legistar File ID

10/18/2016

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

Jeremy Pate

9/30/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5566: Rezone (1615 E. HUNTSVILLE RD./HARRISON, 565): Submitted by BETTY HARRISON for property at 1615 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 1.53 acres. The request is to rezone the property to 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:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 18, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: September 30, 2016

SUBJECT: **RZN 16-5566: Rezone (1615 E. HUNTSVILLE RD./HARRISON, 565):**
Submitted by BETTY HARRISON for property at 1615 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 1.53 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

The City Planning staff recommend approval of an ordinance to rezone the subject property to CS, Community Services, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is a 1.53 acre parcel located on the south side of Huntsville Road between Sherman Avenue to the west and Happy Hollow Road to the east. The property is developed with an approximately 1,500 square foot detached single-family structure and a pair of accessory structures. A large portion of the property is cleared and maintained, but not developed. The current zoning of the property is RSF-4, Residential Single-family, 4 Units per Acre.

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, to CS, Community Services.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of non-residential and multi-family land uses to the east and south. It would also be compatible with the lower density single family uses to the west and on the north side of Huntsville road dispersed amongst steep terrain. The immediate vicinity contains a range of development intensities and types that suggests that this is a part of the City that may be in transition. The proposal of CS zoning along a Collector Street would allow increased density and potential for commercial and mixed use that could serve the neighborhood, encouraging a pattern of development that staff finds compatible with existing properties.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as City Neighborhood Area. One of the principal goals of City Plan 2030 is for the City to make zoning decisions that help create complete neighborhoods and traditional town form. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same

neighborhood. This policy is embedded in the description of City Neighborhood Areas by indicating that non-residential uses should be encouraged that are “accessible for the convenience of individuals living in residential districts.” That said, the subject property is well within a one-quarter mile of numerous single- and multi-family areas. This distance is often cited as threshold that people are willing to walk before considering alternative modes of transportation. Furthermore, it is less than one-quarter mile from the transit stop at the intersection of Curtis Avenue and Huntsville Road.

DISCUSSION:

On September 26, 2016 the Planning Commission forwarded the applicant's request for a rezoning to CS, Community Services. A motion by Commissioner Hoskins to forward the proposal to the City Council with a recommendation for approval was made with a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

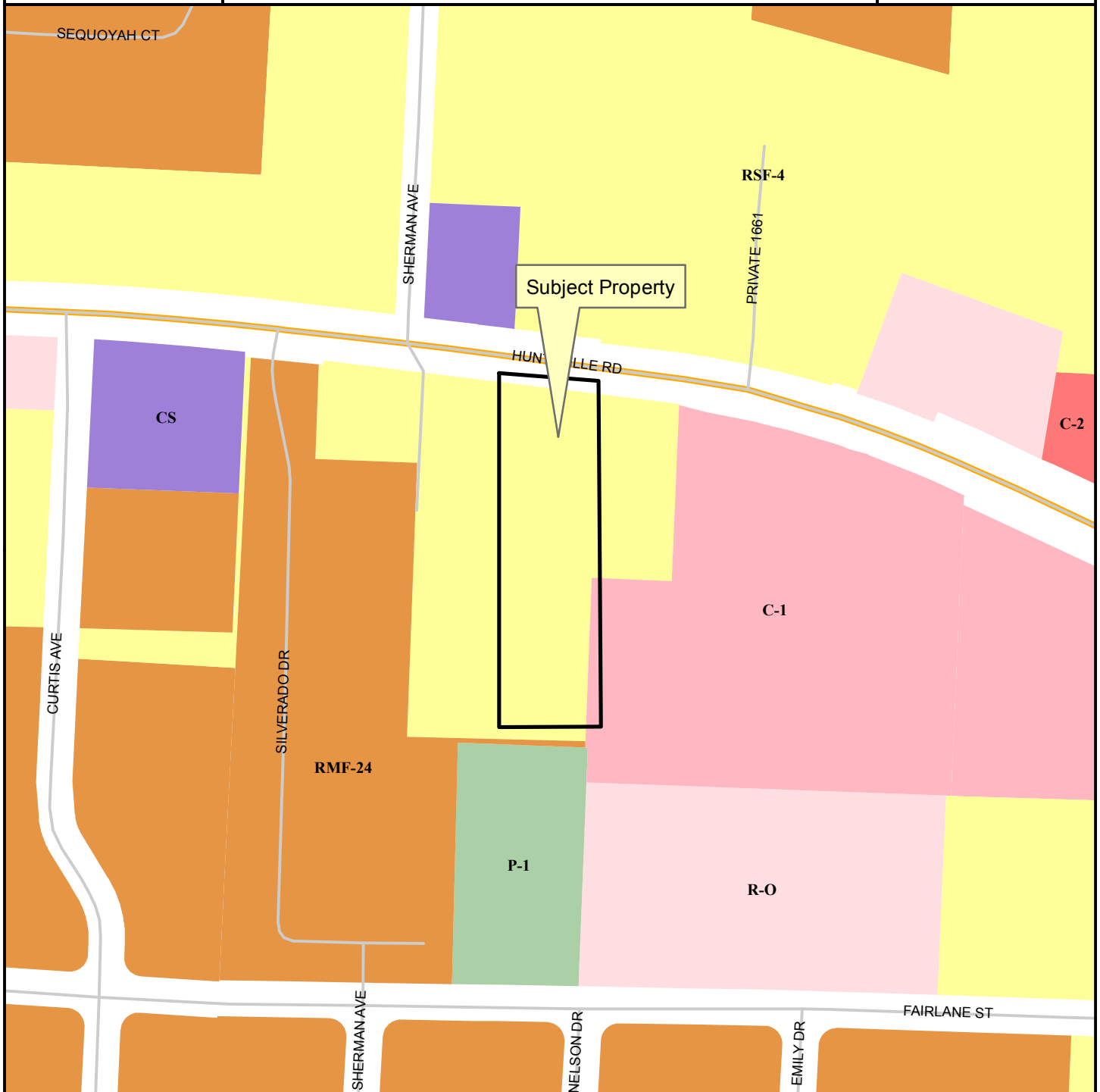
**16-5566
EXHIBIT 'A'**

RZN 16-5566

HARRISON

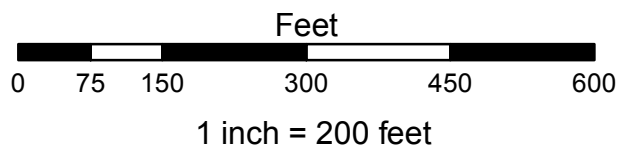


Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2
- Community Services
- P-1

16-5566
EXHIBIT 'B'

WARRANTY DEED

LEGAL DESCRIPTION of 1615 E. HUNTSVILLE RD.

A part of the Northwest Quarter of the Northwest Quarter of Section 23, Township 16 North, Range 30 West and being more particularly described as follows, to-wit: Beginning at a point which is South 89 17 minutes 36 seconds East 339.16 feet and South 59.82 feet from the Northwest corner of said forty acre tract and running thence South 487.33 feet, thence North 89 degrees 36 minutes 06 seconds East 140.00 feet, thence North 00 degrees 21 minutes 56 seconds West 475.29 feet to the South right-of-way of State Highway 16 East, thence along said right-of-way North 85 degrees 22 minutes 40 seconds West 137.41 feet to the point of beginning, containing 1.53 acres, more or less. Subject to 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: X Applicant _____ Representative

Applicant (person making request):

Name: Amanda Harrison Robinson

Address: 500 Jarnagan Ln.

Fayetteville, AR

72701

E-mail: darobinsons2001@yahoo

Phone:

(479) 422-1885

()

Fax:

()

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

Name:

Address:

E-mail:

Phone:

()

()

Fax:

()

Site Address / Location:

1615 E. Huntsville Rd., Fayetteville

AR 72701

Current Zoning District: RSF4

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property:

765-15235-000

FINANCIAL INTERESTS

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: September 26, 2016 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 16-5566: Rezone (1615 E. HUNTSVILLE RD./HARRISON, 565):**
 Submitted by BETTY HARRISON for property at 1615 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 1.53 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5566** to the City Council with a recommendation for approval based on the findings herein.

BACKGROUND:

The subject property is a 1.53 acre parcel located on the south side of Huntsville Road between Sherman Avenue to the west and Happy Hollow Road to the east. The property is developed with an approximately 1,500 square foot detached single-family structure and a pair of accessory structures. A large portion of the property is cleared and maintained, but not developed. The current zoning of the property is RSF-4, Residential Single-family, 4 Units per Acre. 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; Single-story Commercial	RSF-4, Residential Single-Family; CS, Commercial Services
South	Fair Lane Apts. Multi-family Residential; City Park	RMF-24, Residential Multi-Family 24 Units per Acre; P-1, Institutional
East	Single-family Residential; Single-story Commercial	RSF-4, Residential Single-Family; C-1, Neighborhood Commercial
West	Single-family Residential	RSF-4, Residential Single-Family

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, to CS, Community Services.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to Huntsville Road, which is a partially improved city street with curb and sidewalks on the south side and open ditches on the north. Any street improvements required would be determined at the time of development proposal.
- Water:** Public water is available to this parcel. There is an existing 8-inch water main on the opposite side of Huntsville Road from the subject property.
- Sewer:** Sanitary Sewer is available to the property. There is an existing 8-inch sewer line along the northern portion of the site.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portions of these properties are identified as FEMA regulated floodplains or floodways. No portions of these parcels 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 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood Area**.*

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

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** The proposed zoning is compatible with the surrounding mixture of non-residential and multi-family land uses to the east and south. It would also be compatible with the lower density single family uses to the west and on the north side of Huntsville road dispersed amongst steep terrain. The immediate vicinity contains a range of development intensities and types that suggests that this is a part of the City that may be in transition. The proposal of CS zoning along a Collector Street would allow increased density and potential for commercial and mixed use that could serve the neighborhood, encouraging a pattern of development that staff finds compatible with existing properties.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding properties as City Neighborhood Area. One of the principal goals of City Plan 2030 is for the City to make zoning decisions that help create complete neighborhoods and traditional town form. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This policy is embedded in the description of City Neighborhood Areas by indicating that non-residential uses should be encouraged that are “accessible for the convenience of individuals living in residential districts.” That said, the subject property is well within a one-quarter mile of numerous single- and multi-family areas. This distance is often cited as threshold that people are willing to walk before considering alternative modes of transportation. Furthermore, it is less than one-quarter mile from the transit stop at the intersection of Curtis Avenue and Huntsville Road.

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

Finding: The applicant has requested the zoning change in order develop the property with a low-intensity commercial venture, but with the flexibility for expanding the business in the future. The proposed zoning district could beneficially serve adjacent residential areas in a part of the City that is largely lacking in resident-oriented commercial activity. This can serve the dual purpose of promoting a livable transportation network where nearby residents may walk or bike to access a business at the subject property, and establishing the foundation of a traditional town form where local residents have the option to live and shop without the need for vehicular use.

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

Finding: The site has access to Huntsville Road, a partially improved Collector Street. The proposed rezoning would likely increase traffic over the existing RSF-4 zoning. However, given Huntsville Road’s classification as a Collector Street the increase would likely not be significant, nor appreciably increase traffic danger and congestion.

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: Given its limited acreage, it is unlikely that rezoning the property from RSF-4 to CS would adversely increase the future population density. Similarly, increasing the intensity on this property, which, given its access to existing public infrastructure, should not have an adverse effect on schools, water, or sewer. Furthermore, the subject property is in an area where increased density is appropriate and desired. 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

RECOMMENDATION: Staff recommends forwarding **RZN 16-5566** to the City Council with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 26, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoskins	Second: Autry	Vote: 9-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07 (RSF-4); 161.19 (CS)
- Request letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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)

161.20 - 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)

Request Letter

WRITTEN DESCRIPTION OF REZONING REQUEST

Prepared 8/13/2016 for parcel: 765-15235-000

- a) Current ownership information and any proposed or pending property sales.
- The current owner Betty Arlene Waggoner Harrison and there are no pending sales.
- b) Reason (need) for requesting the zoning change.
- The owner is planning to develop a low intensity commercial venture, *Harvest Moon Pies & Cafe*
- c) Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.
- the proposed rezoning is consistent with the city's long term goal of having "city neighborhood walkable areas"
 - surrounding properties go from heavy commercial, to medium use commercial, to multifamily, to single family; rezoning this parcel will follow the natural progression of how the surrounding properties are already zoned.
 - in terms of traffic, Highway 16 has excess capacity, and the usage for the pie shop will be light. There is also a major intersection with a traffic light very nearby the parcel which creates a natural ebb and flow in the traffic.
 - in terms of appearance and signage, we intend for the shop to keep its outward appearance as a farmhouse, as to signage, it will be modest and with great attention to aesthetics and with sensitivity to the existing structures.
- d) Availability of water and sewer (state size of lines).
- The site is served by a 8" city water main and an 6" city sanitary sewer line
- e) The degree to which the proposed zoning is consistent with land use planning objectives
- My future land use is city neighborhood area and my proposal is compatible with the proposed "city neighborhood area". It also goes down from heavy commercial use property to the east to multi family then single family to the west, creating a nice decrescendo from heavy commercial, to multi then single family zoning. One of the core tenants of the redesignation "city neighborhood area" is to create walkable neighborhoods with shopping and commerce readily available. A pie shop and cafe would fit into the city's plan and vision.

f) Whether the proposed zoning is justified and/or needed at the time of the request.

- The proposed rezoning is needed to allow for low intensity commercial business which I would like to open to help facilitate this neighborhood in their food availability and diversity.

g) Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

- The proposed rezoning will not create a traffic danger or appreciably increase congestion.
- The proposed rezoning is near a significant intersection with a traffic light. Traffic will be minimally affected.

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

- No, we will not increase the population density.

i) Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

- Existing zoning allows for no commercial uses

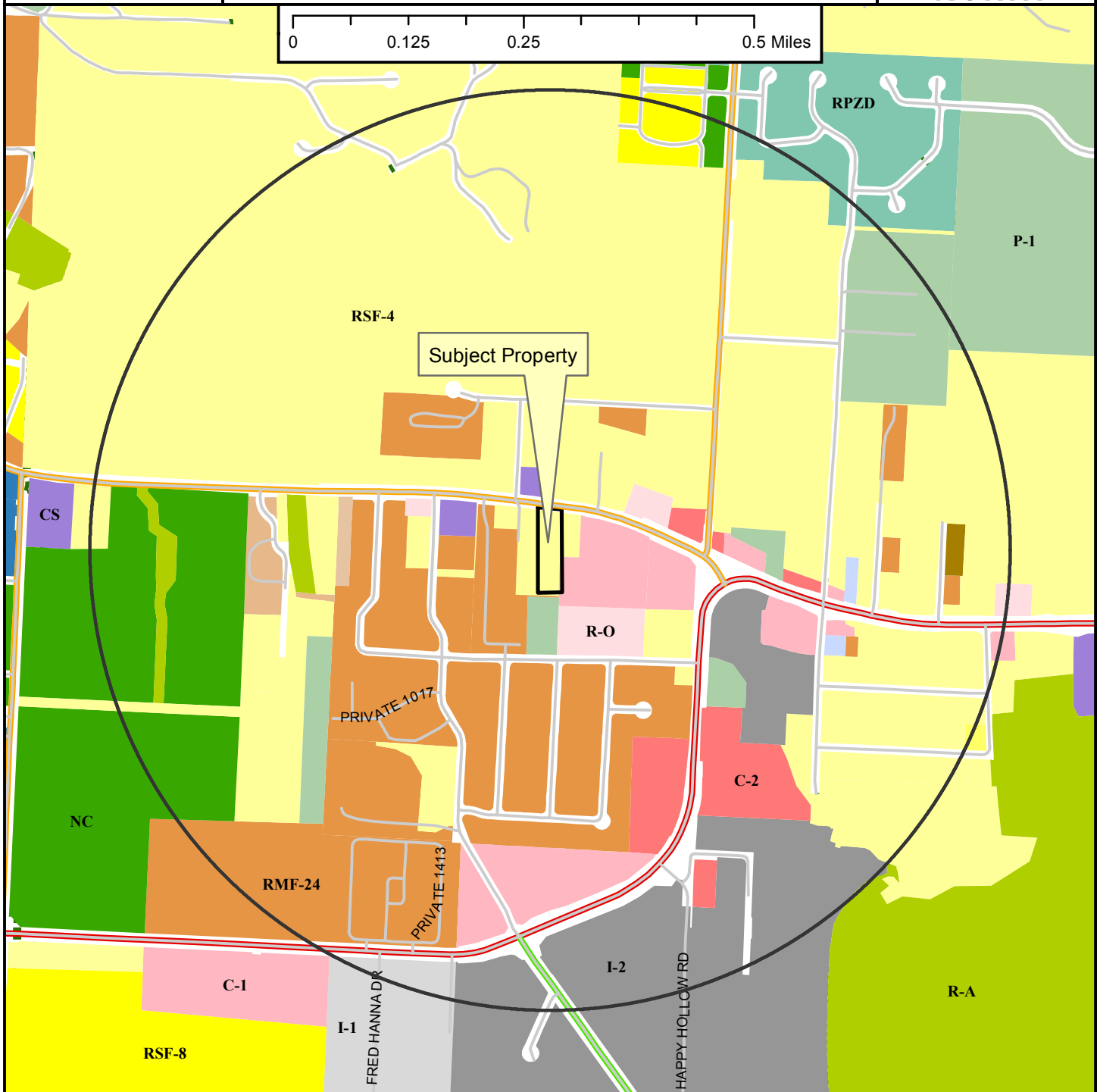
RZN 16-5566

One Mile View

HARRISON

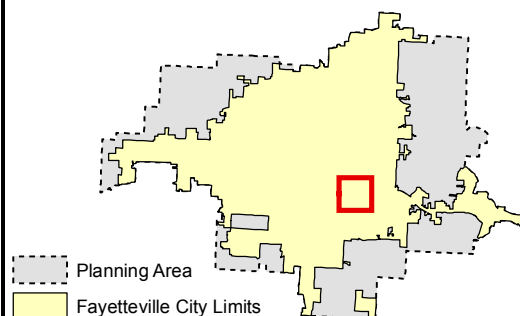


0 0.125 0.25 0.5 Miles



Legend

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



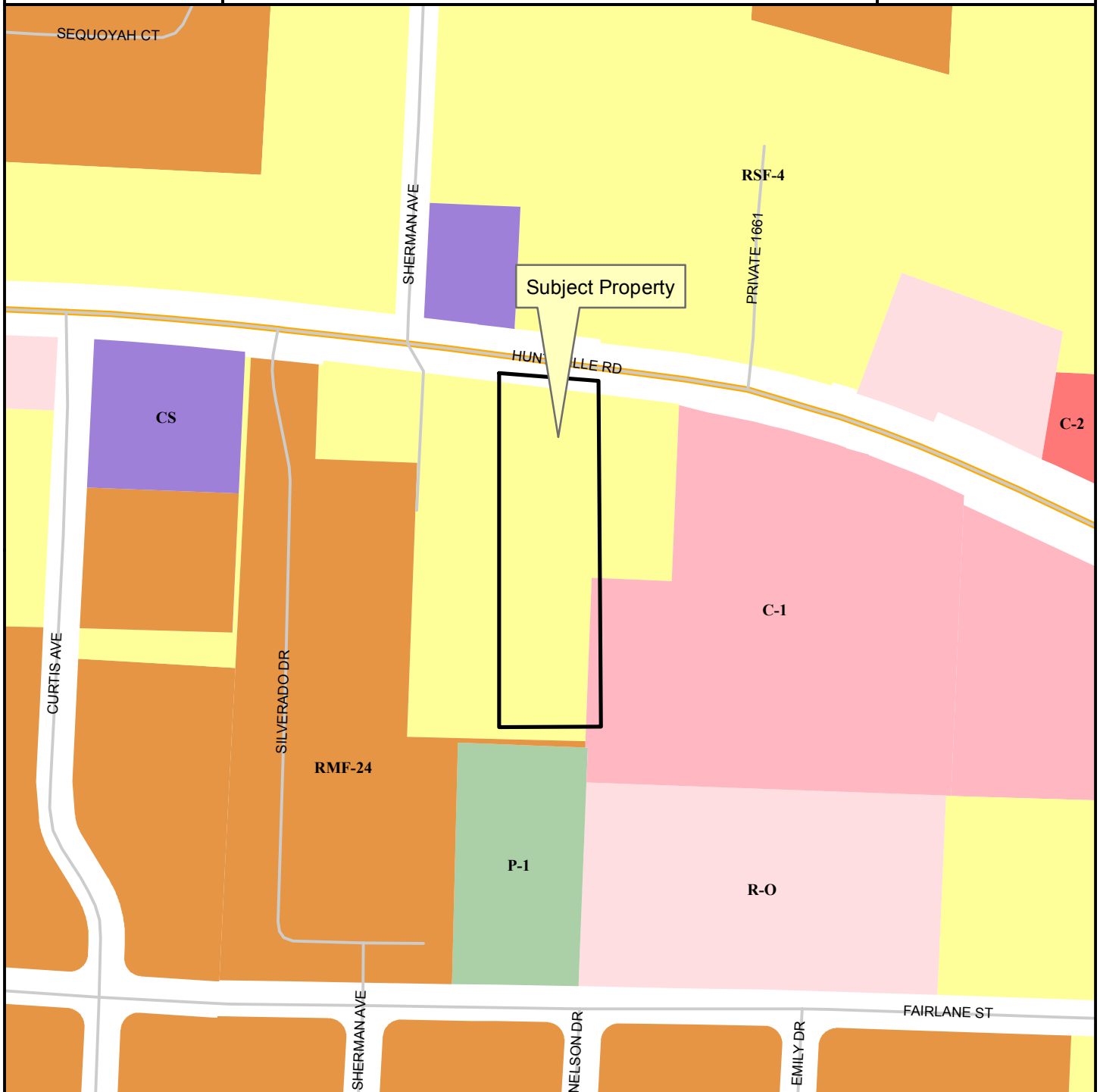
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-5 Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light 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

RZN 16-5566

HARRISON

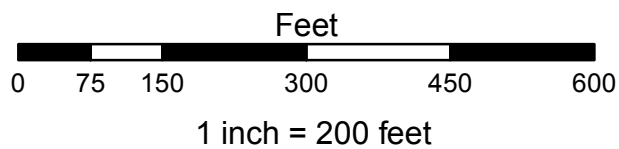


Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- RSF-4
- RMF-24
- Residential-Office
- C-1
- C-2
- Community Services
- P-1

RZN 16-5566

Current Land Use

HARRISON



Legend

— Street

Streets Existing

MSP Class

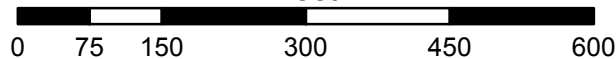
— COLLECTOR

— RZN16-5566

— Planning Area

— Fayetteville City Limits

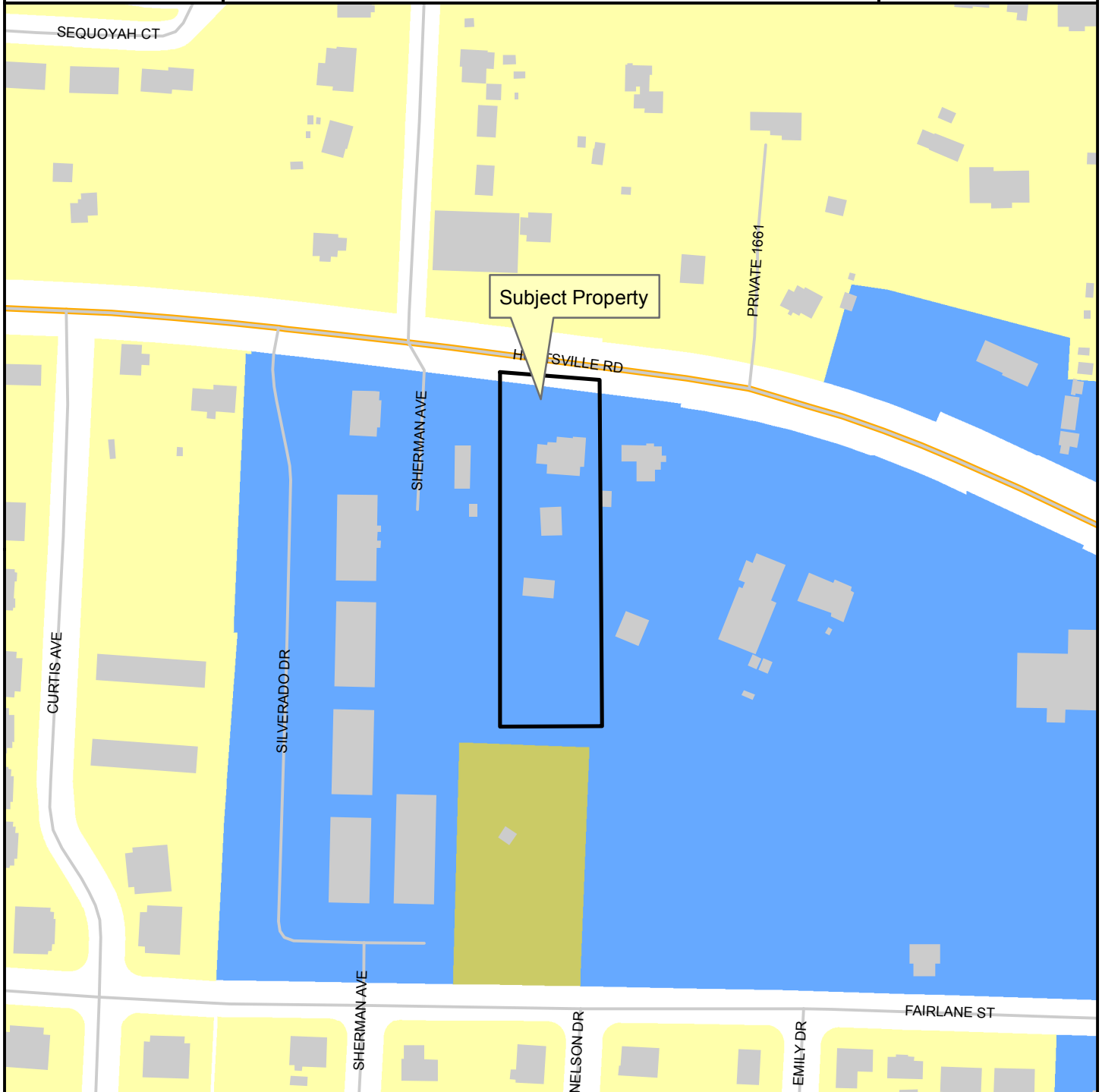
Feet



RZN 16-5566

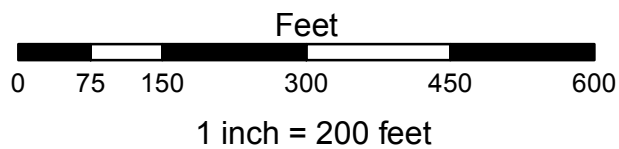
Future Land Use

HARRISON



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



FUTURE LAND USE 2030

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0463

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 16-5573 (1030 N. COLLEGE AVE./LAZENBY):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5573 FOR APPROXIMATELY 0.73 ACRES LOCATED AT THE SOUTHWEST CORNER OF NORTH STREET AND COLLEGE AVENUE FROM R-O, RESIDENTIAL OFFICE TO UT, URBAN THOROUGHFARE

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 UT, Urban Thoroughfare.

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

2016-0463

Legistar File ID

10/18/2016

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

Jeremy Pate

9/30/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5573: Rezone (1030 N. COLLEGE AVE./LAZENBY, 445/446): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 1031 N. COLLEGE AVE. The properties are zoned R-O, RESIDENTIAL OFFICE and contain approximately 0.72 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

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 18, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: September 30, 2016

SUBJECT: **RZN 16-5573: Rezone (1031 N. COLLEGE AVE./LAZENBY, 445-446):**
Submitted by JORGENSEN & ASSOCIATES for property at the SW CORNER OF NORTH ST. AND COLLEGE AVE. The property is zoned R-O, RESIDENTIAL OFFICE containing approximately 0.73 acres total. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the property to UT, Thoroughfare Commercial, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The three subject parcels totaling 0.73 acres are located at the southwest corner of North St. and College Ave. The property is zoned R-O, Residential Office and currently developed with a parking lot, an approximately 4,000 square foot office building built in 1945, and a commercial building of approximately 1,300 square feet.

Request: The request is to rezone the property (approximately 0.73 acres) from R-O to UT as the applicant believes that current zoning is not conducive to any future development for this area.

Land Use Compatibility: The proposed zoning is largely compatible with the nearby properties, including the commercial and institutional activity along College Ave. Uses permitted in UT, such as single-family, multi-family, eating places, offices, shopping, etc., are generally compatible with current or permitted uses in the surrounding zoning. The more intense uses could be considered incompatible when directly adjacent to RSF-4 and single-family homes. However, the subject property does not directly adjoin single family homes in the RSF-4 district. The property is separated from the single family neighborhood to the west by Pollard Avenue, which effectively serves as the edge of the Wilson Park Neighborhood residential uses and the more intense College Avenue commercial corridor. Further, the large parcel of land across Pollard Avenue to the west is zoned R-O. This property was rezoned from RSF-4 at the property owner's request in 2009 to allow for the potential conversion of the property into offices or other more intense uses along this busy corridor; being surrounded on three sides by non-residential use (this includes the 0.75-acre hospital parking lot on North Street to the west of the R-O parcel). The proposed UT

zoning would allow the redevelopment of College Avenue over time while maintaining the edge of the Wilson Park Neighborhood.

The maximum height of 84 feet in UT is higher than R-O's maximum of 60 feet and almost double RSF-4's maximum of 45 feet. The current single-family homes nearby are significantly smaller than what could be permitted under the proposed UT and topographically sit lower than the proposed property. However, the subject property is less than one acre and only 140 feet wide. In staff's opinion, the small parcel size and configuration will significantly limit the maximum building height. The property is not large enough to feasibly accommodate a tall multi-story building and parking. Additionally, as discussed above, Pollard Avenue provides a physical and psychological separation from the site and the residential neighborhood.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM). The definition of a city neighborhood area highlights particular characteristics of what this area should be, which is generally dense residential and non-residential uses on street corners or along transit corridors. Such areas have a very wide spectrum of allowed uses that contribute to a neighborhood's overall walkability and sustainability, which necessitate traditional development patterns and buildings placed closer to the property line. UT calls for the very same things: mixture of dwelling types from single-family to apartments and live/work, a dynamic range of uses from residential and open space to varying intensities of non-residential development and businesses, and build-to zones closer to the street for new development. Therefore, the proposed zoning does encourage patterns of development that result in realizing these goals of City Plan 2030 and connect the definitions and City-wide aspirations between the proposed zoning and future land use. The location of this property makes UT the best use of this property. UT at the corner of two Principal Arterial streets, one of them College Ave., and extremely close to the Downtown area is an ideal situation for this zoning district's purpose and the subject property's context, coupled with the aforementioned compatibility with the 2030 Plan.

DISCUSSION:

On August 26, 2016 the Planning Commission forwarded the rezoning with a recommendation for UT, Urban Thoroughfare. The request passed with a vote of 9-0-0. At the Planning Commission meeting the adjoining property owner to the west spoke in favor of the rezoning, but also expressed concerns for potential light pollution from development on this site affecting their property.

BUDGET/STAFF IMPACT:

N/A

Attachments:

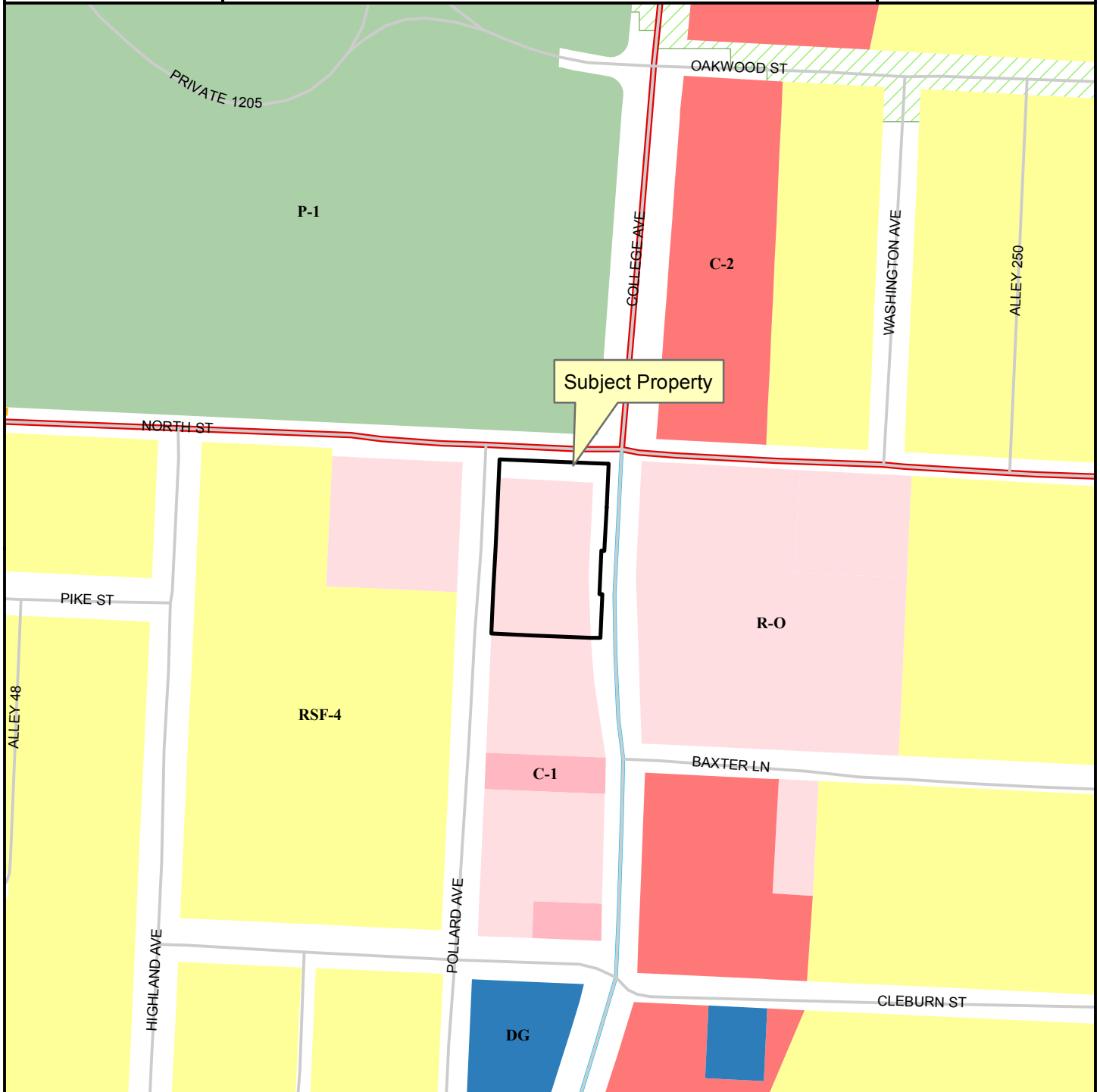
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 16-5573

Close Up View

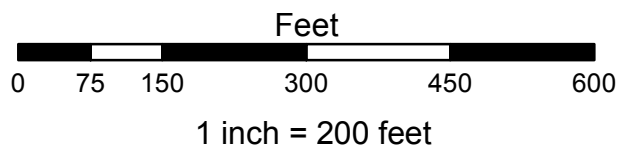
LAZENBY

16-5573 - EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Hillside-Hilltop Overlay District
- Trail (Proposed)



- RSF-4
- Residential-Office
- C-1
- C-2
- Downtown General
- P-1

16-5573
EXHIBIT 'B'

LEGAL DESCRIPTION:

Lot 1, 2, 3 and 4 in Block 13 of A.L. Trent's Revised Plat of City Park Addition to the City of Fayetteville, Arkansas, as per plat recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Less and except 4 feet of equal and uniform width off the east side of said Lot 3 and subject to Easement Deed to the Arkansas State Highway Commission, recorded in Book 855 at Page 618 and Easement set forth in order, dated August 21, 1973, recorded in Circuit Court Recorded Volume 50 at Page 302.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: ~~September 26, 2016~~ **UPDATED 9-28-2016**

SUBJECT: **RZN 16-5573: Rezone (1031 N. COLLEGE AVE./LAZENBY, 445-446):**
Submitted by JORGENSEN & ASSOCIATES for property at the SW CORNER OF NORTH ST. AND COLLEGE AVE. The property is zoned R-O, RESIDENTIAL OFFICE containing approximately 0.73 acres total. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5573** with a recommendation for approval.

BACKGROUND:

The three subject parcels totaling 0.73 acres are located at the southwest corner of North St. and College Ave. The property is zoned R-O, Residential Office and currently developed with a parking lot, an approximately 4,000 square foot office building built in 1945, and a commercial building of approximately 1,300 square feet. Surrounding land use and zoning is depicted on *Table 1*.

Table 1 - Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	UAMS/VA Hospital	P-1, Institutional
South	Commercial	R-O, Residential Office
East	Parking Lot	R-O, Residential Office
West	Residential	R-O, Residential Office; RSF-4, Residential Single-Family 4 Units per Acre

Request: The request is to rezone the property (approximately 0.73 acres) from R-O to UT as the applicant believes that current zoning is not conducive to any future development for this area.

Public Comment: A nearby property owner expressed concerns over the maximum height of buildings allowed in UT and how a building at 84 feet would not be appropriate across the street from a single-family dwelling. This property owner also discussed that some uses in UT would not be appropriate near single-family dwellings the street from his home.

INFRASTRUCTURE:

- Streets:** The subject parcels have access to College Avenue, Pollard Avenue, and North Street. College Avenue, classified as both a Principal Arterial and ST. 63, is improved with curb/gutter, sidewalk, and storm drainage. Pollard Avenue, a Local street, is paved, but does not have curb, storm drain, or sidewalk along the subject parcels' frontage. North Street, another Principal Arterial, is partially improved, with curb and gutter, but does not have storm drainage or sidewalk. Any street improvements required in these areas would be determined at the time of development.
- Water:** Public water is available to the northern and southern parcels, but is not directly adjacent to the middle parcel. There is an existing 12 inch water main along North Street, which is available to the northern and southern parcels. In addition, there is a 6 inch main along Pollard Avenue, southwest of the southern parcel. Any necessary utility extensions required in these areas would be determined at the time of development.
- Sewer:** Sanitary Sewer is available to all three parcels. There is an existing 8 inch sewer line under College Avenue, which runs north-south.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portions of these properties are identified as FEMA regulated floodplains or floodways. No portions of these parcels lie within the Hillside-Hilltop Overlay District.
- Fire:** This development will be protected by Engine 1/Rescue 1 located at 303 W. Center. It is 1.3 miles from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect calls for service or response times.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. 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: ***Land Use Compatibility:*** The proposed zoning is largely compatible with the nearby properties, including the commercial and institutional activity along College Ave. Uses permitted in UT, such as single-family, multi-family, eating places, offices, shopping, etc., are generally compatible with current or permitted uses in the surrounding zoning. The more intense uses could be considered incompatible when directly adjacent to RSF-4 and single-family

homes. However, the subject property does not directly adjoin single family homes in the RSF-4 district. The property is separated from the single family neighborhood to the west by Pollard Avenue, which effectively serves as the edge of the Wilson Park Neighborhood residential uses and the more intense College Avenue commercial corridor. Further, the large parcel of land across Pollard Avenue to the west is zoned R-O. This property was rezoned from RSF-4 at the property owner's request in 2009 to allow for the potential conversion of the property into offices or other more intense uses along this busy corridor; being surrounded on three sides by non-residential use (this includes the 0.75-acre hospital parking lot on North Street to the west of the R-O parcel). The proposed UT zoning would allow the redevelopment of College Avenue over time while maintaining the edge of the Wilson Park Neighborhood.

The maximum height of 84 feet in UT is higher than R-O's maximum of 60 feet and almost double RSF-4's maximum of 45 feet. The current single-family homes nearby are significantly smaller than what could be permitted under the proposed UT and topographically sit lower than the proposed property. However, the subject property is less than one acre and only 140 feet wide. In staff's opinion, the small parcel size and configuration will significantly limit the maximum building height. The property is not large enough to feasibly accommodate a tall multi-story building and parking. Additionally, as discussed above, Pollard Avenue provides a physical and psychological separation from the site and the residential neighborhood.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM). The definition of a city neighborhood area highlights particular characteristics of what this area should be, which is generally dense residential and non-residential uses on street corners or along transit corridors. Such areas have a very wide spectrum of allowed uses that contribute to a neighborhood's overall walkability and sustainability, which necessitate traditional development patterns and buildings placed closer to the property line. UT calls for the very same things: mixture of dwelling types from single-family to apartments and live/work, a dynamic range of uses from residential and open space to varying intensities of non-residential development and businesses, and build-to zones closer to the street for new development. Therefore, the proposed zoning does encourage patterns of development that result in realizing these goals of City Plan 2030 and connect the definitions and City-wide aspirations between the proposed zoning and future land use. The location of this property makes UT the best use of this property. UT at the corner of two Principal Arterial streets, one of them College Ave., and extremely close to the Downtown area is an ideal situation for this zoning district's purpose and the subject property's context, coupled with the aforementioned compatibility with the 2030 Plan.

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

Finding: The applicant has requested the zoning change in order to appropriately develop the property with greater freedom allotted under UT.

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

Finding: The site has access to North St. and College Ave. The UT zoning would allow greater and more diverse residential and non-residential uses by right, which may increase traffic compared to the existing use and zoning. The surrounding street system has adequate capacity to handle increased traffic.

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 UT would allow a greater density. Development in UT is capped at six or seven stories and would have to include parking and adequate circulation for vehicles and people, meaning that a developer could not feasibly fill the entire 0.73 acre site with a building. UT would not undesirably increase the load on public services more than what is already offered in the existing zones.

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 16-5573** with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>September 26, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOSKINS; FORWARD WITH RECOMMENDATION FOR APPROVAL			
Second: HOFFMAN			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code sections 161.17 & 161.22
- Request letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.17 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	100 ft.
-------------------	---------

park	
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public	10 ft.

alley	
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height	60 ft.
Maximum	

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 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 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. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5735 1-20-15)

PLANNING COMMISSION MEMO

- **161.22 - Urban Thoroughfare**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional Uses.*

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

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56/84 feet*
-------------------------	-------------

*A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; [Ord. No. 5800, § 1\(Exh. A\), 10-6-15](#))



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 9, 2016

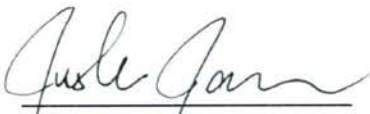
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Lazenby 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. 765-03834-000
 - b. 765-03835-000
 - c. 765-03836-000
- B. Currently these properties are zoned R-O,. The reason for the requested Urban Thoroughfare (UT) zoning is to allow this property to be developed under UT conditions.
- C. There are various zoning districts around these properties. The property due west is zoned R-O & RSF-4. The property due south is zoned R-O. The properties due north are zoned P-1 and the properties due east are zoned R-O.
- D. Existing water and sewer are already at this site. There is an existing 12-inch water line on the north side of North and an existing 6-inch in the south west corner of the site. There is an existing 8-inch ductile iron pipe in College Av.
- 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 UT 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. College Av was recently improved with a 10' sidewalk along the east side adjacent to this property.
- 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. The current zoning is not conducive to any future developments in this area.

Sincerely,

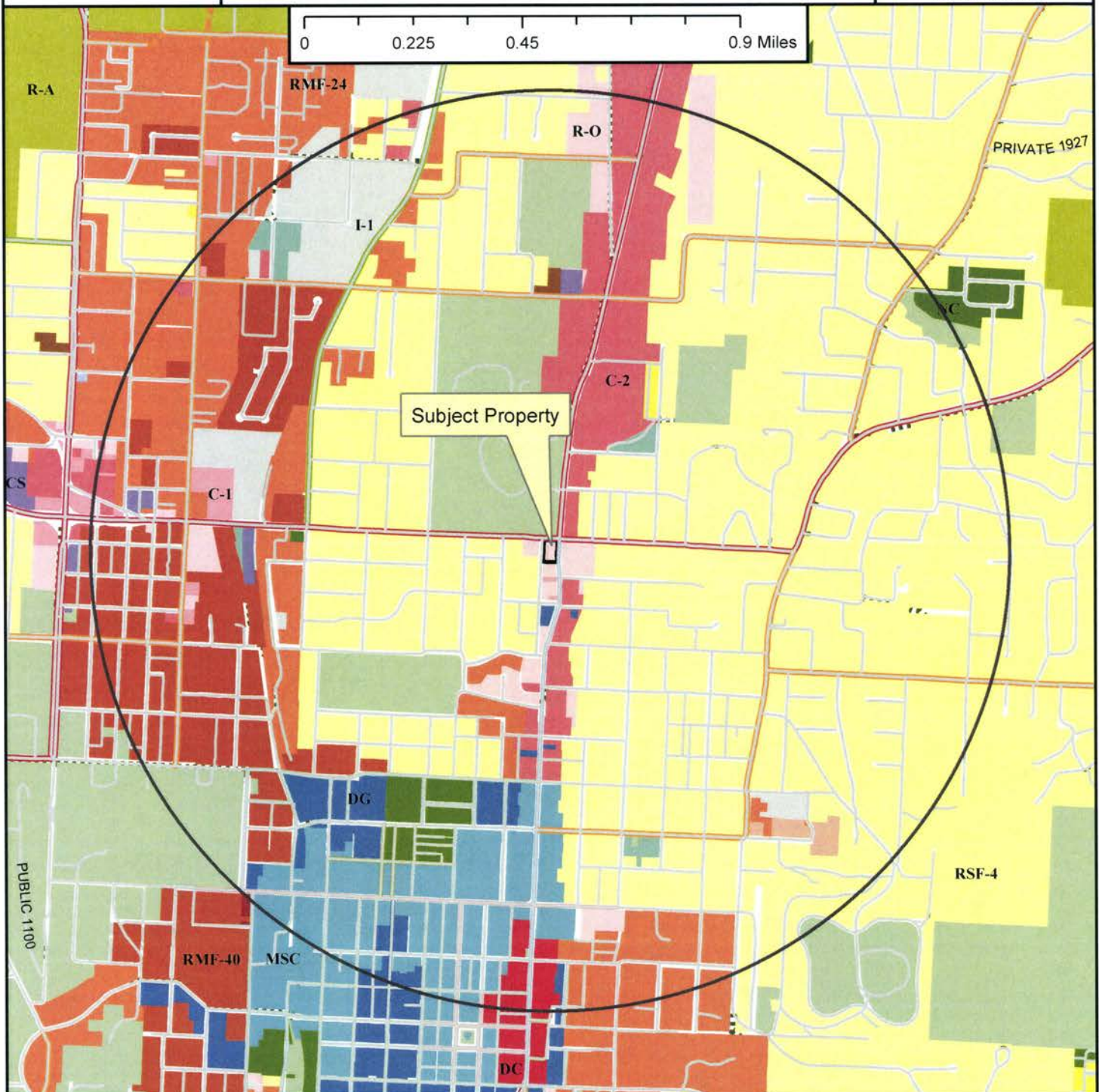
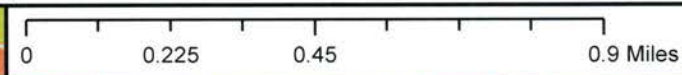


Justin L. Jorgensen, PE

RZN 16-5573

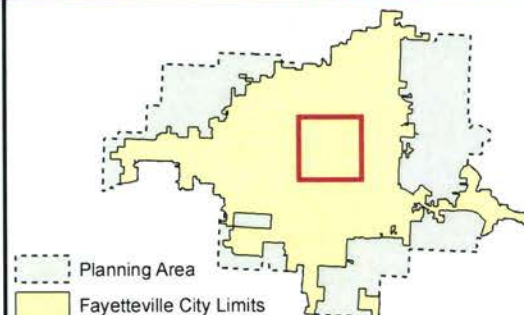
One Mile View

LAZENBY



Legend

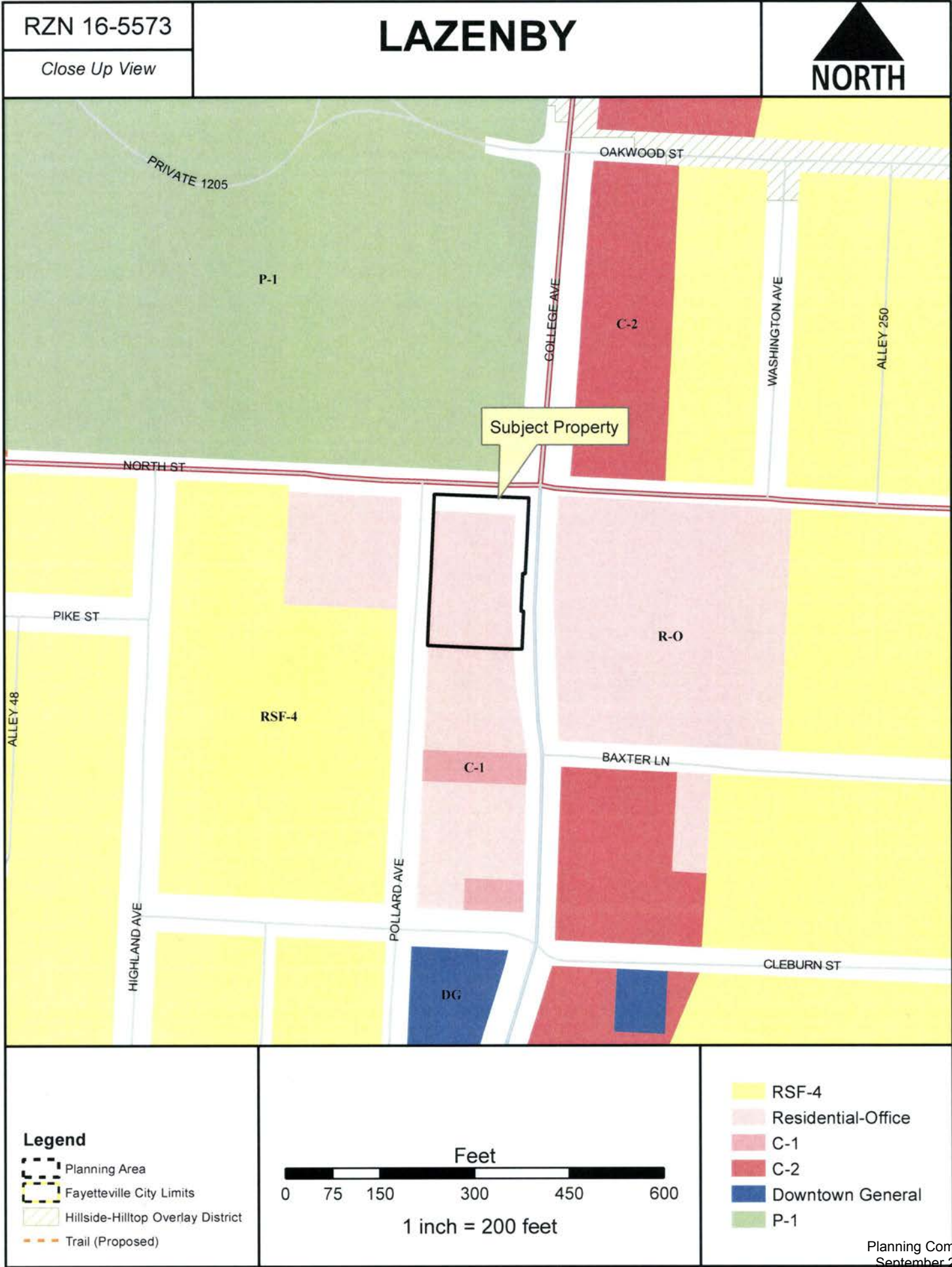
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



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

Planning Commission
September 26, 2016

Agenda Item 13
16-5573 Lazenby
Page 11 of 14



RZN 16-5573

Current Land Use

LAZENBY



2016 Imagery

Legend

Street

Downtown Master Plan

MSP Class

MAIN STREET 63

Streets Existing

MSP Class

PRINCIPAL ARTERIAL

Trail (Proposed)

RZN16-5573

Planning Area

Fayetteville City Limits

Feet



Planning Commission

September 26, 2016

Agenda Item 13

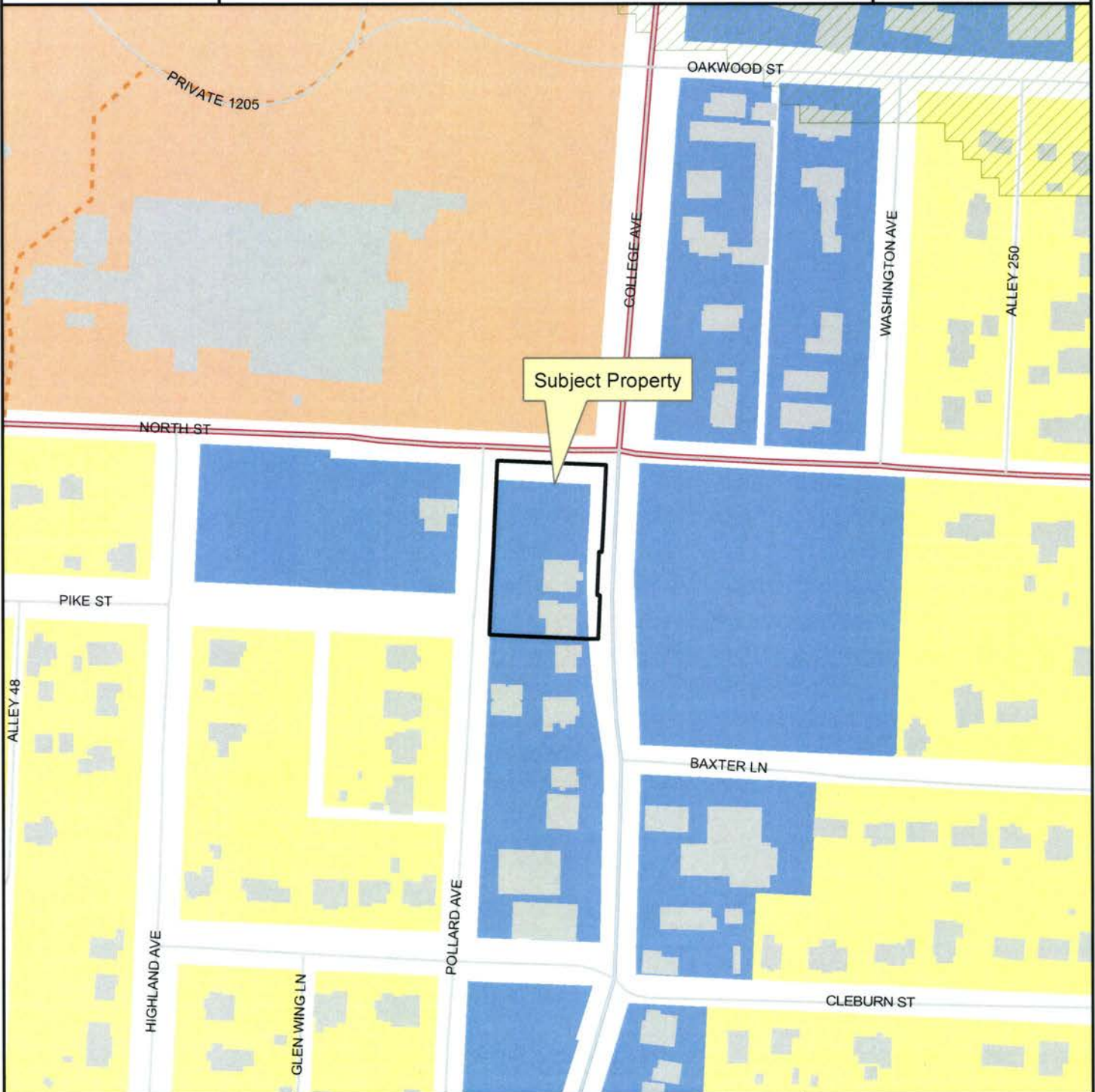
16-5573 Lazenby

Page 13 of 14

RZN 16-5573

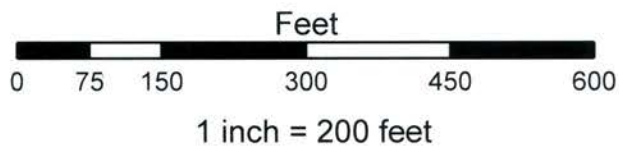
Future Land Use

LAZENBY



Legend

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



FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Non-Municipal Government



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0459

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

RZN 16-5576 (1160 S. HAPPY HOLLOW RD./PROMOLIFE):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5576 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 1160 SOUTH HAPPY HOLLOW ROAD FROM C-2, THOROUGHFARE COMMERCIAL AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL 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 C-2, Thoroughfare Commercial and RSF-4, Residential Single Family, 4 Units Per Acre to I-1, Heavy Commercial and Light Industrial 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

2016-0459

Legistar File ID

10/18/2016

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

Jeremy Pate

9/30/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5576: Rezone (1160 S. HAPPY HOLLOW RD./PROMOLIFE, 565): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 1160 S. HAPPY HOLLOW RD. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and R-A, RESIDENTIAL AGRICULTURAL.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 18, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: September 30, 2016

SUBJECT: **RZN 16-5576: Rezone (1160 S. HAPPY HOLLOW RD./PROMOLIFE, 565):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 1160 S. HAPPY HOLLOW RD. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

The City Planning staff recommend approval of an ordinance to rezone the subject properties to I-1, Heavy Commercial and Light Industrial, and R-A, Residential Agricultural, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject properties are located on the east side of Happy Hollow Road, between Fairlane Street to the north and 13th Street to the south. The two properties total approximately 3.65 acres, with the northern one containing approximately 1.03 acre, and the southern property containing 2.62 acres. The northern of the two properties is currently zoned C-2, Thoroughfare Commercial, while the southern property is split zoned, with a small portion of approximately 0.1 acres in the northeast corner zoned RSF-4, Residential Single-Family, 4 Units per Acre, and the remaining acreage zoned C-2. Both properties were annexed into the City in August of 1967 as part of a larger area of almost 2,300 acres stretching from the Executive Airport to the intersection of Huntsville and Dead Horse Mountain Roads.

Request: The request is to rezone the two properties totaling approximately 3.65 acres from C-2, Commercial Thoroughfare, and RSF-4, Residential Single Family, four units per acre, to 3.44 acres of I-1, Heavy Commercial and Light Industrial and 0.21 acres of R-A, Residential Agricultural. The applicant indicated the rezoning is needed to facilitate small-scale manufacturing and offices that exceed the requirements of Use Unit 45- Small Scale Production.

Land Use Compatibility: The properties are located on the Principal Arterial, Happy Hollow/Highway 16. Current land uses vary significantly along this corridor, ranging from heavy commercial and industrial uses like the adjacent White River Hardwoods, a significant moulding manufacturer, and the City's Solid Waste and Recycling Facility, to residential housing of varying densities to the east and northwest. Development of the subject properties under the permitted

uses of the I-1 zoning district will be generally compatible with the wide spectrum of existing industrial, commercial, and residential development.

Land Use Plan Analysis: Although City Plan 2030 identifies the subject properties and much of the surrounding area as City Neighborhood Area, this designation does not preclude development of heavy commercial or light industrial uses. City Plan 2030 clearly advocates for varying mix of nonresidential and residential uses, but in a manner that manages and mitigates the potential nuisances associated with more intense land use.

Accordingly, the proposed rezoning includes an area of approximately 10,000 square feet on the eastern edge of the subject properties to be zoned R-A, Residential Agriculture. This area, which is heavily vegetated with large numbers of mature trees serves the manifold purposes of screening future development from the single-family housing to the east, limiting development along the riparian corridor of the West Fork of the White River, and restricting development associated with an I-1 zoning district to the eastern portion of the properties, along Happy Hollow Road.

Therefore, staff contends that the proposed rezoning meets the intent of City Plan 2030 and the City Neighborhood Area designation by allowing development that can potentially promote employment opportunities adjacent to residential areas while also taking advantage of a connecting transportation corridor and creating a buffer to mitigate for potential nuisances.

DISCUSSION:

On September 26, 2016 the Planning Commission forwarded the applicant's request for a rezoning to I-1, Heavy Commercial and Light Industrial, and R-A, Residential Agricultural. A motion by Commissioner Hoskins to forward the proposal to the City Council with a recommendation for approval was made with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

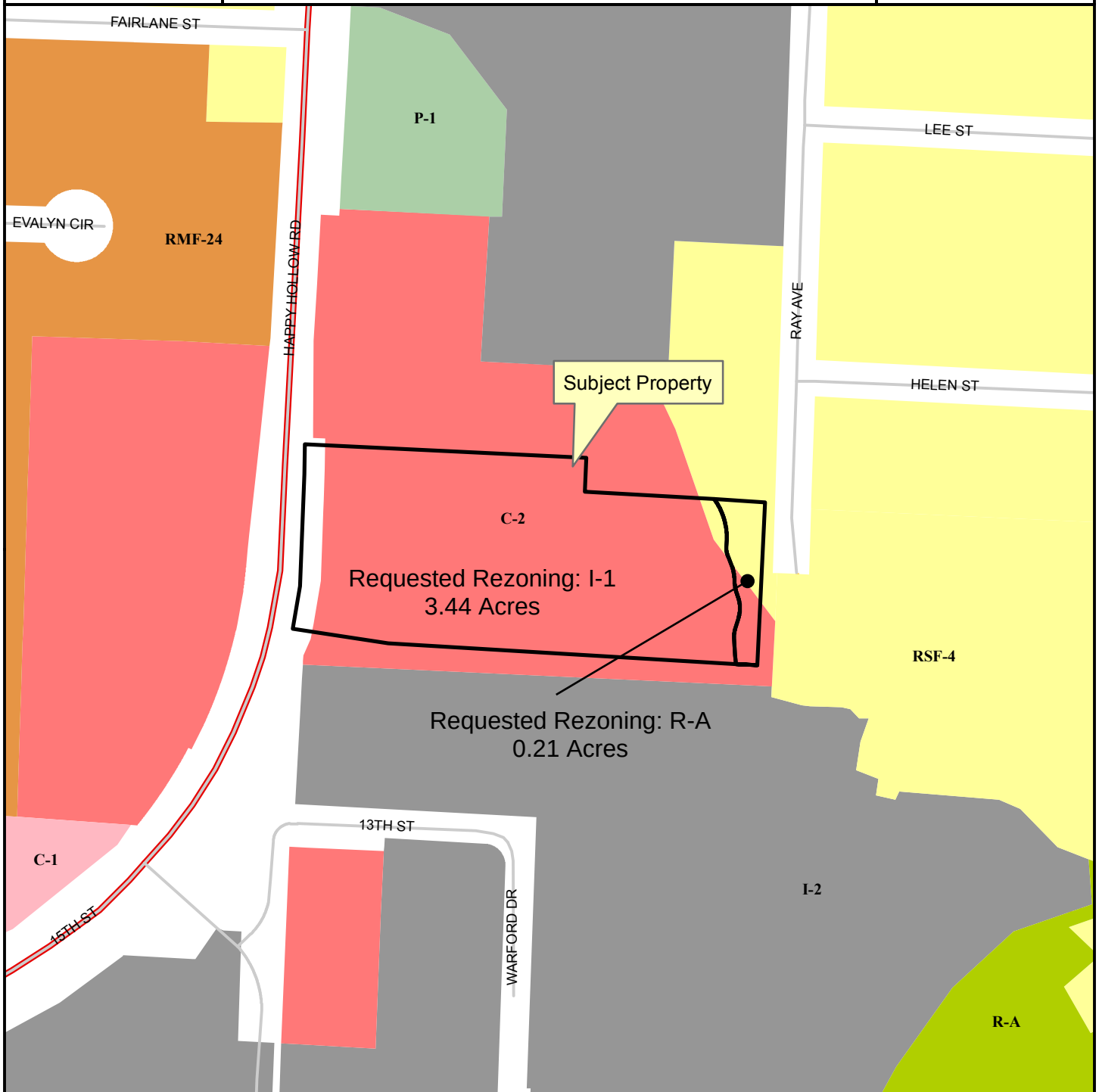
16-5576
EXHIBIT 'A'

RZN 16-5576

PROMOLIFE

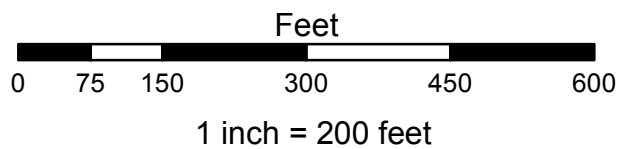


Close Up View



Legend

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



- Residential-Agricultural
- RSF-4
- RMF-24
- I-2 General Industrial
- C-1
- C-2
- P-1

16-5576
EXHIBIT 'B'

LEGAL DESCRIPTION: (OVERALL BOUNDARY)

A part of the W1/2 of the SE1/4 of the NW1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said W1/2, SE1/4, NW1/4, thence N02°39'27"E 932.73 feet to the POINT OF BEGINNING, thence N86°37'55"W 508.51 feet, thence N81°07'16"W 133.26 feet, thence N09°56'38"E 59.11 feet, thence N02°03'12"E 153.94 feet, thence N01°15'46"E 41.72 feet, thence S87°11'27"E 387.88 feet, thence S02°06'53"W 46.34 feet, thence S86°38'14"E 247.79 feet, thence S02°39'24"W 224.60 feet to the POINT OF BEGINNING: Containing 3.65 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PROPOSED R-A)

A part of the W1/2 of the SE1/4 of the NW1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said W1/2, SE1/4, NW1/4, thence N02°39'27"E 932.73 feet to the POINT OF BEGINNING, thence N86°37'55"W 29.39 feet, thence N04°43'22"W 12.57 feet, thence N03°43'13"W 22.84 feet, thence along a curve to the right 12.81 feet, said curve having a radius of 36.27 feet and a chord bearing and distance of N06°23'40"E 12.74 feet, thence N17°08'51"E 15.16 feet, thence along a curve to the left 33.30 feet, said curve having a radius of 48.89 feet and a chord bearing and distance of N02°21'53"W 32.66 feet, thence along a curve to the right 19.27 feet, said curve having a radius of 53.43 feet and a chord bearing and distance of N11°32'45"W 19.16 feet, thence along a curve to the left 20.18 feet, said curve having a radius of 73.77 feet and a chord bearing and distance of N09°02'58"W 20.11 feet, thence N22°38'16"W 15.04 feet, thence along a curve to the right 13.83 feet, said curve having a radius of 31.76 feet and a chord bearing and distance of N10°09'43"W 13.72 feet, thence N02°04'26"E 9.31 feet, thence along a curve to the left 59.94 feet, said curve having a radius of 90.49 feet and a chord bearing and distance of N16°54'07"W 58.85 feet, thence S86°38'14"E 69.83 feet, thence S02°39'24"W 224.60 feet to the POINT OF BEGINNING: Containing 0.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PROPOSED I-1)

A part of the W1/2 of the SE1/4 of the NW1/4 of Section 23, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said W1/2, SE1/4, NW1/4, thence N02°39'27"E 932.73 feet, thence N86°37'55"W 29.39 feet to the POINT OF BEGINNING; thence N86°37'55"W 479.12 feet, thence N81°07'16"W 133.26 feet, thence N09°56'38"E 59.11 feet, thence N02°03'12"E 153.94 feet, thence N01°15'46"E 41.72 feet, thence S87°11'27"E 387.88 feet, thence S02°06'53"W 46.34 feet, thence S86°38'14"E 177.96 feet, thence along a non tangent curve to the right 59.94 feet, said curve having a radius of 90.49 feet and chord bearing and distance of S16°54'07"E 58.85 feet, thence S02°04'26"W 9.31 feet, thence along a non tangent curve to the left 13.83 feet, said curve having a radius of 31.76 feet and chord bearing and distance of S10°09'43"E 13.72 feet, thence S22°38'16"E 15.04 feet, thence along a non tangent curve to the right 20.18 feet, said curve having a radius of 73.77 feet and chord bearing and distance of S09°02'58"E 20.11 feet, thence along a curve to the left 19.27 feet, said curve having a radius of 53.43 feet and a chord bearing and distance of S11°32'45"E 19.16 feet, thence along a curve to the right 33.30 feet, said curve having a radius of 48.89 feet and a chord bearing and distance of S02°21'53"E 32.66 feet, thence S17°08'51"W 15.16 feet, thence along a non tangent curve to the left 12.81 feet, said curve having a radius of 36.27 feet and chord bearing and distance of S06°23'40"W 12.74 feet, thence S03°43'13"E 22.84 feet, thence S04°43'22"E 12.57 feet to the POINT OF BEGINNING: Containing 3.44 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:

5576

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

565

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: Yvonne Segal

Address: 3656 S Dead Horse Mtn Rd
Fayetteville AR 72701

E-mail: yvonne@promolife.com

Phone:

(479) 442-3404 x 203

(479) 263-3511

Fax:

(479) 444-6422

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

Name: Justin Jorgensen, P.E.

Jorgensen & Associates

Address: 124 West Sunbridge, Suite 5
Fayetteville, AR 72703

E-mail: justin@jorgensenassoc.com

Phone:

(479) 442-9127

()

Fax:

()

Site Address / Location: 1160 S Happy Hollow Road, Fayetteville AR 72701

Current Zoning District: C-2

Requested Zoning District: I-1

Assessor's Parcel Number(s) for subject property: 765-15252-000 & 765-15253-000

FINANCIAL INTERESTS

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

Gerry, Yvonne and Tobias Segal

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): Yvonne Segal Date: 8/17/2016

Signature: *Yvonne Segal*

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): Gerry Segal

Signature: *Gerry Segal*

Date: 8/12/2016

Address: 3656 S Dead Horse Mtn Rd

Fayetteville AR 72701

Phone:

(479) 263-0604

Name (printed): Yvonne Segal

Signature: *Yvonne Segal*

Date: 8/17/16

Address: 3656 S Dead Horse Mtn Rd

Fayetteville AR 72701

Phone:

(479) 263-3511

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: Jonathan Curth, Senior Planner

MEETING DATE: September 26, 2016 (Updated with Planning Commission Results)

SUBJECT: **RZN 16-5576: Rezone (1160 S. HAPPY HOLLOW RD./PROMOLIFE, 565):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 1160 S. HAPPY HOLLOW RD. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5576** to the City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject properties are located on the east side of Happy Hollow Road, between Fairlane Street to the north and 13th Street to the south. The two properties total approximately 3.65 acres, with the northern one containing approximately 1.03 acre, and the southern property containing 2.62 acres. The northern of the two properties is currently zoned C-2, Thoroughfare Commercial, while the southern property is split zoned, with a small portion of approximately 0.1 acres in the northeast corner zoned RSF-4, Residential Single-Family, 4 Units per Acre, and the remaining acreage zoned C-2. Both properties were annexed into the City in August of 1967 as part of a larger area of almost 2,300 acres stretching from the Executive Airport to the intersection of Huntsville and Dead Horse Mountain Roads. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Construction Firm Office/Warehouse; Undeveloped	C-2, Thoroughfare Commercial; RSF-4, Residential Single-Family, 4 Units Per Acre
South	Single-Family Residential/Undeveloped	C-2, Thoroughfare Commercial
East	Undeveloped/Dense Vegetation	C-2, Thoroughfare Commercial; RSF-4, Residential Single-Family, 4 Units Per Acre
West	Manufacturing/Warehouse	C-2, Thoroughfare Commercial

Request: The request is to rezone the two properties totaling approximately 3.65 acres from C-2, Commercial Thoroughfare, and RSF-4, Residential Single Family, four units per acre, to 3.44 acres of I-1, Heavy Commercial and Light Industrial and 0.21 acres of R-A, Residential

Agricultural. The applicant indicated the rezoning is needed to facilitate small-scale manufacturing and offices that exceed the requirements of Use Unit 45- Small Scale Production.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

- Streets:** The subject parcels have access to Happy Hollow Road, which is partially improved along the property frontage. Curb, gutter, and sidewalks exist along southern portion of the property frontage, while no sidewalk exists on the northern part. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to these parcels. There is an existing 12-inch water main on the west side of both parcels.
- Sewer:** Sanitary Sewer is available to both parcels. There is an existing 8-inch sewer line along Happy Hollow Road.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. A portion of these properties are identified as FEMA regulated Zone A floodplain. In addition, there are areas of streamside protection zones along the eastern side of the property. No portions of these parcels lies within the Hillside-Hilltop Overlay District.
- Fire:** The Fire Department did not express any concerns with this request.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood Area**.*

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

FINDINGS OF THE STAFF

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

Finding: **In staff's opinion the rezoning of the subject properties is compatible with the surrounding land uses and adopted land use plans and policies.**

Land Use Compatibility: The properties are located on the Principal Arterial, Happy Hollow/Highway 16. Current land uses vary significantly along this corridor, ranging from heavy commercial and industrial uses like the adjacent White River Hardwoods, a significant moulding manufacturer, and the City's Solid Waste and Recycling Facility, to residential housing of varying densities to the east and northwest. Development of the subject properties under the permitted uses of the I-1 zoning district will be generally compatible with the wide spectrum of existing industrial, commercial, and residential development.

Land Use Plan Analysis: Although City Plan 2030 identifies the subject properties and much of the surrounding area as City Neighborhood Area, this designation does not preclude development of heavy commercial or light industrial uses. City Plan 2030 clearly advocates for varying mix of nonresidential and residential uses, but in a manner that manages and mitigates the potential nuisances associated with more intense land use.

Accordingly, the proposed rezoning includes an area of approximately 10,000 square feet on the eastern edge of the subject properties to be zoned R-A, Residential Agriculture. This area, which is heavily vegetated with large numbers of mature trees serves the manifold purposes of screening future development from the single-family housing to the east, limiting development along the riparian corridor of the West Fork of the White River, and restricting development associated with an I-1 zoning district to the eastern portion of the properties, along Happy Hollow Road.

Therefore, staff contends that the proposed rezoning meets the intent of City Plan 2030 and the City Neighborhood Area designation by allowing development that can potentially promote employment opportunities adjacent to residential areas while also taking advantage of a connecting transportation corridor and creating a buffer to mitigate for potential nuisances.

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 it will allow development that is compatible with the area and can take advantage of existing public services and adjacent transportation routes. Furthermore, the applicant has cited the gross floor area building size limitation of 5,000 square foot for Fayetteville's Small Scale Production (Use Unit 45) as the primary reason for requesting an industrial zoning. I-1 allows Manufacturing (Use Unit 22) as a permitted use, without a floor area restriction.

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

Finding: Rezoning the property to I-1 and R-A will not likely increase traffic danger or appreciably increase congestion at this location. Happy Hollow Road is classified as a Principal Arterial. Proposed curb cuts, improvements to

Happy Hollow Road, and off-site improvements will be evaluated at the time of development.

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

Finding: Rezoning the property to I-1 will not increase the potential for greater population density. The I-1, Heavy Commercial and Light Industrial zoning district does not allow residential uses by right or conditional use permit. Given the location of the two properties along a largely improved portion of Happy Hollow road, with access to public street, water, and sanitary sewer, the rezoning request should not undesirably increase the load on services. Neither the Police nor Fire Departments have expressed 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

RECOMMENDATION: Staff recommends forwarding **RZN 16-5576** to City Council with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 26, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Hoskins	Second: Autry	Vote: 8-0-1 (Noble Recused)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code § 161.07 (RSF-4 zoning); 161.20 (C-2 zoning); 161.03 (R-A zoning); 161.28 (I-1 zoning)
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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)

161.21 - District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

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

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

(F) *Building Height Regulations.*

Building Height Maximum	75 feet*
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of 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 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)

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 ($\frac{1}{2}$)
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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)

161.28 - District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density*. None.

(D) *Bulk and Area Regulations*. None.

(E) *Setback Regulations*.

Front, when adjoining A or R districts	50 feet
Front, when adjoining C, I, or P districts	25 feet
Side, when adjoining A or R districts	50 feet
Side, when adjoining C, I, or P districts	10 feet
Rear	25 feet

(F) *Height Regulations*. There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 25 feet.

(G) *Building Area*. None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5472; 12-20-11; Ord. No. 5800, § 1(Exh. A), 10-6-15)



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

LSD 16-5576
Request Letter

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 15, 2016

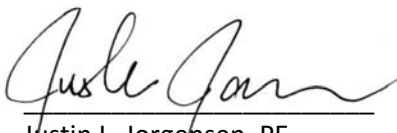
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Promolife 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. 765-15252-000 (Gerry & Yvonne Segal)
 - b. 765-15253-000 (Gerry & Yvonne Segal)
- B. Currently these properties are zoned C-2 and RSF-4. The reason for the requested I-1 zoning is to allow this property to be developed under I-1 conditions. There will also be roughly 9,000 sq ft to be zoned to R-A along the east side to continue the Enduring Green Network along the creek area.
- C. There are various zoning districts around these properties. The property due west is zoned C-2. The property due south is zoned C-2 and I-2. The properties due north are zoned C-2 and RSF-4. The properties due east are zoned RSF-4.
- D. Existing water and sewer are already at this site. There is an existing 12-inch water line on the west side of the property running north and south. There is an existing 12-inch sewer line located in S. Happy Hollow Road running north and south.
- 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.
- G. Adjacent streets have been improved in this area for growth. S. Happy Hollow Road was recently widened.
- 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. Current zoning is not conducive to any future developments in this area.

Sincerely,



Justin L. Jorgensen, PE

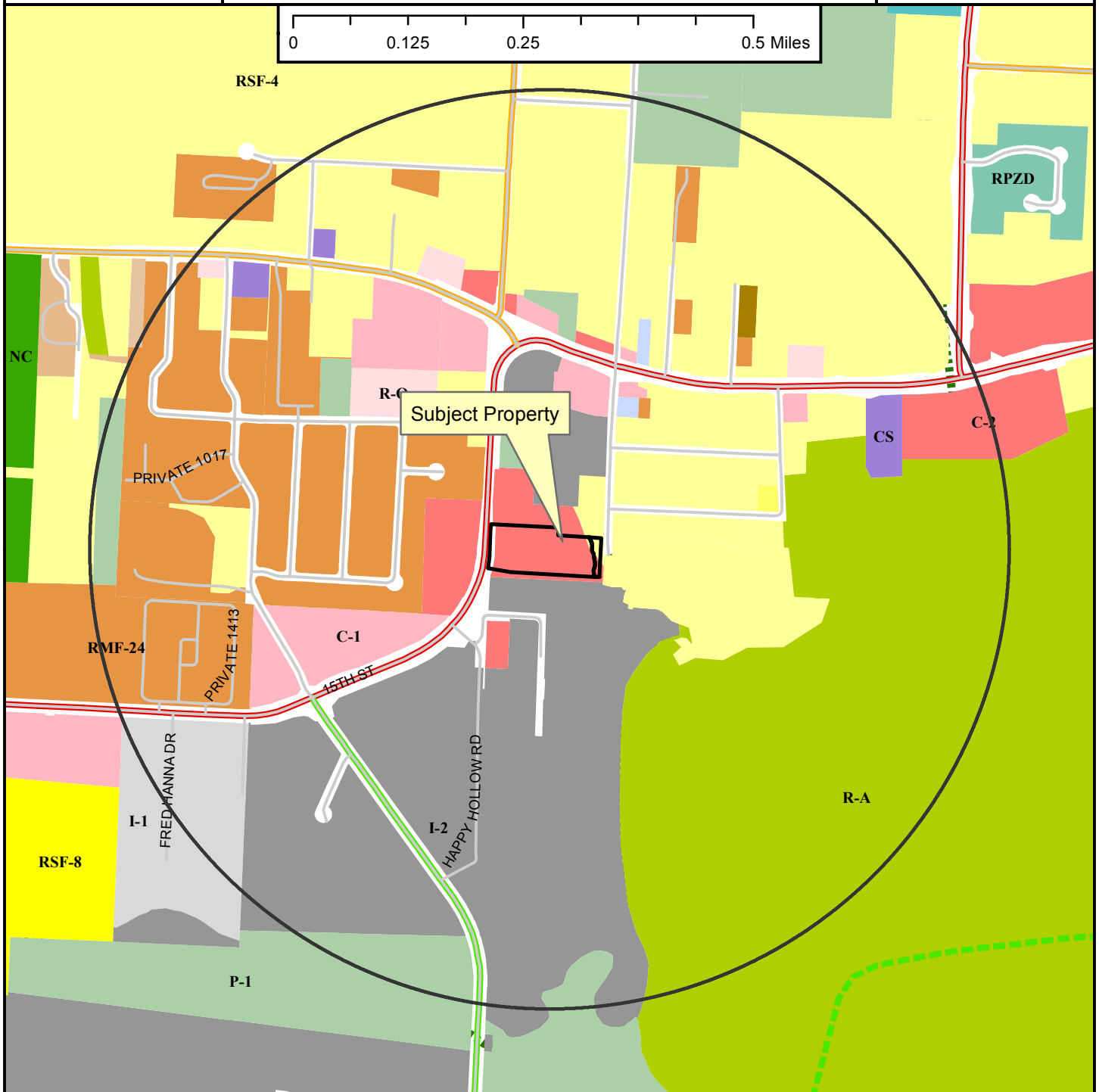
RZN 16-5576

One Mile View

PROMOLIFE

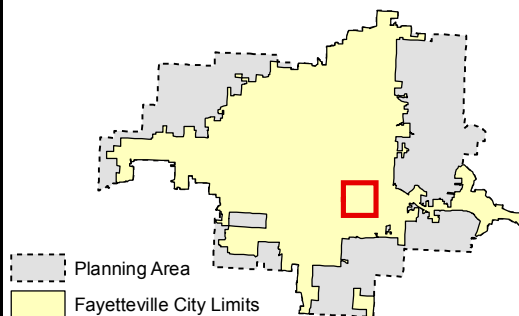


0 0.125 0.25 0.5 Miles



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- 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

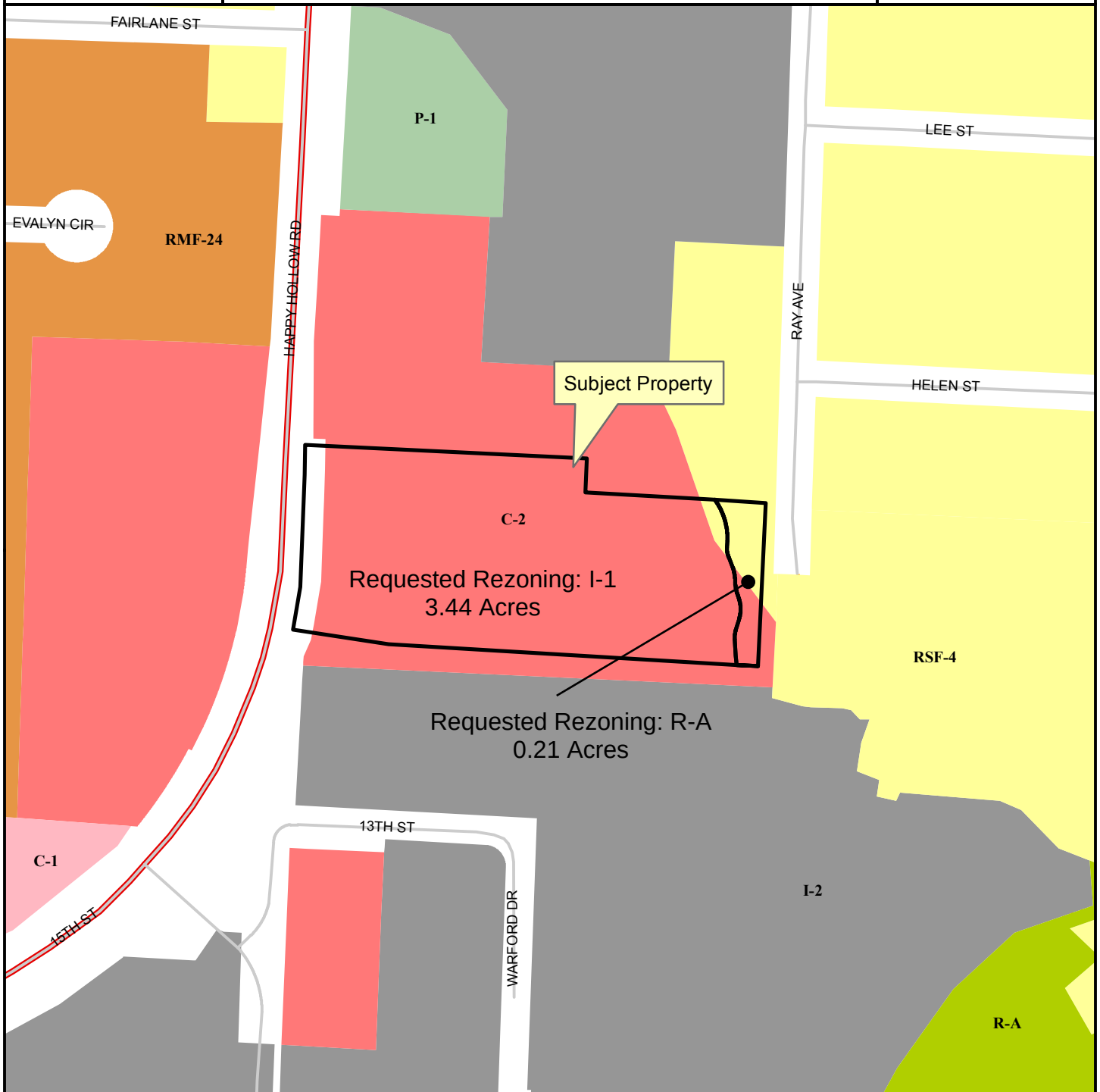
INSTITUTIONAL

- P-1

RZN 16-5576

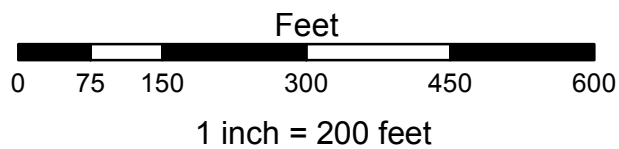
Close Up View

PROMOLIFE



Legend

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



- Residential-Agricultural
- RSF-4
- RMF-24
- I-2 General Industrial
- C-1
- C-2
- P-1

RZN 16-5576

Current Land Use

PROMOLIFE



Legend

— Street

Streets Existing

MSP Class

— PRINCIPAL ARTERIAL

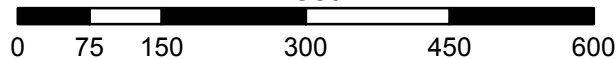
--- Trail (Proposed)

□ RZN16-5576

□ Planning Area

□ Fayetteville City Limits

Feet

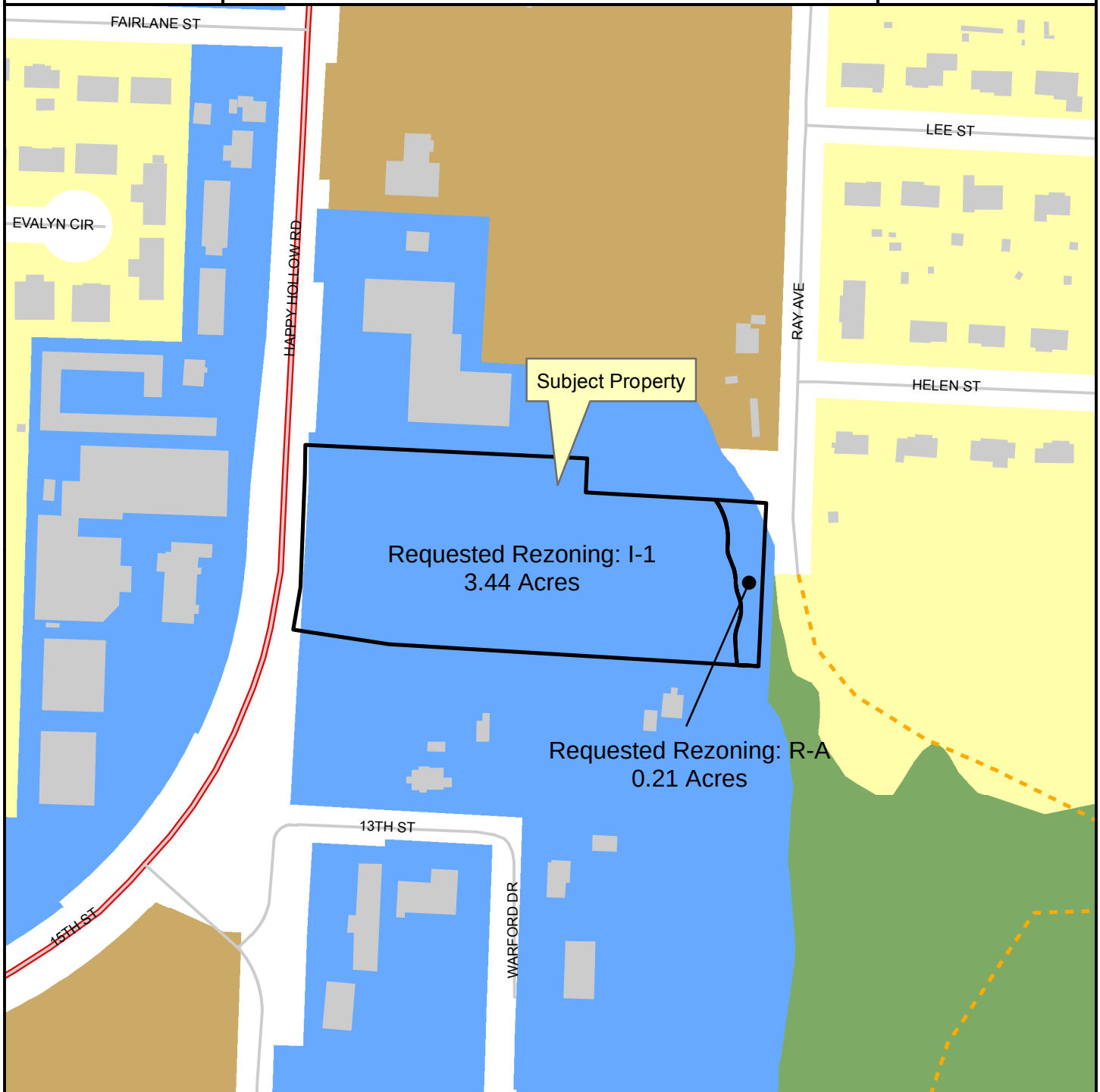


2016 Imagery

RZN 16-5576

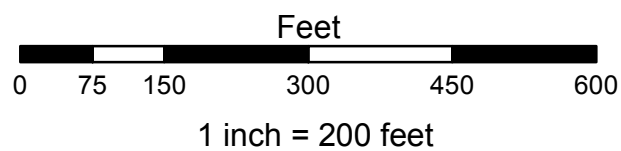
Future Land Use

PROMOLIFE



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic Institutional



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0467

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):

AN ORDINANCE TO APPROVE VAC 16-5571 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. TO VACATE A PORTION OF JUPITER DRIVE FROM MCGUIRE STREET TO THE AEP SUBSTATION

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described street is not required for corporate purposes; and

WHEREAS, Van Asche Drive has recently been built to four lane boulevard standards to replace Jupiter Drive and to connect McGuire Street and Ball Street; and

WHEREAS, all property owners along Jupiter Drive have requested that Jupiter Drive be vacated from McGuire Street to the AEP Substation.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates Jupiter Drive from McGuire Street to the AEP Substation as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following conditions:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water line that is located along Jupiter Drive. Any relocation of this water line shall be at the owner/developer's expense.

3. The Cox fiber line within the Jupiter Drive right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.

4. All of the owners of the vacated right of way property shall contractually agree in writing that upon or before 50% or more of the property they now own north of Van Asche Drive that is within the city limits of Fayetteville is approved by Final Plat or Large Scale Development, they will construct a public street connection between Ball Street and McGuire Street north of Van Asche Drive.

City of Fayetteville Staff Review Form

2016-0467

Legistar File ID

10/18/2016

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

Jeremy Pate

9/30/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5571: Vacation (WEST JUPITER DR./JUPITER DRIVE, 171): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located on WEST JUPITER DRIVE. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

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 18, 2016

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: September 30, 2016

SUBJECT: **VAC 16-5571: Vacation (WEST JUPITER DR./JUPITER DRIVE, 171):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SE OF JUPITER ST. & MCGUIRE ST. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

RECOMMENDATION:

Planning Division staff and the Planning Commission recommend approval of **VAC 16-5571** with the following conditions:

Condition of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water line the is located along Jupiter Drive.
3. The Cox fiber line within the Jupiter Street right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.
4. A public street connecting Ball Street and McGuire Street, north of Van Asche Drive, shall be provided at the time of development.

BACKGROUND:

The subject property is the western portion of Jupiter Street in the northwest corner of the Fayetteville adjacent to the City of Johnson. Jupiter Street is an unimproved two-lane asphalt road providing an east-west connection between S. McGuire Street and S. Ball Street. The subject portion of street is located from McGuire Street to the SWEPCO electric substation on the north side of Jupiter Street; about 2,000 linear feet of street totaling 1.79 acres. Approximately one year ago the City of Fayetteville completed construction of Van Asche Drive from N. Gregg Avenue to Garland Avenue (State Highway 112) with a four and five lane sections and a median in some portions, 5-foot sidewalk along the north side of the roadway and a 10-foot shared use trail with

a 5-foot sidewalk along the south side of the roadway. This new portion of Van Asche Drive parallels the subject portion of Jupiter Street.

As depicted on attached Exhibits 'A' and 'B', the applicant proposes close the subject section of Jupiter Street and vacate the right-of-way to facilitate future development of the area.

DISCUSSION:

On September 26, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-1-0 (Commissioner Quinlan) voted 'no'. Some commissioners discussed concerns with closing this active street prior to another street being constructed to provide additional connectivity, or at least being in the planning stages.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

Date Application Submitted:
Date Accepted as Complete:
Project Number:
Public Hearing Date:

FEE: \$200.00
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: TOM TERMINELLA

Address: 24 East Meadow St
Fayetteville, Ar 72703

Phone: () _____

Email: _____

Fax: () _____

Site Address / Location: Jupiter Street (McGuire to West
SIDE OF SUPER Electric Substation)

Legal description of area to be vacated (attach separate sheet if necessary):

Attached

Current Zoning District: R/W

Assessors Parcel Number(s) for subject property: ADJACENT = 765-15773-800

FINANCIAL INTERESTS

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

DAVID McCLINTON & TOM TERMINELLA

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.)

Owners (attach additional info if necessary):

Name (printed):

Signature:

Date:

Address:

Phone:

Name (printed):

Signature:

Date:

Address:

Phone: ()

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
 - \$200.00 application fee
 - \$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) 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.

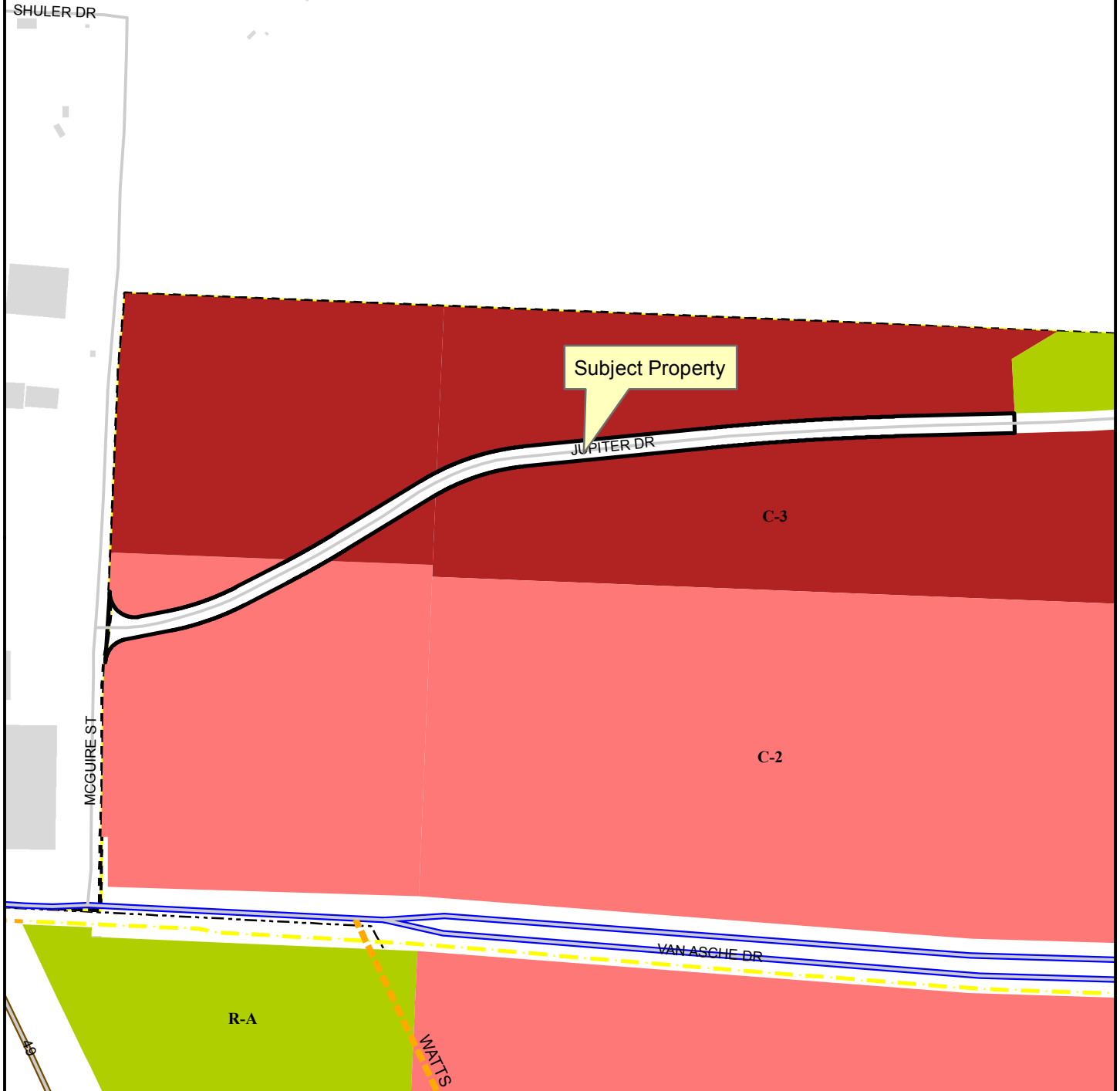
16-5571
EXHIBIT 'A'

VAC 16-5571

JUPITER STREET

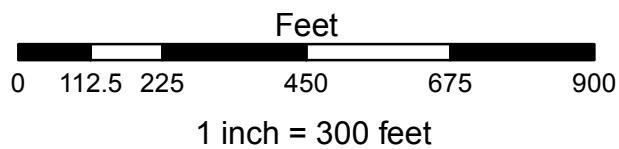


Close Up View



Legend

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



- Residential-Agricultural
- C-2
- C-3

16-5571

EXHIBIT 'B'

LEGAL DESCRIPTION: (RIGHT OF WAY VACATION)

A part of the SW1/4 of the NW1/4 and a part of the SE1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows:
Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 502.42 feet, thence S87°30'43"E 3.63 feet to the POINT OF BEGINNING, thence N03°30'46"E 143.63 feet, thence along a non tangent curve to the left 90.39 feet, said curve having a radius of 50.00 feet and chord bearing and distance of S49°21'21"E 78.57 feet, thence N78°51'24"E 57.16 feet, thence along a curve to the left 148.53 feet, said curve having a radius of 530.00 feet and a chord bearing and distance of N70°49'42"E 148.04 feet, thence N62°48'00"E 96.43 feet, thence along a curve to the left 132.03 feet, said curve having a radius of 1,780.00 feet and a chord bearing and distance of N60°40'31"E 132.00 feet, thence N58°33'01"E 203.88 feet, thence along a curve to the right 219.91 feet, said curve having a radius of 490.00 feet and a chord bearing and distance of N71°24'27"E 218.07 feet, thence N84°15'54"E 366.53 feet, thence along a curve to the right 388.27 feet, said curve having a radius of 5,220.00 feet and a chord bearing and distance of N86°23'45"E 388.18 feet, thence N88°31'36"E 243.33 feet, thence S01°28'24"E 40.00 feet, thence S88°31'36"W 243.33 feet, thence along a curve to the left 385.29 feet, said curve having a radius of 5,180.00 feet and a chord bearing and distance of S86°23'45"W 385.20 feet, thence S84°15'54"W 366.53 feet, thence along a curve to the left 201.96 feet, said curve having a radius of 450.00 feet and a chord bearing and distance of S71°24'27"W 200.27 feet, thence S58°33'01"W 203.88 feet, thence along a curve to the right 135.00 feet, said curve having a radius of 1,820.00 feet and a chord bearing and distance of S60°40'31"W 134.97 feet, thence S62°48'00"W 96.43 feet, thence along a curve to the right 159.74 feet, said curve having a radius of 570.00 feet and a chord bearing and distance of S70°49'42"W 159.21 feet, thence S78°51'24"W 93.76 feet, thence along a non tangent curve to the left 65.62 feet, said curve having a radius of 50.00 feet and chord bearing and distance of S41°15'35"W 61.01 feet to the POINT OF BEGINNING: Containing 1.79 acres more or less.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: September 26, 2016 *(Updated with Planning Commission results)*

SUBJECT: **VAC 16-5571: Vacation (WEST JUPITER ST./JUPITER STREET, 171):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SE OF JUPITER ST. & MCGUIRE ST. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5571** with conditions of approval.

BACKGROUND:

The subject property is the western portion of Jupiter Street in the northwest corner of the Fayetteville adjacent to the City of Johnson. Jupiter Street is an unimproved two-lane asphalt road providing an east-west connection between S. McGuire Street and S. Ball Street. The subject portion of street is located from McGuire Street to the SWEPCO electric substation on the north side of Jupiter Street; about 2,000 linear feet of street totaling 1.79 acres. Approximately one year ago the City of Fayetteville completed construction of Van Asche Drive from N. Gregg Avenue to Garland Avenue (State Highway 112) with a four and five lane sections and a median in some portions, 5-foot sidewalk along the north side of the roadway and a 10-foot shared use trail with a 5-foot sidewalk along the south side of the roadway. This new portion of Van Asche Drive parallels the subject portion of Jupiter Street. 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	C-2, Thoroughfare Commercial; C-3, Central Commercial
South	Undeveloped/New Van Asche Drive corridor	C-2, Thoroughfare Commercial; C-3, Central Commercial
East	Undeveloped (City of Johnson)	City of Johnson (I, Industrial)
West	Industrial (City of Johnson)	City of Johnson (I, Industrial)

Proposal: The applicant proposes close the subject section of Jupiter Street and vacate the right-of-way to facilitate future development of the area.

DISCUSSION:

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

Adjoining Property Owners

David Clark McClinton	No objections
-----------------------	---------------

Southwestern Electric Power	No objections
-----------------------------	---------------

Utility

Response

Cox Communications	No objections with conditions
--------------------	-------------------------------

Southwestern Electric Power	No objections
-----------------------------	---------------

Ozarks Electric	No objections
-----------------	---------------

Black Hills Energy	No objections
--------------------	---------------

AT&T	No objections
------	---------------

Ozarks Electric	No objections
-----------------	---------------

City of Fayetteville

Response

Water/Sewer	No objections with conditions
-------------	-------------------------------

Transportation	No objections
----------------	---------------

Recycling and Trash	No objections
---------------------	---------------

The construction of Van Asche Drive was intended to serve the same east-west connection as the subject section of Jupiter Street. Given the completion of Van Asche it is appropriate to vacate Jupiter Street. The property owners that would be directly affected by the street closure do not object to the proposal. At the time the surrounding land develops, the City will review street access and connectivity as needed.

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 16-5571 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water line the is located along Jupiter Drive.
3. The Cox fiber line within the Jupiter Street right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.
4. *Planning Commission added Condition of Approval #4 as noted below (09-26-16).*

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied
(recommendation for approval)

Meeting Date: September 26, 2016

Motion: Hoskins *4. A public street connecting Ball Street and McGuire Street, north of Van Asche Drive, shall be provided at the time of development.*

Second: Autry

Vote: 8-1-0 (Commissioner Quinlan voted 'no')

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Vacation Exhibit
- Adjoining Property Owner and Utility Approvals
- One Mile Map
- Close Up Map



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

8/3/16

City of Fayetteville
113 W Mountain Str.
Fayetteville, AR. 72701

Att: Planning Dept.
Re: Vacate R/W of Jupiter Street

This is information pertaining to the vacation of right of way of Jupiter Street from McGuine Street to the West side of the SWEPCO Electric Substation. All adjacent utilities easements will remain. The electric substation will still have access.

Please call concerning any questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

PETITION

PETITION TO VACATE JUPITER STREET RIGHT-OF-WAY FROM MCGUIRE STREET TO WEST SIDE OF
SWEPKO ELECTRIC SUBSTATION, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the Right-of-Way hereinafter
sought to be abandoned and vacated, lying in the City of Fayetteville, Arkansas, a municipal corporation,
petition to vacate said Right-of-Way which is described as follows:

(SEE ATTACHMENT – EXHIBIT 'A')

That the abutting real estate affected by said abandonment would not be adversely affected by this
abandonment.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above described
right of way (not the utility easements), and that the above described real estate be used for their
respective benefit and purpose as now approved by law.

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

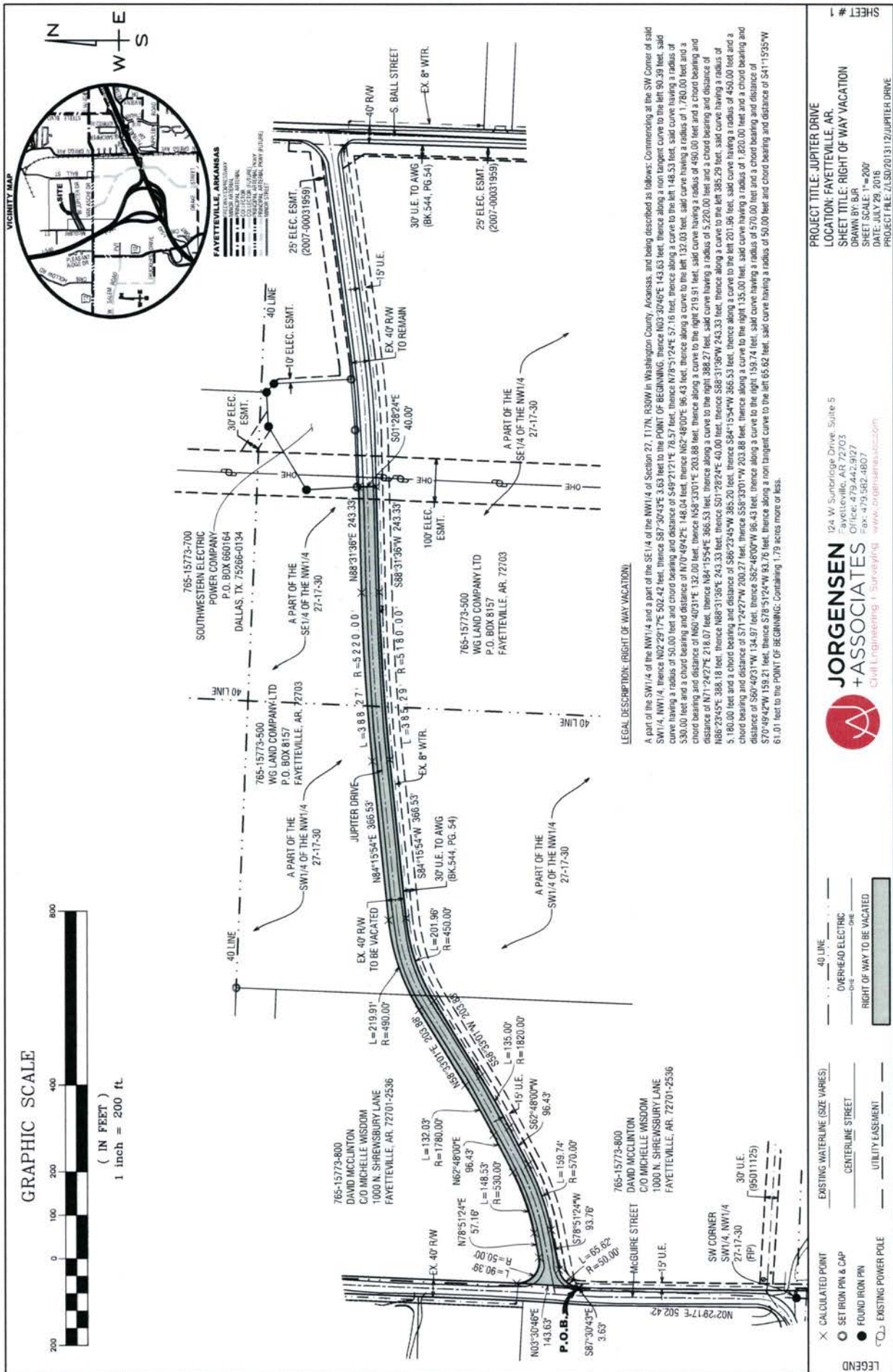
Dated this 9th day of August, 2016.

W.G. Land Co.
Printed Name W.G. Land Co.

Gerrard F. Jones
Printed Name Gerrard F. Jones

Gerrard F. Jones
Signature

Printed Name



ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/18/16

Address / location of vacation: Vacation of Jupiter Rd.

Adjacent property address: _____

Lot: _____ Block: _____ Subdivision: _____

REQUESTED VACATION:

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

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

Project Name

DAVID McCLINTON

Name of Adjacent Property Owner (printed)

David C McClinton

Signature of Adjacent Property Owner

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/10/16
Address / location of vacation: Jupiter Street R/W Vacation
Adjacent property address: _____
Lot: Block: Subdivision:

REQUESTED VACATION:

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

(Include legal description and graphic representation of what is being vacated)

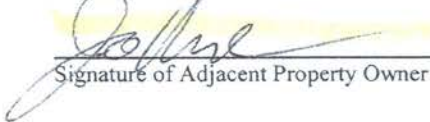
ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
☒ I do not object to the vacation described above.
☐ I do object to the requested vacation because:

Project Name

MAYNARD INC. POPS, LLC

Name of Adjacent Property Owner (*printed*)


Signature of Adjacent Property Owner

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/9/16
Address / location of vacation: Jupiter R/W Vacation
Adjacent property address: _____
Lot: 1 Block: 1 Subdivision: 1

REQUESTED VACATION:

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

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
☒ I do not object to the vacation described above.
☐ I do object to the requested vacation because:

Project Name

ARKOLA / APAC
Name of Adjacent Property Owner (printed)

M. E. Clive
Signature of Adjacent Property Owner

Murray E. Clive / G.M.
Applicant Name

UTILITY APPROVAL FORM

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

DATE: 8/10/16

UTILITY COMPANY: OZARKS Electric

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN S

REQUESTED VACATION (applicant must check all that apply):

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

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

General location / Address Jupiter Dr. FROM McGuire Street
EAST TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Wesley Mahaffey
Signature of Utility Company Representative

Staking Tech. III
Title

UTILITY APPROVAL FORM

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

DATE: 8-8-16

UTILITY COMPANY: AEP SWEPco

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

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

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

General location / Address Jupiter Dr. From McGuire Street
PAST TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Tom L

Signature of Utility Company Representative

DISTRIBUTION Engineer

Title

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

DATE: 08/05/2016

UTILITY COMPANY: AT&T

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

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

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

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

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

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

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

JEFF HAMILTON

Digitally signed by JEFF HAMILTON
DN: cn=JEFF HAMILTON, o=AT&T, ou=CONSTRUCTION/ ENGINEERING,
email=jhs430@att.com, c=US
Date: 2016.08.05 10:15:48 -0500

Signature of Utility Company Representative

MGR OSP Plng & Engrg Design
Title

December 2014
Page 5

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

DATE: 8/8/2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN ↗

REQUESTED VACATION (applicant must check all that apply):

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

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

General location / Address Jupiter Pr. From McGuire Street
PART TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:
Our fiber line within this Right of Way must be relocated at the developers expense before we can
approve this vacate. Until that time this Right of Way must remain.



Signature of Utility Company Representative

Construction & Planning Manager

Title

December 2014
Page 5

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

DATE: 8/5/2016

UTILITY COMPANY: Black Hills Energy

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

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

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

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

General location / Address Jupiter Dr. From McGuire Street
East to West Side of Electric Substation

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

John Harte
Signature of Utility Company Representative

Supervisor Gas Operations
Title

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

DATE: 8/8/2016

UTILITY COMPANY: CoF- Recycling & Trash Collections

APPLICANT NAME: TAM TERMINELLA APPLICANT PHONE: 442-9627
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

☐ Utility Easement

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

☐ Alley

☒ Street right-of-way

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

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

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

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

☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Comm. Services Mgr -
Title

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

DATE: 8-10-16

UTILITY COMPANY: City of Fayetteville (Transportation)

APPLICANT NAME: TAM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

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

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

General location / Address Jupiter Dr. From McGuire Street
East to West Side of Electric Substation

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Jacyn Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

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

DATE: 8/22/2016
UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER
APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN 
REQUESTED VACATION (applicant must check all that apply):

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

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

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

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

WATER LINE EASEMENT SHOULD BE RETAINED 10'
BOTH SIDES OF EXISTING WATER LINE

- ☐ No objections provided the following conditions are met:


Signature of Utility Company Representative
W&S OPERATIONS MANAGER
Title

VAC 16-5571

Close Up View

JUPITER STREET



SHULER DR

Subject Property

JUPITER DR

C-3

C-2

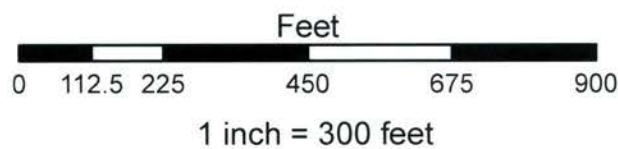
VAN ASCHIE DR

R-A

WATTS

Legend

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

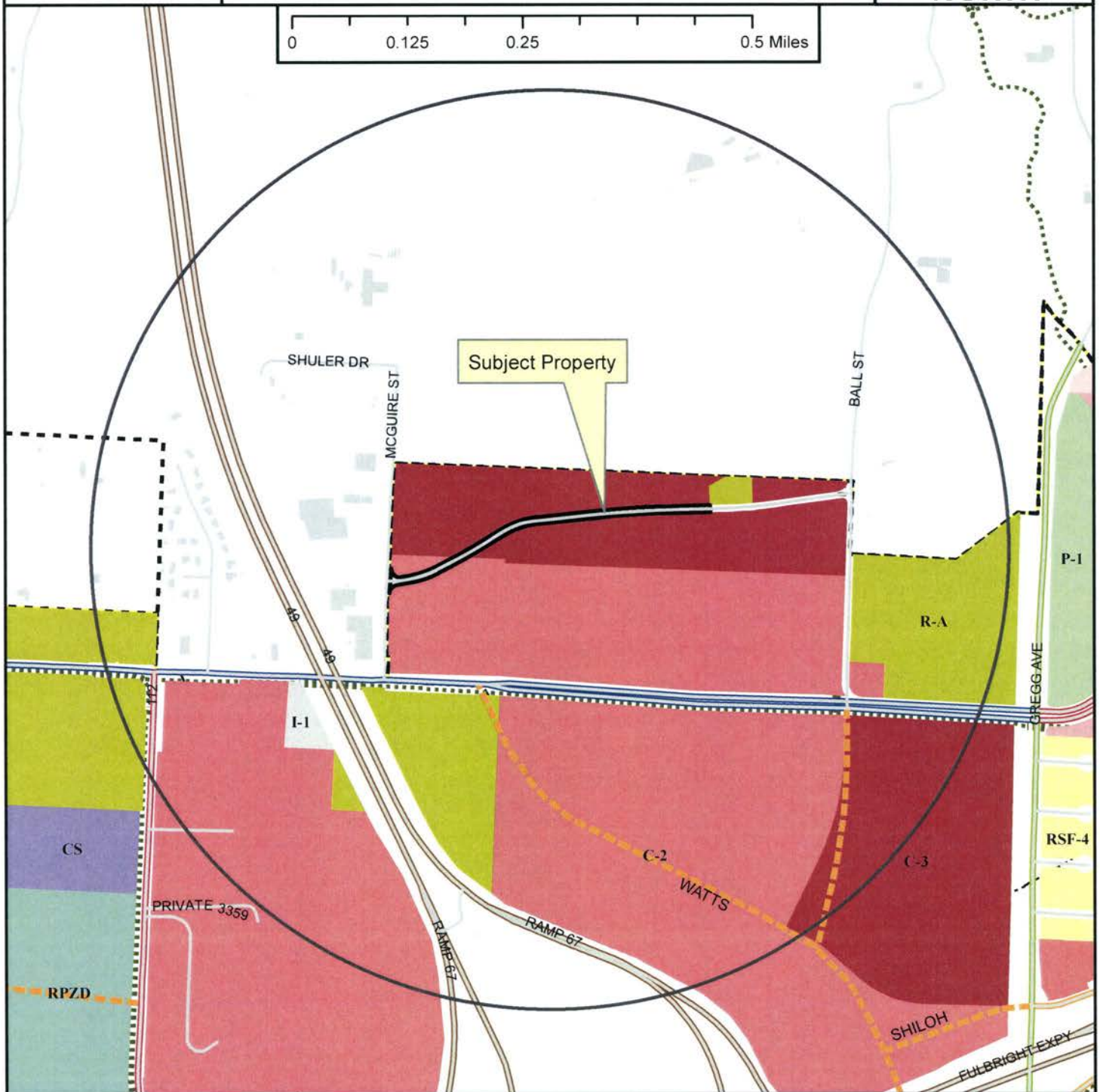
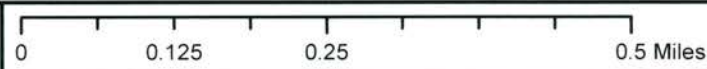


- Residential-Agricultural
- C-2
- C-3

VAC 16-5571

One Mile View

JUPITER STREET



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- 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"> Residential-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 <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
|---|---|

Planning Commission
September 26, 2016



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0445

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 6

APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:

A RESOLUTION TO GRANT THE APPEAL OF TIM BRISEIEL OF LEGACY VENTURES AND TO APPROVE LARGE SCALE DEVELOPMENT 16-5488 MACEY DRIVE TOWNHOMES

WHEREAS, Tim Brisiel of Legacy Ventures presented his proposed Large Scale Development 16-6488, Macey Drive Townhomes to the Planning Department; and

WHEREAS, this Large Scale Development proposed was reviewed by the Planning Department after consultations with the Engineering Division, Fire Department, Recycling and Trash Division, and others; and

WHEREAS, the Planning Department determined that Large Scale Development 16-5488 Macey Drive Townhomes complied with all applicable development regulations in the Unified Development Code and would not create or compound a dangerous traffic condition and therefor recommended its approval by the Planning Commission; and

WHEREAS, a majority of the Planning Commission denied the Large Scale Development arguing the design of the Pine Valley Subdivision's street network would create a dangerous traffic condition if more traffic from this development was allowed to access those streets which were the only feasible access to Mount Comfort Road.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Tim Brisiel of Legacy Ventures and approves Large Scale Development 16-5488, Macey Drive Townhomes as compliant with all of the Unified Development Code's requirements. This approval is subject to the conditions of approval recommended by the Planning Department.

September 19, 2016

City Clerk's Office
113 West Mountain Street
Fayetteville, AR 72701

RE: Appeal of LSD 16-5488 The Macey Drive Townhomes

To Whom It May Concern,

Please accept this letter as a formal request to appeal the Planning Commission's decision to deny LSD 16-5488 The Macey Drive Townhomes. I respectfully request this project be placed on the City Council's agenda for the next available date.

Our justification for the appeals is as follows:

1. We have complied with every ordinance, statute, and law necessary to develop property in the City of Fayetteville. Our intended use is aligned with the City's long term plan for the property evidenced by the existing RMF-24 zoning condition.
2. All City of Fayetteville departments involved in this project have recommended it for approval (engineering, planning, fire, solid waste, etc.) and see no issues.
3. The Planning Commission denied the project based on subjective analysis and the assumption that a possible traffic safety issue existed within the Pine Valley Subdivision. There is no conclusive evidence that any traffic safety issues exist.
4. The newly completed intersection at Shiloh Drive and Mount Comfort will safely and easily control traffic entering and leaving this area. The intersection was designed and built with additional capacity to handle increased traffic counts related to new rooftops being built in this part of town.

Based on the above information, we feel strongly that our property rights are being unjustly hindered by denial of this proposed development. Again, we have received approval from all departments within the City of Fayetteville and have met or exceeded any and all ordinances governing development of this property.

I hope you will agree with our position and allow The Macey Drive Townhomes to be heard in front of the City Council.

We believe this development is a positive addition to the City of Fayetteville and hope that the City Council will agree. Together we will leave our *Legacy* one *Venture* at a time.

Sincerely,



Tim Brisiel





CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Harry Davis, Planner
DATE: September 16, 2016

SUBJECT: **LSD 16-5488: Large Scale Development (2900 BLOCK OF MT. COMFORT RD./MACEY DR. TOWNHOMES, 363):** Submitted by SWOPE CONSULTING for properties located in the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR (24) UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR (4) UNITS PER ACRE, containing approximately 6.51 acres. The request is for 11 new structures with 57 multi-family units and associated parking.

RECOMMENDATION:

The City Planning staff recommend approval with conditions of a proposed multi-family development in the 2900 block of Mount Comfort Road as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'. Planning Commission has denied the proposal based on traffic safety. The applicant has appealed this decision to City Council.

BACKGROUND:

The subject property is an undeveloped portion of land south of a tributary to Hamestring Creek and north of Pine Valley Subdivision. The property on which the proposed Large Scale Development is located is a 6.51 acre flag lot off Mount Comfort Rd. The development will be accessed from Macey Dr. through Pine Valley Subdivision.

Request: The proposal is to develop eleven new residential structures with 57 multi-family units and associated parking. As part of the project, the applicant will be extending Macey Dr. approximately 150 feet into the site to provide street frontage for the development.

Public Comments: At the August 11, 2016 Subdivision Committee, members of the public spoke that are concerned about the density in this project and the likely increase in traffic on Mount Comfort Rd. Subdivision Committee forwarded this project to Planning Commission in order to let the full commission discuss traffic impacts as a result of this development.

At the September 12, 2016 Planning Commission meeting, a member of the public spoke in favor of the development upon understanding that the project would not front directly onto Mount Comfort Rd. The citizen then stated that more traffic in Pine Valley would slow down car speeds.

DISCUSSION:

This project was tabled at the August 22, 2016 Planning Commission to allow the applicant to modify architectural elevations and for staff to use traffic accident data and analysis to determine if this project will compound or create a traffic hazard.

Upon reviewing data for the intersection of Mount Comfort and Shiloh in comparison to other similar intersections across Fayetteville, Planning and Engineering staff find that this new development will not compound or create a dangerous traffic hazard (see attached data spreadsheets). Accident data in Fayetteville is based on proximity to intersections. For example, although there were 5 accidents near the corner of Mount Comfort and Shiloh in 2014, those accidents may have happened along Mt. Comfort going east or west. They may also have taken place north of said intersection. It is not conclusive that accidents originate from traffic generated in the direction of Pine Valley.

Staff also reviewed accident data within the Pine Valley Subdivision in order to assess conditions within the neighborhood (see attached data spreadsheets) and have made the same conclusions. This proposed project will not compound or create a dangerous traffic hazard. Planning staff have collectively toured this neighborhood and developed an opinion that the winding and topographically-varying nature of Wildwood Dr., W. Glen Meadow, and W. Marigold Dr. would contribute to traffic calming. This would be to the benefit of both current residents and future drivers seeking to go from the proposed development to Shiloh Dr.

Planning and Engineering staff would like to further address concerns related to making the developer cross the creek to the north and connect with Mount Comfort Rd. by stating that the connection would not be reasonable. The cost to cross the creek and connect would be economically infeasible for a project of this size. Bridging the creek and building nearly a fifth of a mile of roadway, even at the bare minimum of streets without storm drains and curbs, would not be a reasonable requirement for 57 new dwelling units. Many potential users of that connection would still need to use the Mount Comfort and Shiloh intersection, thereby not substantially diverting traffic away from the perceived issue in question.

On September 12, 2016, the Planning Commission heard the proposed project for a second time with the new traffic analysis information. Commissioners generally had the same concerns and attempted to table the project to allow the applicant more time for additional information. The motion to table failed with 3-5-0. A motion was made to approve the project, which also failed with 3-5-0.

CONDITIONS OF APPROVAL:

1. Planning Commission approval of compliance with the Urban Residential Design Standards. *Subdivision Committee gave no recommendation on this issue. Staff finds that, with the revisions provided by the project architect, the 11 proposed multi-family buildings provide enough variation between building types. UDC Section 166.23(D)(2) requires that no building type may be repeated more than three times in a development. Staff finds that the applicant's proposal gives adequate variation between building types.*
2. Planning Commission approval of parkland dedication or payment of fees in lieu. *Subdivision Committee made no recommendation on this issue. On June 29, 2016 the Parks and Advisory Board reviewed this project and recommended accepting money in lieu of land dedication to satisfy the park land dedication ordinance, Parks fees in the*

amount of \$31,920 for 57 new residential units are due prior to signing the final plat. Final fees will be assessed dependent on the total number of units actually constructed.

3. Planning Commission approval of street improvements. *Subdivision Committee gave no recommendation on this issue. Staff recommends that this project extend Macy Drive into the site approximately 150 feet into the site as proposed on the submitted site plans.*
4. Right-of-way dedication is required in the amount of 50 feet in width for the extension of Macy Drive into the site. Right-of-way dedication is not required along Mount Comfort Road as adequate street frontage exists along this road.
5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto.
6. Revisions shall be made prior to construction as outlined in the attached redline and department commentary documents.

STANDARD CONDITIONS OF APPROVAL:

7. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, and Cox Communications).
9. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
10. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
11. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
12. Large scale development shall be valid for one calendar year
13. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
14. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. Exterior lighting package must be provided to the Planning Division.

- c. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - d. Separate easement plat for this project that shall include tree preservation areas.
 - e. Project Disk with all final revisions.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
 - g. Completion of an easement plat.
-

BUDGET/STAFF IMPACT:

N/A

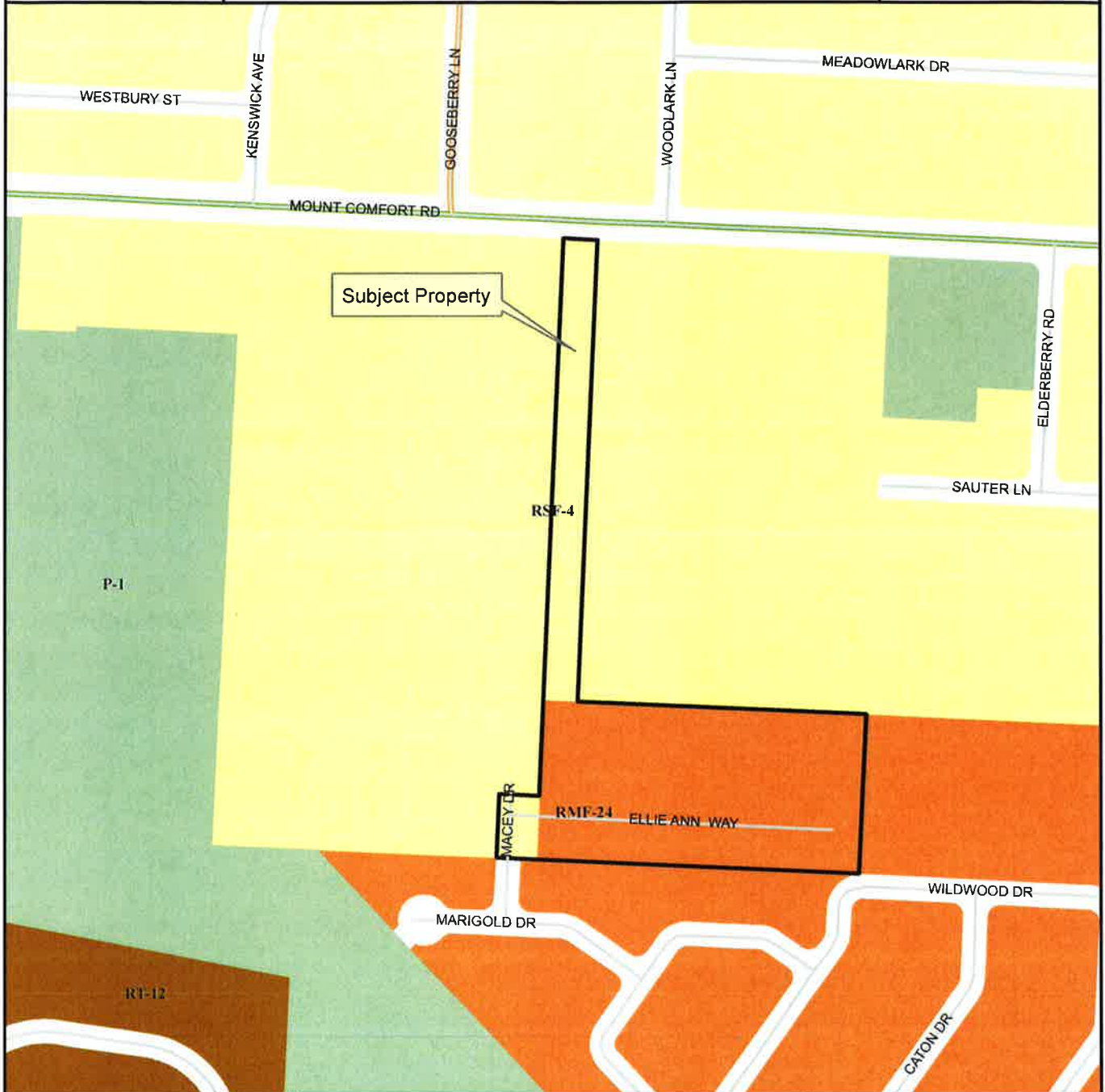
Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report
- Draft September 12, 2016 Planning Commission minutes

LSD 16-5488

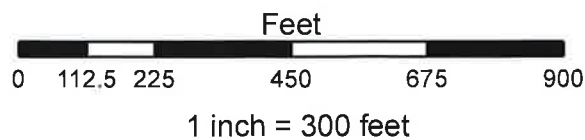
Close Up View

MACEY DR TOWNHOMES EXHIBIT 'A'



Legend

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



- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- P-1

EXHIBIT 'B'

REVISED TRACT "B" SURVEY DESCRIPTION

A PART THE WEST 1/2 OF THE NW 1/4 OF THE SE1/4 OF SECTION 06, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT LOCATED ON THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE BEING S02°11'26"W 38.52 FEET AND S87°15'56"E 70 FEET FROM THE NORTHWEST CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 6; THENCE ALONG SAID RIGHT -OF- WAY S87°15'56"E 252.92 FEET TO A 1/2" REBAR; THENCE LEAVING SAID RIGHT -OF- WAY AND RUNNING S03°19'25"W 255.16 FEET TO A 1/2" REBAR; THENCE S85°23'52"E 209.48 FEET TO A 1/2" REBAR; THENCE N03°19'25"E 261.99 FEET TO A 1/2" REBAR LOCATED ON THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE; THENCE S87°15'56"E 137.46 FEET ALONG SAID RIGHT -OF- WAY TO A 1/2" REBAR LOCATED ON THE EAST LINE OF SAID 20 ACRE TRACT; THENCE S02°53'02"W 950.19 FEET ALONG SAID EAST LINE TO A 1/2" REBAR; THENCE LEAVING SAID EAST LINE AND RUNNING N87°21'57"W 593.87 FEET TO A 1/2" REBAR; THENCE N02°31'33"E 951.24 FEET TO THE POINT OF BEGINNING; CONTAINING 11.78 ACRES, MORE OR LESS.

SUBJECT TO THE CITY OF FAYETTEVILLE UTILITY EASEMENT FILED IN BOOK 888 AT PAGE 897, THAT RUNS EAST TO WEST THROUGH THE CENTER OF SAID PROPERTY, A CITY OF FAYETTEVILLE UTILITY AND DRAINAGE EASEMENT FILED IN BOOK 2005 AT PAGE 26510 THAT RUNS PARTIALLY ALONG THE EAST LINE, A FIFTEEN FOOT WIDE UTILITY EASEMENT SOUTH OF AND CONTIGUOUS TO THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE THAT RUNS ALONG THE NORTH LINE (BOOK 2009,PAGE 10904), AND ANY OTHER RIGHTS-OF-WAY, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

CITY OF FAYETTEVILLE, ARKANSAS

LARGE SCALE DEVELOPMENT

FOR STAFF USE ONLY

LSD FEE: \$200.00 - \$800.00
Sign FEE: \$5.00 per sign
Tech Plat Resubmittal FEE: \$200/resubmittal
Tree Preservation FEE: \$120.00

Date Application Submitted:
 Date Accepted as Complete:
 Project Number:
 Public Hearing Date:

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: Tim Brisiel

E-mail: tim@legacyventuresnwa.com

Address: Legacy Ventures
PO Box 8216

Phone: 479-790-3315

Fax:

Site Address / Location: 765-13627-000

Current Zoning District: RSF-4/RMF-24

Date of Preliminary Plat: N/A

Assessor's Parcel Number(s) for property: 765-13627-000

Total Acreage: 6.76 Number of Lots: 1 Number of Dwelling Units: 58

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

Name: Swope Consulting

E-mail: eric@civilfirst.com
phil@civilfirst.com

Address: 1115 South Walton Blvd Ste 161
Bentonville, AR 72712

Phone: 479-387-4361

Fax:

FINANCIAL INTERESTS

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

Legacy Ventures

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 approvals. I understand that the City might not approve what I am applying for, or might set conditions of approval.

Name (printed): Tim Brisler Date: 6/15/2016

Signature: [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, letter from each property owner must be provided indicating that the agent is authorized to act on her/his behalf.)

Name (printed): Debbie Cawood Address: 4124 Front Porch View Fayetteville

Signature: Debbie Cawood

Date: 6-14-16 Phone: 479 530-0474

Name (printed): _____ Address: _____

Signature: _____

Date: _____ Phone: _____

LSD Checklist:

Attach the following items to this application:

- | | | | |
|-----|---|--|--------------|
| (1) | Payment in full of applicable fees for processing the application: | | |
| | LSD | | |
| | Non-Residential | Non-residential (5000 square feet or less) | \$400.00 |
| | | Non-residential (More than 5000 square feet) | \$800.00 |
| | Residential | Residential (10 residential units or less) | \$200.00 |
| | | Residential (25 residential units or less) | \$400.00 |
| | | Residential (More than 25 residential units) | \$800.00 |
| | Technical Plat Resubmittal (tabled items only) | | \$200.00 per |
| | Tree Preservation | | \$120.00 |
| | Public Notification Sign Fee (per sign) | | \$5.00 |
| (2) | Correspondence in the form of a written letter to Planning Staff describing the scope, nature and intent of the proposal. Variances from requirements of the Unified Development Code will be reviewed and processed in accordance with the procedures set forth therein. Please indicate in the letter to staff if any variances are sought and if so, justification for the request. Most variances require a Planning Commission decision. | | |
| (3) | 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. | | |
| (4) | A copy of the written decision from the Parks and Recreation Advisory Board regarding park land dedication requirements (residential projects only). | | |

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 approvals. I understand that the City might not approve what I am applying for, or might set conditions of approval.

Name (printed): _____ Date: _____

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Name (printed): Debbie Cawood Address: 4124 Front Porch View
 Signature: Debbie Cawood Fayetteville

Date: 6-14-16 Phone: (479) 530-0474

Name (printed): JACK HENRIST Address: 2901 Mt Comfort
 Signature: Jack Henrist FAYETTEVILLE

Date: 6-23-16 Phone: 479-442-7025

LSD Checklist:

Attach the following items to this application:

- | | | | |
|-----|---|--|--------------|
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Name (printed): _____ Date: _____

Signature: _____

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Name (printed): Dan F. Henke Address: 543 N. Tournament Dr
 Signature: [Signature] Fayetteville, AR 72704
 Date: 6-23-16 Phone: 479-595-2577

Name (printed): Marsha Wood Address: 2499 N. Center St.
 Signature: Marsha Wood Fayetteville, AR 72701
 Date: 6-24-16 Phone: 479-443-3801

LSD Checklist:

Attach the following items to this application:

- | | |
|-----|---|
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| | LSD |
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PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner
Jonathan Ely, Staff Engineer
John Scott, Urban Forester

MEETING: September 12, 2016 **UPDATED WITH PC RESULTS**

SUBJECT: **LSD 16-5488: Large Scale Development (2900 BLOCK OF MT. COMFORT RD./MACEY DR. TOWNHOMES, 363):** Submitted SWOPE CONSULTING for properties located in the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR (24) UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR (4) UNITS PER ACRE, containing approximately 6.51 acres. The request is for 11 new structures with 57 multi-family units and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD 16-5488** based on findings contained herein.

AUGUST 22nd DISCUSSION AND RESPONSE:

This project was tabled at the August 22, 2016 Planning Commission to allow the applicant to modify architectural elevations and for staff to use traffic accident data and analysis to determine if this project will compound or create a traffic hazard.

Upon reviewing data for the intersection of Mount Comfort and Shiloh in comparison to other similar intersections across Fayetteville, Planning and Engineering staff find that this new development will not compound or create a dangerous traffic hazard (see attached data spreadsheets). Accident data in Fayetteville is based on proximity to intersections. For example, although there were 5 accidents near the corner of Mount Comfort and Shiloh in 2014, those accidents may have happened along Mt. Comfort going east or west. They may also have taken place north of said intersection. It is not conclusive that accidents originate from traffic generated in the direction of Pine Valley.

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Planning and Engineering staff would like to further address concerns related to making the developer cross the creek to the north and connect with Mount Comfort Rd. by stating that the connection would not be reasonable. The cost to cross the creek and connect would be

economically infeasible for a project of this size. Bridging the creek and building nearly a fifth of a mile of roadway, even at the bare minimum of streets without storm drains and curbs, would not be a reasonable requirement for 57 new dwelling units. Many potential users of that connection would still need to use the Mount Comfort and Shiloh intersection, thereby not substantially diverting traffic away from the perceived issue in question.

BACKGROUND:

The subject property is an undeveloped portion of land south of a tributary to Hamestring Creek and north of Pine Valley Subdivision.

The property on which the proposed Large Scale Development is located is a 6.51 acre flag lot off Mount Comfort Rd. The development will be accessed from Macey Dr. through Pine Valley Subdivision. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped, Single-Family Homes	RSF-4, Residential Single-Family – 4 units per acre
South	Pine Valley Subdivision	RMF-24, Residential Multi-Family, 24 units per acre
East	Pine Valley Subdivision	RMF-24, Residential Multi-Family, 24 units per acre
West	Undeveloped, Single-Family Homes	RSF-4, Residential Single-Family – 4 units per acre

Proposal: The proposal is to develop eleven new residential structures with 57 multi-family units and associated parking. As part of the project, the applicant will be extending Macey Dr. approximately 150 feet into the site to provide street frontage for the development.

INFRASTRUCTURE:

Water and Sewer System: The site has access to public water and public sewer.

Adjacent streets and right-of-way: This parcel currently has frontage onto Mount Comfort Rd., but the development will extend Macey Dr. from the south to create frontage and access. Adequate right-of-way exists on Mount Comfort Rd. and the extended Macey Dr. is to be dedicated as a public street, with 50 feet of right-of-way.

Street Improvements: Mount Comfort Rd. is fully improved. The Macey Dr. extension will be fully improved and meets Master Street Plan requirements. The applicant shall construct new street lights at a spacing of no less than 300 feet between lights.

Tree Preservation:

Canopy minimum requirement: 20%

Existing canopy: 63.4%

Preserved canopy: 24.6%

Mitigation required: 1,800 Sq. Ft. (Eight 2-inch caliper trees planted on-site)

Access Management/Connectivity: Access to the site will be provided through an extension of Macey Dr. from the south with a curb cut off this extension. The proposed street design and curb cut meet the access management requirements for curb cut separation. The applicant is not proposing connectivity to nearby properties within the development. The extended Macey Dr. will

dead-end at the back of a parcel, which will allow for a future extension to the west across the creek to the north, if desired.

Public Comments: At the August 11, 2016 Subdivision Committee, members of the public spoke that are concerned about the density in this project and the likely increase in traffic on Mount Comfort Rd. Subdivision Committee forwarded this project to Planning Commission in order to let the full commission discuss traffic impacts as a result of this development.

approving

RECOMMENDATION: Staff recommends ~~forwarding~~ LSD 16-5488 with the following conditions of approval:

Conditions of Approval:

1. Planning Commission approval of compliance with the Urban Residential Design Standards. *Subdivision Committee gave no recommendation on this issue. Staff finds that, with the revisions provided by the project architect, the 11 proposed multi-family buildings provide enough variation between building types. UDC Section 166.23(D)(2) requires that no building type may be repeated more than three times in a development. Staff finds that the applicant's proposal gives adequate variation between building types.*
2. Planning Commission approval of parkland dedication or payment of fees in lieu. *Subdivision Committee made no recommendation on this issue. On June 29, 2016 the Parks and Advisory Board reviewed this project and recommended accepting money in lieu of land dedication to satisfy the park land dedication ordinance, Parks fees in the amount of \$31,920 for 57 new residential units are due prior to signing the final plat. Final fees will be assessed dependent on the total number of units actually constructed.*
3. Planning Commission approval of street improvements. *Subdivision Committee gave no recommendation on this issue. Staff recommends that this project extend Macy Drive into the site approximately 150 feet into the site as proposed on the submitted site plans.*
4. Right-of-way dedication is required in the amount of 50 feet in width for the extension of Macy Drive into the site. Right-of-way dedication is not required along Mount Comfort Road as adequate street frontage exists along this road.
5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto.
6. Revisions shall be made prior to construction as outlined in the attached redline and department commentary documents.

Standard conditions of approval:

7. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, and Cox Communications).

9. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
 10. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
 11. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
 12. Large scale development shall be valid for one calendar year
 13. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
 14. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. Exterior lighting package must be provided to the Planning Division.
 - c. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - d. Separate easement plat for this project that shall include tree preservation areas.
 - e. Project Disk with all final revisions.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
 - g. Completion of an easement plat.
-

Planning Commission Action: ☐ Approved ☒ Denied ☐ Tabled	
Meeting Date: <u>September 12, 2016</u>	MOTION TO APPROVE
Motion: Brown	Motion: Autry, Second: Hoskins
Second: Autry	3-5-0
Vote: 3-5-0	MOTION FAILS, PROJECT DENIED
MOTION TO TABLE PROJECT - FAILS	

BUDGET/STAFF IMPACT:

None.

Attachments:

- City Attorney memo
- Planning Division comments
- Engineering Division comments
- Urban Forestry Division comments
- Parks Division comments
- Addressing comments
- Accident data
- Applicant's request letter
- Site Plans
- Elevations
- Close Up Map
- One Mile Map

SC601	Mathematical analysis, applied and pure
SC602	Partial differential equations of the Laplace-D'Alembert-Dirichlet type
SC603	Asymptotic expansion of functions of complex order
SC604	Mathematical analysis, modern, research trends, current topics, mathematical physics
SC605	Functional analysis, topology, geometry
SC606	Topics in analysis I to IV (2-3)
SC607	Asymptotic expansion in analysis
SC608	Measure theory, integration
SC609	Functional Analysis, Geometry of Banach Spaces, Topology
SC610	Mathematical Physics, Mathematical Foundations
SC611	Mathematical physics, general, research, topics in analysis, mathematical physics
SC612	Functional analysis, topology, geometry

Macy Drive	
Street Classification	Travel Urban
Local ROW	80
LOC to FGL w/ Parallel Parking	27
Greenhouse	8
Sales/alt	0

USE INFORMATION	ROFF	AC	% OF SITE TOTAL
BITE AREA LESS DEDICATED RIGHT OF WAY	261,587 S.F.	6.931 ACRES	100%
STREET PAVED AREA	35,560 S.F.	OR 0.77 ACRES	
BIKEWAY	4,447 S.F.	OR 0.10 ACRES	
BUILDING & DRIVEWAY AREA	59,000 S.F.	OR 2.27 ACRES	
TOTAL HARDSCAPE AREA	137,007 S.F.	OR 3.14 ACRES	48.4%
SOFTSCAPE AREA	166,580 S.F.	OR 3.37 ACRES	51.6%

GROSS SITE AREA	704,465.6 S.F. OR 16 ACRES
PROPOSED DEDICATED ROW	10,877.55 S.F. OR 0.25 ACRES
NET SITE AREA	793,387.35 S.F. OR 18.1 ACRES
ZONING	RMF/24.50 Acres RSF-4 1.76 ACRES

NUMBER OF BEDROOMS	100
REQUIRED PARKING SPACES PER BEDROOM PROVIDED	100
REQUIRED ADA ACCESSIBLE SPACES PROVIDED	5
REQUIRED BIKE RACKS 100 UNITS PROVIDED	5
REQUIRED SCOOTER 125 UNITS PROVIDED	2
REQUIRED SCOOTER 125 UNITS PROVIDED	3
REQUIRED SCOOTER 125 UNITS PROVIDED	8

Feature	Description
	City and State - Join Post
	Location - Join Post
	Location - Join Post
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If you do the vicinity map with MSP streets like you do for the survey, that would be acceptable

Feature	Description
	Property Line
	Office Property Line
	Right Of Way Line
	Street / Way Centerline
	Curb And Gutter (See Site Plan for Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Firelane-striping
	Asphalt Pavement (See Detail Sheet For Pavement Sections)

Street lights ?

- ✗ Private driveway intersecting Mauney Dr shall adjoin the Commercial driveway
- ✗ All Street Lights to be placed directly behind sidewalk
- ✗ Sidewalks adjacent to Mauney Dr are 5' in width
- ✗ Sidewalks adjacent to parking lots are 7'
- ✗ Sidewalks to building are 4' wide

Street lights must be placed at a maximum of 300' from each other and at every street corner, you must show where the existing and proposed are located

- REMOVE ALL VEGETATION AND TOPSOIL FROM BUILDING FOOTPRINT AND STORE FOR LATER USE. REGRADE AND FURNISH ADDITIONAL TOPSOIL AS REQUIRED. SEED AND STRAW ALL AREAS UNDISTURBED BY CONSTRUCTION.
- SLOPE FINISH GRADES SIDEWAYS AND PAVING AWAY FROM BUILDING FOR POSITIVE DRAINAGE.
- CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS, GRADES, AND DIMENSIONS ON SITE AND REPORT ALL MAJOR DISCREPANCIES TO ENGINEER OF RECORD.
- ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF

THIS DRAWING IS "PRELIMINARY - NOT
FOR CONSTRUCTION" UNTIL ABOVE
SEAL HOLDER ACKNOWLEDGES THE
CANCELLATION OF THIS DISCLAIMER
BELOW

[illegible]

DEY DR. TOWNHOMES
ncy Ventures NWA C/O Tim Bristol
PO Box 8216
Fayetteville, AR 72712
Ph. 479.409.4091

SWOPE CONSULTING
 3101 S. River Road
 Suite 100 • St. Louis, MO 63104
 Phone: (314) 435-1000
 Fax: (314) 435-1001

Project No. **16-205** Scale **1" = 50'**
 Date **8/9/2016**
 Client/Designation **SITE PLAN**
 Sheet # **C1.0**



Fire and Engineering would be happy to work with the local construction level to reduce the possible speed reducing

33

City of Fayetteville Notes:

- All new vehicles shall be ground undercoated and all existing vehicles under 12½ v shall be retrofitted undercoat.
- All mechanical and utility equipment located on the wall outside on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by encasing in screening that is streamer utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Streamer ground-mounted equipment may be screened with tall grasses or shrubs.
- Trash enclosures shall be screened on three sides with materials complementary to and compatible with the principal structure, with screens visible from the street. An enclosure depicting the materials and colors of the screens will be required to be approved by Planning Services prior to being placed on-site.
- All signs by explicit permit.



Date: August 8, 2016

Planning Commission Staff Memo

To: Harry Davis, Planner

From: Jonathan Ely
Development and Construction Manager
Engineering Division

Re: Plat Review Comments

Development: LSD 16-5488 Macy Dr. Townhomes

Engineer: Swope Consulting

Plan Comments:

1. On street parking showing on the west side of Macy Drive, will not be striped as shown. Removing striping from site plan.
2. Show all adjacent topographic information within 100 feet of the property boundary. This should include buildings, driveways, sidewalks, streets, fences, utilities, landscaping, etc...
3. A portion of the property is located within the floodplain, so an elevation certificate will likely be required, unless pad elevation is shown to be in excess of 10 feet above the BFE. Coordinate with Alan Pugh for further information.

Drainage Comments:

1. Site Design Credit for Vegetated Channel does not meet the minimum criteria as proposed on the drawings. In order to obtain this credit, the criteria listed in section 4.3.2.3 of the Drainage Criteria Manual must be met. Otherwise, the water quality calculations will need to be adjusted to accommodate the full water quality volume.
2. Post Developed Drainage Map must show the contributing area to the Vegetated Channel, and bioretention area.
3. Runoff Curve Numbers and time of concentrations calculations for each basin must conform to tables and guidelines established in Chapter 3 of the Drainage Criteria Manual. There are discrepancies in the drainage report that must be corrected prior to engineering approval of the project.
4. There is a small section of new impervious area shown in Post Developed Area B. This area must meet minimum standard #1, or provide justification for why it is not feasible to capture and treat this area for water quality.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense

3. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
4. Fire Line monthly fees will be applied based on the size of the riser penetrating the slab. See Chapter 51.136 of the Unified Development Code for table of fees associated with pipe diameter.
5. Commercial structures that may require a fire sprinkler system must obtain a fire flow study submitted and approved by the fire department prior to approval of the project.
6. Prior to engineering approval of the **building permit**, either the required public improvements must be installed and accepted, or performance bonds in the amount of 150% of the construction cost for all public improvements must be submitted, accompanied by a unit price estimate approved by the Engineering Division.
7. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - o Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - o Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - o Waterline fittings, callouts, or utility conflicts
 - o Street profiles
 - o Fine grading/spot elevations
8. The Engineer of Record shall:
 - a. Review and approve material submittals. Approved submittals shall be submitted to the City for concurrence before grading permit is issued.
 - b. Perform "Full Time" Inspection for the utility installation and shall be "In- Charge" of the approval testing.
 - c. Provide a qualified representative for all testing and inspection.
 - d. Schedule testing with the Public Works Inspector.
 - e. Authorize geotechnical testing laboratory to provide reports directly to City in PDF format. Reports shall be submitted in a timely manner.
 - f. Prepare material data sheets and test reports required by the specifications.
 - g. Insure that daily inspection reports and data sheets are submitted to the City of Fayetteville's public works inspector weekly in PDF format.
9. 2012 Standard Water & Sanitary Sewer Specifications & Details apply
10. Demolition shall not begin until the appropriate erosion control measures and required tree preservation fencing are installed
11. Prior to **Project Acceptance** (Final Plat, Certificate of Occupancy, or Temporary Certificate of Occupancy) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - h. The work shown on the civil site package must be complete and the items on the final punch list completed.
 - i. Vegetation must be established and perimeter erosion controls removed.
 - j. One (1) set of as-built drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
 - i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.
 1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
 - ii. Sanitary Sewer, and Storm Drainage (Including Private) elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
 - iii. Street Centerline, Width, Profiles and Cross slopes shall be verified.

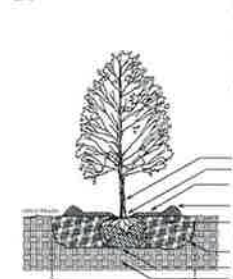
1. More than 6 inches deviation of design alignment of shall require new right of way dedication or adjustment of the street section.
- iv. Adequate verification survey to confirm accuracy of drainage report.
- v. As-builts should include the following information in a table: Linear Feet of new public streets, sidewalk (categorized by width), waterline, and sanitary sewer. Square feet of newly dedicated right-of-way.
- k. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements; 50% of water & sewer infrastructure.
- l. Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...
- m. Certification that the designed retaining walls were installed per approved plans and City of Fayetteville requirements(Inspection and Testing Reports required);
- n. Cross Sections, Volume Calculations, and Certification Retention/Detention Ponds are in accordance with the approved Drainage Report.
- o. Surveyor's Certification of Compliance for monuments and property pins.
- p. The As- Built Final Drainage Report in PDF format updated per as-built invert, slope, inlet opening, road profile, cross slope, etc...
- q. Bond, guarantee, or letter of credit for all sidewalks not constructed prior to final plat approval (150% of the estimated cost of construction);
- r. Cross Sections, contours, spot elevations, and Certification that the site has been graded per the approved MRLGP within the right of way, drainage easements, and utility easements.

Lafayetteville Landscape Notes

1. Construction shall use the best quality materials and workmanship available.
2. The landscape architect shall be responsible for obtaining all necessary permits.
3. All plants shall be healthy specimens of the species and size indicated.
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Lafayetteville Notes

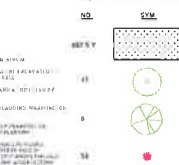
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Tree Planting Detail

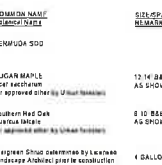
PROPOSED LEGEND

PROPOSED LEGEND



PLANT SCHEDULE

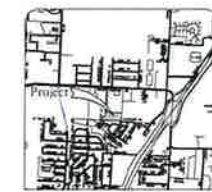
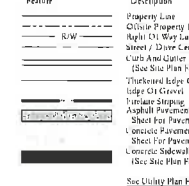
PLANT SCHEDULE



Existing Features:



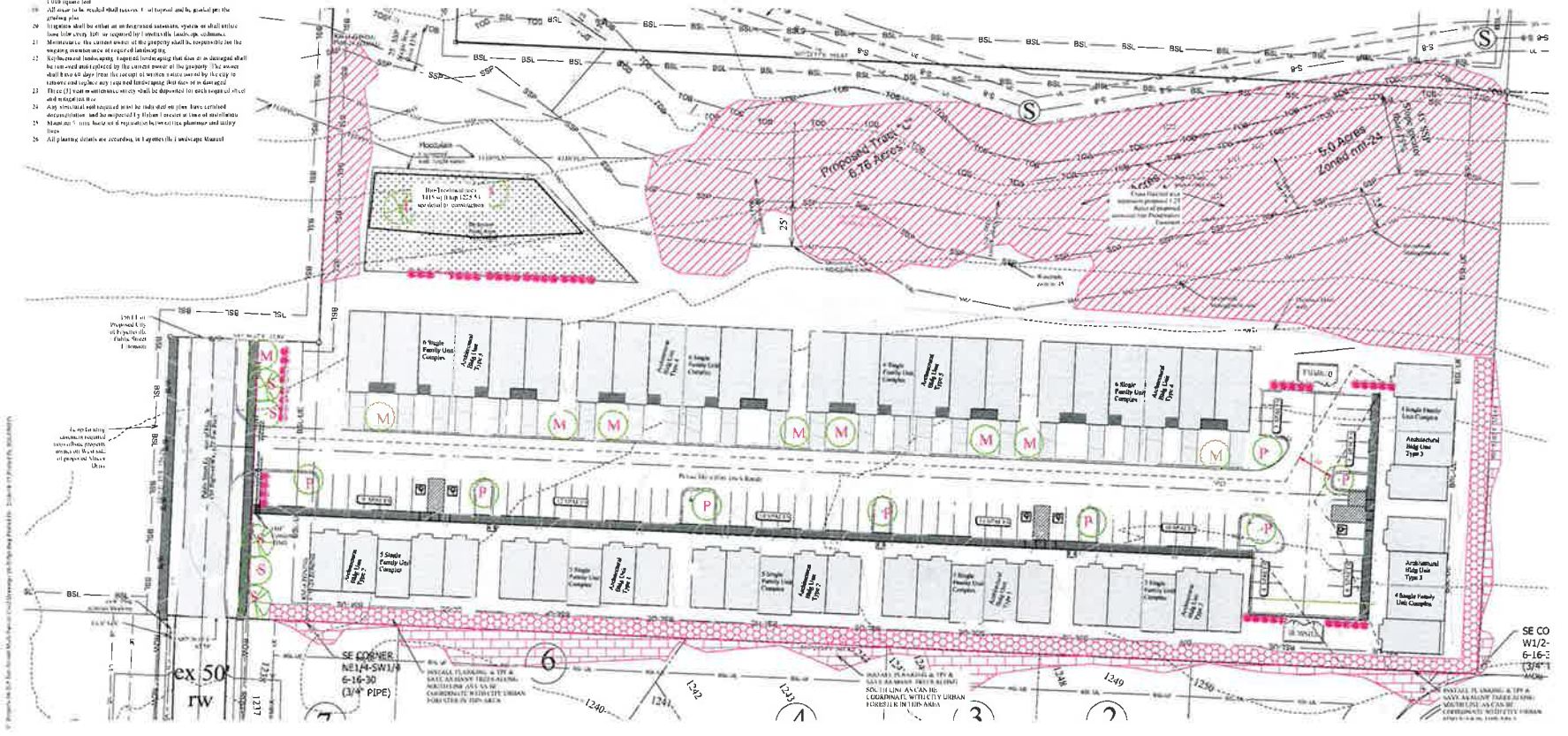
Proposed Features:



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Landscape Requirements		Number of ADA Spaces		Number of ADA Spaces		Number of ADA Spaces	
Parking Spaces	Number of ADA Spaces	Parking Spaces	Number of ADA Spaces	Parking Spaces	Number of ADA Spaces	Parking Spaces	Number of ADA Spaces
Number of ADA Spaces	Number of ADA Spaces	Number of ADA Spaces	Number of ADA Spaces	Number of ADA Spaces	Number of ADA Spaces	Number of ADA Spaces	Number of ADA Spaces

Street Tree Requirements		Landscape Requirements		Landscape Requirements		Landscape Requirements	
Street Tree Requirements	Street Tree Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements
Street Tree Requirements	Street Tree Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements	Landscape Requirements



DATE	NO.	DATE	NO.

Large Scale Development of
MACEY DR. TOWNHOMES
 Development for
 Legacy Ventures NWA CO Tim Bimel
 PO Box 8216
 Fayetteville, AR 72712
 Ph. 479-408-4081

SWOPE CONSULTING
 Landscape Architect
 1000 N. Main Street
 Fayetteville, AR 72701
 Ph. 479-408-4081

Project No. 16-205 Scale 1"=30'
 Date 8/9/2016
 Sheet Description LANDSCAPE PLAN
 Sheet No. C1.1

Standard Notes for Tree & Natural Area Protection:

- All trees and natural areas shown on this plan to be preserved shall be protected during construction with temporary fencing. Protective fences shall be erected according to city of Fayetteville standards for tree protection.
- Protective fences shall be installed prior to the start of any site preparation work and shall be maintained throughout all phases of the construction project.
- Resurfacing and sedimentation control barriers shall be installed or maintained in a manner which does not result in soil build-up within tree driplines.
- Protective fences shall surround the trees in group of trees and will be located at the dripline for natural areas. Protective fences shall follow the limit on construction in order to prevent the following:
 - Soil compaction in the root zone of area resulting from vehicular traffic or storage of equipment.
 - Road zone disturbances due to grade changes (greater than 2") just trenching and viewed by city standards.
 - Wounds to exposed roots, trunk or limbs by mechanical equipment.
 - Other activities detrimental to trees such as chemical storage, concrete truck cleaning and fires.
- Exceptions to installing fences at tree driplines may be permitted in the following cases:
 - Where there is to be an approved grade change, impervious paving surface, tree well, or other such site development.
 - Where permeable paving is to be installed within a tree's dripline, erect the fence at the outer limits of the permeable paving area (prior to site grading on this area is graded separately prior to paving installation to minimize root damage).
 - Where trees are close to proposed buildings, erect the fence

- to allow 6 to 10 feet of work space.
- Where there are severe space constraints due to tract size or other special requirements.
- Where any of the above exceptions result in a fence being closer than 4 feet to a trunk, protect the trunk with strapped or plank to height of 8 feet (in limits of lower branching) in addition to the reduced fencing provided.
- Trees approved for removal shall be removed in a manner which does not impact trees to be preserved.
- Any roots exposed by construction activity shall be pruned flush with the soil. Backfill root areas with good quality topsoil as soon as possible. If exposed root areas are not backfilled within 2 days, cover with organic material in a manner which reduces soil temperature and minimizes water loss due to evaporation.
- Any trenching required for the installation of landscape irrigation shall be placed as far from existing tree trunks as possible.
- No landscape topsoil dressing greater than 4 inches shall be permitted within the dripline of trees. No soil is permitted on the root flare of any tree.
- Pruning to provide clearance for structures, vehicular traffic, and equipment shall take place before construction begins.
- All finished pruning must be done according to recognized, approved standards of the industry (reference the American National Standard ANSI-A300 pruning, 2008 or later). A city certified tree pruner must be retained to make all pruning cuts. A list of certified tree pruners is available from the urban forester.
- Deviations from the above notes may be considered ordinance violations if there is a substantial non-compliance on a tree systems damage as a result.

Tree ID	Species	DBH (in)	Height (ft)	Location	Notes
1	Oak	12	25	North	Preserve
2	Maple	10	20	West	Preserve
3	Oak	15	30	East	Preserve
4	Maple	12	25	South	Preserve
5	Oak	10	20	North	Preserve
6	Maple	12	25	West	Preserve
7	Oak	15	30	East	Preserve
8	Maple	12	25	South	Preserve
9	Oak	10	20	North	Preserve
10	Maple	12	25	West	Preserve
11	Oak	15	30	East	Preserve
12	Maple	12	25	South	Preserve
13	Oak	10	20	North	Preserve
14	Maple	12	25	West	Preserve
15	Oak	15	30	East	Preserve
16	Maple	12	25	South	Preserve
17	Oak	10	20	North	Preserve
18	Maple	12	25	West	Preserve
19	Oak	15	30	East	Preserve
20	Maple	12	25	South	Preserve

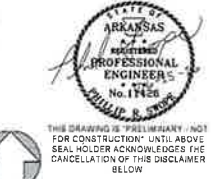
Tree ID	Species	DBH (in)	Height (ft)	Location	Notes
21	Oak	12	25	North	Preserve
22	Maple	10	20	West	Preserve
23	Oak	15	30	East	Preserve
24	Maple	12	25	South	Preserve
25	Oak	10	20	North	Preserve
26	Maple	12	25	West	Preserve
27	Oak	15	30	East	Preserve
28	Maple	12	25	South	Preserve
29	Oak	10	20	North	Preserve
30	Maple	12	25	West	Preserve
31	Oak	15	30	East	Preserve
32	Maple	12	25	South	Preserve
33	Oak	10	20	North	Preserve
34	Maple	12	25	West	Preserve
35	Oak	15	30	East	Preserve
36	Maple	12	25	South	Preserve
37	Oak	10	20	North	Preserve
38	Maple	12	25	West	Preserve
39	Oak	15	30	East	Preserve
40	Maple	12	25	South	Preserve

Tree ID	Species	DBH (in)	Height (ft)	Location	Notes
41	Oak	12	25	North	Preserve
42	Maple	10	20	West	Preserve
43	Oak	15	30	East	Preserve
44	Maple	12	25	South	Preserve
45	Oak	10	20	North	Preserve
46	Maple	12	25	West	Preserve
47	Oak	15	30	East	Preserve
48	Maple	12	25	South	Preserve
49	Oak	10	20	North	Preserve
50	Maple	12	25	West	Preserve
51	Oak	15	30	East	Preserve
52	Maple	12	25	South	Preserve
53	Oak	10	20	North	Preserve
54	Maple	12	25	West	Preserve
55	Oak	15	30	East	Preserve
56	Maple	12	25	South	Preserve
57	Oak	10	20	North	Preserve
58	Maple	12	25	West	Preserve
59	Oak	15	30	East	Preserve
60	Maple	12	25	South	Preserve

Tree ID	Species	DBH (in)	Height (ft)	Location	Notes
61	Oak	12	25	North	Preserve
62	Maple	10	20	West	Preserve
63	Oak	15	30	East	Preserve
64	Maple	12	25	South	Preserve
65	Oak	10	20	North	Preserve
66	Maple	12	25	West	Preserve
67	Oak	15	30	East	Preserve
68	Maple	12	25	South	Preserve
69	Oak	10	20	North	Preserve
70	Maple	12	25	West	Preserve
71	Oak	15	30	East	Preserve
72	Maple	12	25	South	Preserve
73	Oak	10	20	North	Preserve
74	Maple	12	25	West	Preserve
75	Oak	15	30	East	Preserve
76	Maple	12	25	South	Preserve
77	Oak	10	20	North	Preserve
78	Maple	12	25	West	Preserve
79	Oak	15	30	East	Preserve
80	Maple	12	25	South	Preserve

Proposed Features:

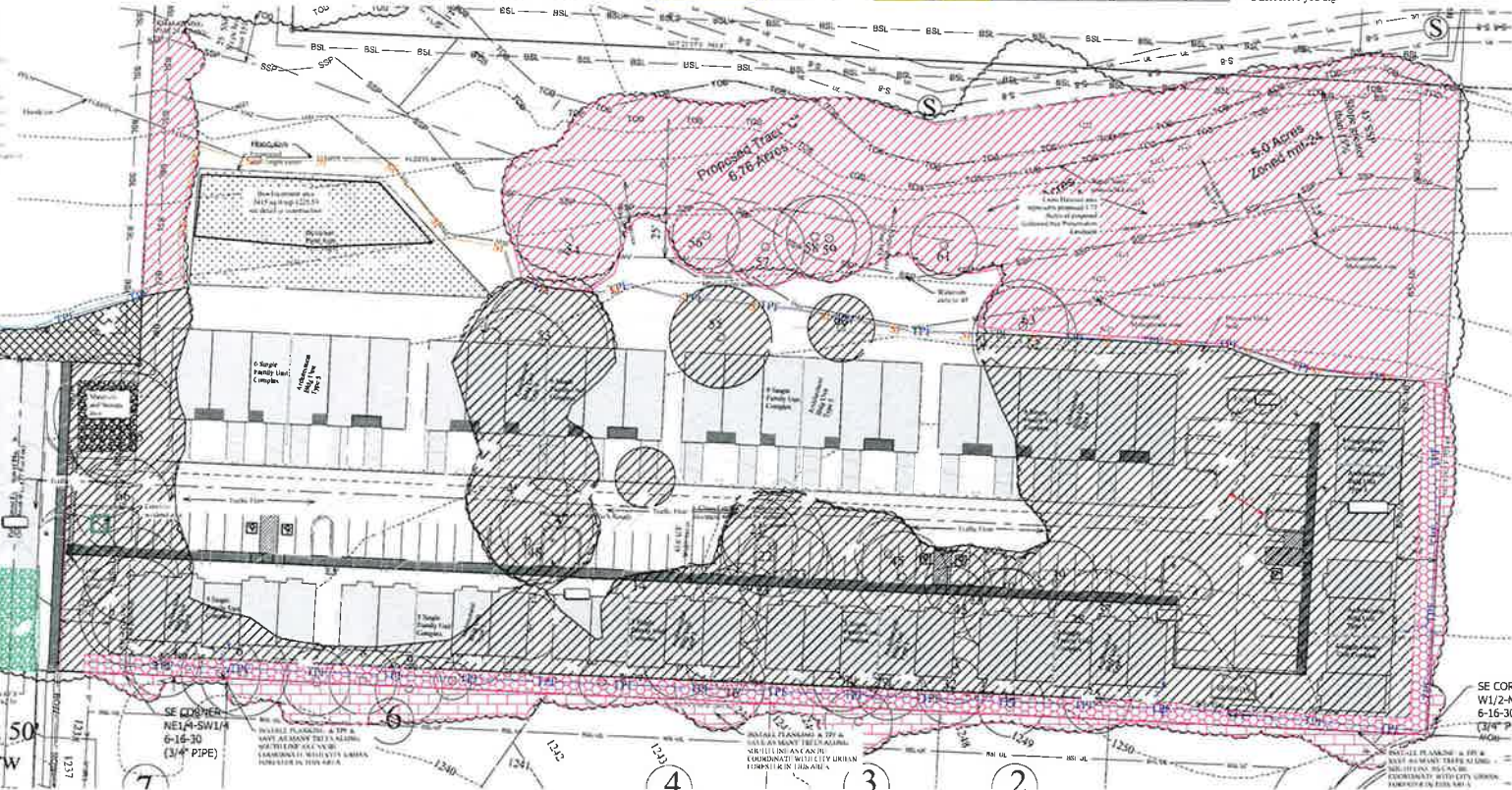
- Feature: _____ Description: _____
- Property Line
Right of Way Line
Street / Drive Centerline
Curb And Gutter
Dike Side Part (or SWC)
Thatched Edge (or Pavement)
Apron (or Gravel)
Pavement Surface
Asphalt Pavement (See Detail)
Sheet for Pavement Sections
Concrete Pavement (See Detail)
Sheet for Pavement Sections
Concrete Sidewalk
(See Note Plan for Dimensions)
- See Utility Plan in Lane Sheet
0.900 W. side Line
Water Line
Gas, Cable, Sewer, Gate Valve
& Reducer
Fire Hydrant & Assembly
5/8" Single Water Meter
Sanitary Sewer Line
Sanitary Sewer Service
Sanitary Sewer Manhole
- Note: See Cover Sheet for Abbreviations List
- 811
- Know what's below
Call before you dig
- GRAPHIC SCALE
1 inch = 30 feet



THIS DRAWING IS PRELIMINARY / NOT FOR CONSTRUCTION. UNTIL ABOVE SEAL HOLDER ACKNOWLEDGES THE CANCELLATION OF THIS DISCLAIMER BELOW

Existing Features:

- Feature: _____ Description: _____
- BLW
Gravel
Right of Way Line
Street / Drive Centerline
Curb And Gutter
Dike Side Part (or SWC)
Thatched Edge (or Pavement)
Apron (or Gravel)
Pavement Surface
Asphalt Pavement (See Detail)
Sheet for Pavement Sections
Concrete Pavement (See Detail)
Sheet for Pavement Sections
Concrete Sidewalk
(See Note Plan for Dimensions)





TREE PRESERVATION AND PROTECTION – Chapter 167

To: Tim Brisiel, Legacy Ventures NWA

From: John Scott, Urban Forestry

CC: Jonathan Curth, Senior Planner

Date: August 15, 2016

Subject: LSD 16-5488: NE of Marigold Dr. and Macey Dr. | Macey Dr. Townhomes | Planning Commission

Requirements Submitted:

N	Initial Review with the Urban Forester
NA	Site Analysis Map Submitted (if justification is needed)
NA	Site Analysis Written Report Submitted (justification is needed)
Y	Complete Tree Preservation Plan Submitted
Y	Tree Mitigation Table on Plans
NA	Tree Preservation Waiver Submitted (only use if no trees onsite or near P/L)

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	226,512	100%
Zoning Designation * Select Below with drop down arrow		
RMF-24 Multi-Family Residential-Twenty-Four Units Per Acre	45,302	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	45,302	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	143,603	63.4%
Tree Canopy Preserved	55,765	24.6%
Tree Canopy Removed *On Site	87,838	38.8%
Tree Canopy Removed *Off Site	1,800	
Tree Canopy Removed Total	89,638	39.6%
Removed Below Minimum	0	
Mitigation Requirements	1,800	

- Total Site Area* is property line minus Master Street Plan ROW, existing easements, and Dedicated Parkland
- Existing Tree Canopy* is total tree canopy minus Master Street Plan ROW and existing easements

Tree Canopy Mitigation: 8 trees will be required for mitigation. Staff has determined the best location for the mitigation trees to offset the impact of the development is on the north side of the parking lot as shown on the landscape plan. 167.04 I 7

Canopy Below Required	Preservation Priority/Type	Forestation Base Density (ft2)	Number of 2" caliper trees to be planted
1800 ft2	High Priority	218	8
0	Mid Priority	290	0
	Low Priority	436	0
Total Mitigation			8

Mitigation Type Requested	Qty	Each	Total Cost
On-site Mitigation			
Off-site Mitigation			
Tree Escrow		\$675	
Total Mitigation			

Mitigation Type Requested:

☒ On-Site ☐ Off-Site ☐ Tree Escrow ☐ Not Requested Yet

Mitigation Type Requested Approved: ☒ YES ☐ NO

TREE PROTECTION PLAN CHECKLISTS AND COMMENTS:

Plan Checklist:

NA = not applicable

Yes = submitted by applicant

I = incomplete

No = required by City Code but not included on submitted plan

The Site Analysis Plan [167.04(H)(1)]

Tech Plat	SD	PC	Site Analysis Plan Components
Y	Y	Y	5 year aerial check on existing trees
Y	Y	Y	Property Boundary
Y	Y	Y	Natural Features 100ft beyond property line shown
Y	Y	Y	Existing Topography with slopes $\leq$ 15% highlighted
N	Y	Y	Soils
Y	Y	Y	Significant Tree(s): 24", 18" and 8" DBH
Y	Y	Y	Table listing Sig. Trees with species, size, health, priority.
Y	Y	Y	Grouping of Trees: all other trees that do not meet significant requirements.
Y	Y	Y	Table listing Grouped Trees with average species, size, health, priority
Y	Y	Y	All existing utilities
Y	Y	Y	All perennial and intermittent streams with approximate center line
Y	Y	Y	Floodplains/Floodways
Y	Y	Y	Existing street, sidewalk or bike path ROW
NA	Na	Na	Submitted Site Analysis Plan

The Analysis Plan Report [167.04(H)(4)]

Tech Plat	SD	PC	Analysis Plan Report Components
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NA	N/A	N/A	Detail Design Approaches used to minimize damage to OR removal of existing canopy
NA	N/A	N/A	Justification for removal of individual or groupings of trees/canopy
NA	N/A	N/A	Details providing information on on-site mitigation OR off-site alternatives
NA	N/A	N/A	Submitted Analysis Report/Statement – Note the process, iterations, and approaches with tree preservation in mind. Use email from owner/developer that was provided as reference.

Tree Preservation Plan [167.04(H)(2)]

Tech Plat	SD	PC	Tree Preservation Plan Components
Y	Y	Y	Shows ALL Proposed Site Improvements
Y	Y	Y	Delineates trees/canopy to be preserved and removed
Y	Y	Y	Delineates existing and proposed grading
Y	Y	Y	Depict limits of soil disturbance
N	Y	Y	Detail methods that will be used to protect trees during construction:
N	Y	Y	1. Tree Protection Fencing
NA	N/A	N/A	2. Limits of Root Pruning
N	Y	Y	3. Traffic flow on work site
N	Y	Y	4. Location of material storage
N	Y	Y	5. Location of concrete wash out – move outside of trees to be saved
N	Y	Y	6. Location of construction entrance/exit
Y	Y	Y	Location of ALL existing and new utility/drainage easements

Conditions of Approval:

Urban Forestry recommends approval of the Landscape Plan with the following conditions of approval:

1. Address items above marked "No" and all Redlines provided.
2. Add the following notes:
 - a. Prior to Building Permit approval, an easement plat depicting tree preservation areas must be signed by Urban Forestry.
 - b. Prior to request for final landscape inspection by Urban Forester, Landscape Architect of Record shall inspect site and direct Contractor to make changes to meet approved plans and details. No changes to the approved landscape plan may be made without Urban Forester approval.



LANDSCAPE REGULATIONS – Chapter 177

To: Tim Brisiel, Legacy Ventures NWA

From: John J. Scott, Urban Forestry

CC: Jonathan Curth, Senior Planner

Date: August 15, 2016

Subject: LSD 16-5488: NE of Marigold Dr. and Macey Dr. | Macey Dr. Townhomes | Planning Commission

Applicable Requirements:

Y	Site Development & Parking Lot Standards
Y	Street Tree Planting Standards
NA	Stormwater Facilities

Plan Checklist:

Yes = submitted by applicant

No = required by City Code but not included on submitted plan

N/A = not applicable

Tech Plat	SC	PC	All Landscape Plans
Y	Y	Y	Irrigation notes either automatic or hose bib 100' o.c. (177.03A.7.g & 177.04.B.3.a)
Y	Y	Y	Species of plant material identified (177.03.A.7.d & e)
Y	Y	Y	Size of plant material at time of installation indicated minimum size 2" caliper for trees and 3 gal. shrubs (177.03.A.7.b & c)
Y	Y	Y	Soil amendments notes include that soil is amended and sod removed (177.03.C.6.b)
Y	Y	Y	Mulch notes indicate organic mulching around trees and within landscape beds (177.03.C.6.c & d)
N	N	N	LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer (177.03.B)
Y	Y	Y	Planting bed contained by edging (177.03.C.6.f)
Y	Y	Y	Planting details according to Fayetteville's Landscape Manual (177.03.C.6.g)

Tech Plat	SC	PC	Site Development & Parking Lot Standards
NA	Na	Na	Wheel stops/ curbs (177.04.B.1)
N	Y	Y	Interior landscaping (177.04.C) Narrow tree lawn (8' min width, 37.5' min length/ 1 tree per 12 spaces) <u>OR</u> Tree island (8' min. width, 18.7' min. length/1 tree per 12 spaces) All parking lot trees must be deciduous (177.04.C.3)
Y	Y	Y	Placement of Trees (177.04.C.2) Either side at points of access (entrance/exit)
Y	Y	Y	Perimeter landscaping (177.04.D) Side and rear property lines (5' wide landscaped) Front property line (15' wide landscape) (177.04.D.2.a) Shade trees planted on south and west sides of parking lots (177.04.D.2.e) Parking lot adjacent to R.O.W. - continuous row planting of shrubs - 50% evergreen. Remaining landscaping to be ground cover and / or turf.) (177.04.D.4a) NOTE: Shade trees are described in street tree planting standards
Tech Plat	SC	PC	Street Tree Planting Standards (time of F.P. or permit) (177.05)
N	NA	NA	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
Y	Y	y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA	Na	Na	Urban Tree Wells-urban streetscape only- 8' sidewalk , trees every 30 L.F. (177.05.B.3 a-f)
NA	Na	Na	Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan and inspected at time of construction.
NA	Na	Na	Timing of planting indicated on plans (subdivisions only) (177.05.A.4)
NA	Na	Na	Written description of the method for tracking plantings (177.05.A.4.e)
Y	Y	y	Plan contains 3-year Maintenance and Monitoring Agreement. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. (177.05.A.2.e)
Tech Plat	SC	PC	Stormwater Facilities (time of F.P. or permit) (177.06.A – C)
Y	Y	Y	1 deciduous or evergreen tree/ 3000 square feet
Y	Y	Y	4 large shrubs or small trees (3 gal) / 3000 square feet
Y	Y	Y	6 shrubs or grasses (1 gal) / 3000 square feet
Y	Y	Y	Ground cover unless seed or sod is specified
Y	Y	y	50% of facility planted with grass or grass like plants

Landscape Requirements Table		
8	Mitigation Trees	3-year surety required
5	Street Trees 156/30	3-year surety required
7	Parking Trees (24/12) = Provided	
2	Detention Large Trees	
10	Detention Small Trees / Large Shrubs	

Conditions of Approval:

Urban Forestry recommends approval of the Landscape Plan with the following conditions of approval:

1. Address all items above marked "N".
2. Plan must be stamped by a Licensed Landscape Architect.
3. Add the following notes:
 - a. Prior to Building Permit approval, all required landscaping will require a performance bond and a completed Landscape Surety Form for all required landscaping. Submit an itemized landscape estimate for review at time of construction plan review.
 - b. Prior to Certificate of Occupancy, a 3-year Maintenance Plan must be submitted with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form for all required street and mitigation trees.
 - c. Landscape Architect of Record shall inspect site and direct Contractor to make changes to meet approved plans and details prior to Urban Forester Certificate of Occupancy inspection. No changes to the approved landscape plan may be made without Urban Forester approval.



TO: Planning Division
FROM: Ken Eastin, Park Planner II
DATE: August 8, 2016
SUBJECT: Parks & Recreation Technical Plat Review Comments

Meeting Date: Subdivision Committee on August 11, 2016
Item: 16-5488 LSD NE of Marigold Dr. and Macey Dr. (Macey Dr. Townhomes) 363
Park District: NW
Zoned: RSF-4, RMF-24
Billing Name & Address: Tim Brisiel
Legacy Ventures
PO Box 8216
Fayetteville, AR 72701

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ 0.023 acre per unit = _____ acres	_____ @ \$920 per unit = \$ _____
Multi-Family	_____ @ 0.014 acre per unit = _____ acres	57 @ \$560 per unit = <u>\$31,920</u>

COMMENTS:

- On June 6, 2016, PRAB reviewed the project and recommended accepting money in-lieu for 57 multi-family units to satisfy the park land dedication ordinance due to the development's proximity to Salem Park, Gary Hampton Softball Complex, Hamestring and Clabber Creek Trails, and Bryce Davis Community Park.
- Fees in the amount of \$31,920 are due for the proposed 57 multi-family units prior to the issuing of building permits
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this development will be used to fund future park acquisitions and improvements within this park quadrant.
- The actual amount of fees will be determined by the actual number of units and the parks fee formula at the time of Planning Commission approval of the LSD.

Macey Drive Townhomes

APPROVED

By Dainah Gilbert at 12:10 pm, Aug 04, 2016

50 Feet



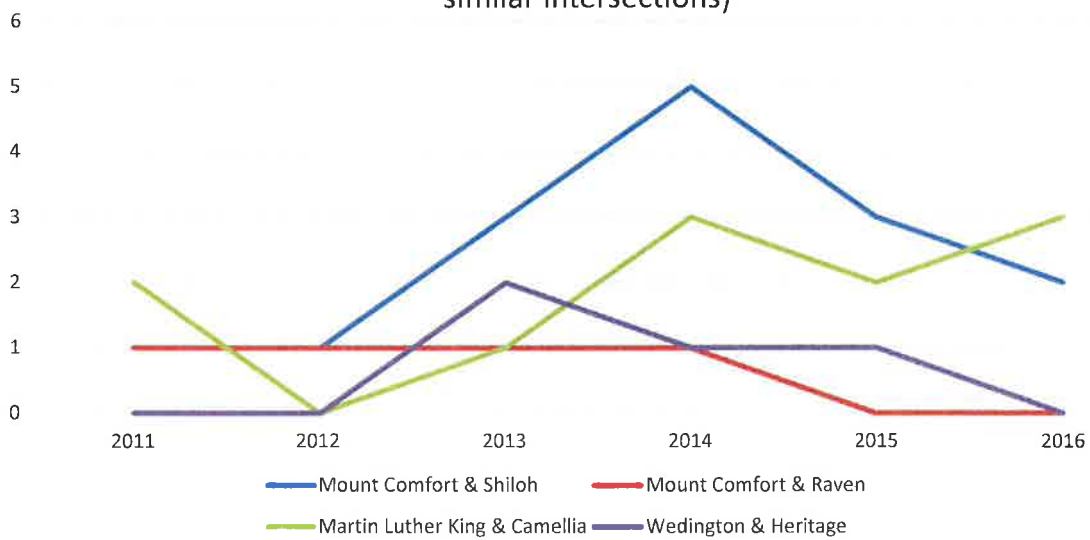
- Preliminary Address
- Street
- Project Area
- County Parcel

Vicinity Map



	Mount Comfort & Shiloh	Mount Comfort & Raven	Martin Luther King & Camellia	Wedington & Heritage
2011	1	1	2	0
2012	1	1	0	0
2013	3	1	1	2
2014	5	1	3	1
2015	3	0	2	1
2016	2	0	3	0

2011-2016 Accident Totals by Year for Mt. Comfort & Shiloh (and similar intersections)



Mount Comfort & Shiloh

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101300	20110723	134700	MOUNT COMFORT	SHILOH
201200411	20120305	74900	MOUNT COMFORT	SHILOH
201301712	20130826	72800	MOUNT COMFORT	SHILOH
201302004	20130918	174800	SHILOH	MOUNT COMFORT
201302232	20131016	125900	MOUNT COMFORT	SHILOH
201400880	20140505	75400	MOUNT COMFORT	SHILOH
201401271	20140624	14900	MOUNT COMFORT	SHILOH
201401418	20140724	162600	MOUNT COMFORT	SHILOH
201402378	20141107	73900	MOUNT COMFORT	SHILOH
201402494	20141117	94500	MOUNT COMFORT	SHILOH
201500249	20150207	172500	MOUNT COMFORT	SHILOH
201500527	20150305	152200	SHILOH	MOUNT COMFORT
201500720	20150330	74800	MOUNT COMFORT	SHILOH
201600123	20160104	151300	MOUNT COMFORT	SHILOH
201601168	20160504	75600	MOUNT COMFORT	SHILOH

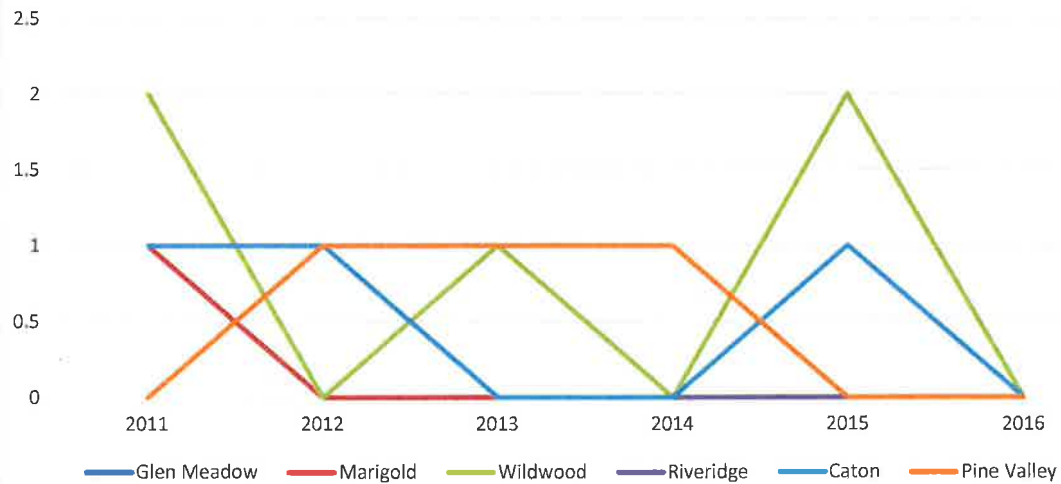
ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101894	20111003	75200	MOUNT COMFORT	RAVEN
201202027	20121012	143700	MOUNT COMFORT	RAVEN
201300191	20130201	161500	MOUNT COMFORT	RAVEN
201401856	20140915	75500	MOUNT COMFORT	RAVEN

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101095	20110614	42800	MARTIN LUTHER KING	CAMELLIA
201101564	20110824	181600	MARTIN LUTHER KING	CAMELLIA
201300414	20130301	141800	MARTIN LUTHER KING	CAMELLIA
201400769	20140402	121000	MARTIN LUTHER KING	CAMELLIA
201402066	20141007	180700	MARTIN LUTHER KING	CAMELLIA
201402609	20141203	600	MARTIN LUTHER KING	CAMELLIA
201500708	20150328	201400	MARTIN LUTHER KING	CAMELLIA
201503119	20151211	113100	MARTIN LUTHER KING	CAMELLIA
201600090	20160114	183900	MARTIN LUTHER KING	CAMELLIA
201600679	20160313	195100	MARTIN LUTHER KING	CAMELLIA
201601825	20160715	191800	MARTIN LUTHER KING	CAMELLIA

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201302830	20131207	110900	WEDINGTON	HERITAGE
201300907	20130508	112200	HERITAGE	WEDINGTON
201400439	20140304	80000	HERITAGE	WEDINGTON
201502701	20151025	160600	HERITAGE	WEDINGTON

	Glen Meadow	Marigold	Wildwood	Riveridge	Caton	Pine Valley
2011	1	1	2	0	1	0
2012	0	0	0	1	1	1
2013	0	0	1	0	0	1
2014	0	0	0	0	0	1
2015	0	0	2	0	1	0
2016	0	0	0	0	0	0

2011-2016 Accidents Totals by Street per Year (in Pine Valley Subdivision)



GlenMeadow

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100819	20110504		GLENMEADOW	MARIGOLD

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100440	20110306	2962	MARIGOLD	

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100437	20110227		WILDWOOD	N WILDWOOD
201102526	20111221	2852	WILDWOOD	
201300288	20130214		WILDWOOD	RIVERRIDGE
201500202	20150130		WILDWOOD	RIVERRIDGE
201501168	20150518		WILDWOOD	CATON

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201200885	20120505		RIVERRIDGE	GLENMEADOW

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201201422	20120722		CATON	
201100408	20110303		CATON	RIVERRIDGE
201501396	20150613		CATON	RIVERRIDGE

06/17/2016

Planning Division
City of Fayetteville
Fayetteville, Arkansas 72701

ATTN: Planning Staff

RE: Macey Street Townhomes

Dear Planning Staff,

Please accept this letter accompanying our Large Scale Development plans for the Macey Drive Townhomes. We have submitted the full set of plans and look forward to working with the City of Fayetteville to transition the plans to reality.

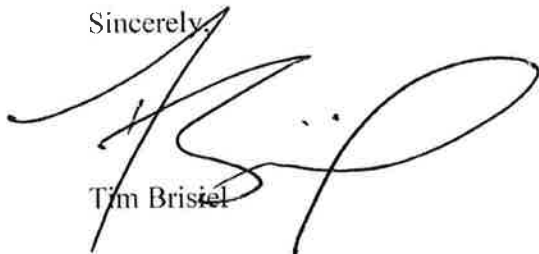
This development consists of 58 townhome units that will each be two bedrooms and two and a half baths and approximately 1300 square feet each. They will be traditional in style and design with the use of variations of James Hardie siding, brick, and stone. The objective is to make each unit look different and have a unique feel.

The topography of the site may be slightly challenging from a developmental standpoint but feel in the end it will add to the uniqueness of the development and make it very attractive for residents.

The development seems to meet or exceed all City of Fayetteville requirements and we are hopeful that we can work through the process together quickly.

We appreciate your time and hope you will give this proposal careful consideration. We are looking forward to completing this subdivision and together leaving our *Legacy* one *Venture* at a time.

Sincerely,



Tim Bristol

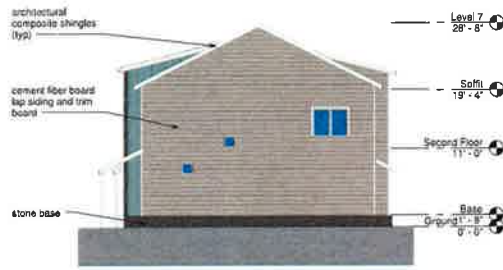




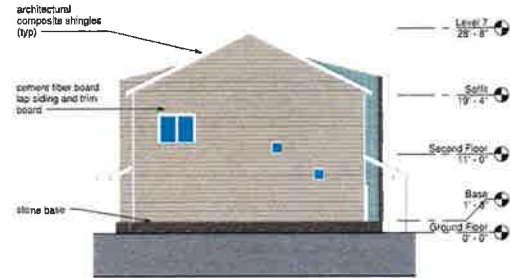
1 North Elevation
1/4" = 1'-0"



2 South Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 East Elevation
1/8" = 1'-0"

8-30-2016

Macey Drive Townhomes

5 Unit Townhouse-Elevation 1

8-30-2016

HENRY ARCHITECTURE
1722N COLLEGE AVE SUITE C • BOX 153
FAYETTEVILLE, AR 72701
PHONE: 478.535.9923 EMAIL: henry@henryarchitecture.com

DESIGNED BY: JH	CHECKED BY: JR
DATE: 8-30-2016	DATE: 8-30-2016
PROJECT: Macey Drive Townhomes	PROJECT: Macey Drive Townhomes
CLIENT: Macey Drive Townhomes	CLIENT: Macey Drive Townhomes
LOCATION: Fayetteville, AR	LOCATION: Fayetteville, AR
SCALE: 1/4" = 1'-0"	SCALE: 1/4" = 1'-0"
DATE: 8-30-2016	DATE: 8-30-2016
PROJECT: Macey Drive Townhomes	PROJECT: Macey Drive Townhomes
CLIENT: Macey Drive Townhomes	CLIENT: Macey Drive Townhomes
LOCATION: Fayetteville, AR	LOCATION: Fayetteville, AR
SCALE: 1/4" = 1'-0"	SCALE: 1/4" = 1'-0"
DATE: 8-30-2016	DATE: 8-30-2016

EL-1



1 North Elevation
1/8" = 1'-0"



2 South Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 East Elevation
1/8" = 1'-0"

830-2016

Macey Drive Townhomes

5 Unit Townhouse- Elevation 2

830-2016

EL-2

HENRY ARCHITECTURE
1724 N. COLLEGE AVE., SUITE C - BOX 15
MURFREESBORO, TN 37132
PHONE - 478.530.9883 EMAIL - henry@henryarchitecture.com

DRAWN BY: AC
CHECKED BY: dh





1 North West Elevation
1/8" = 1'-0"



2 South East Elevation
1/8" = 1'-0"



3 East South Elevation
1/8" = 1'-0"



4 West North Elevation
1/8" = 1'-0"



7-19-2016

Macey Drive Townhomes

4 Unit Townhouse-Elevation 1

7-19-2016

EL-3

HENRY ARCHITECTURE

1725 N. COLLEGE AVE. SUITE C BOX 153
FAYETTEVILLE, AR 72701
PHONE: 479.558.9633 EMAIL: henry@henryarchitecture.com

DRAWN BY: AC
CHECKED BY: AS

15-007

Fayetteville, AR





1 South Elevation
1/4" = 1'-0"



2 North Elevation
1/8" = 1'-0"



3 East Elevation
1/8" = 1'-0"



4 West Elevation
1/8" = 1'-0"

7-19-2016

Macey Drive Townhomes

GARAGE TOWNHOUSE ELEVATIONS-1

7-19-2016

HENRY ARCHITECTURE

1722 N. COLLEGE AVE., SUITE C BOX 159
FAYETTEVILLE, AR 72701

PHONE: 479-530-9893 EMAIL: sherry@henryarchitect.com

DESIGNED BY: sherry
DRAWN BY: sherry
CHECKED BY: sherry



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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EL-4



1 South Elevation
1/4" = 1'-0"



2 North Elevation
1/8" = 1'-0"



3 East Elevation
1/8" = 1'-0"



4 West Elevation
1/8" = 1'-0"

8-30-2016

Macey Drive Townhomes

GARAGE TOWNHOUSE ELEVATIONS-2

8-30-2016

HENRY ARCHITECTURE

1722 N COLLEGE AVE. SUITE C - BOX 153
FAYETTEVILLE, AR 72703
PHONE - 479-530-9693 EMAIL - henry@henryarchitecture.com

DESIGNED BY: AC
CHECKED BY: G



EL-5

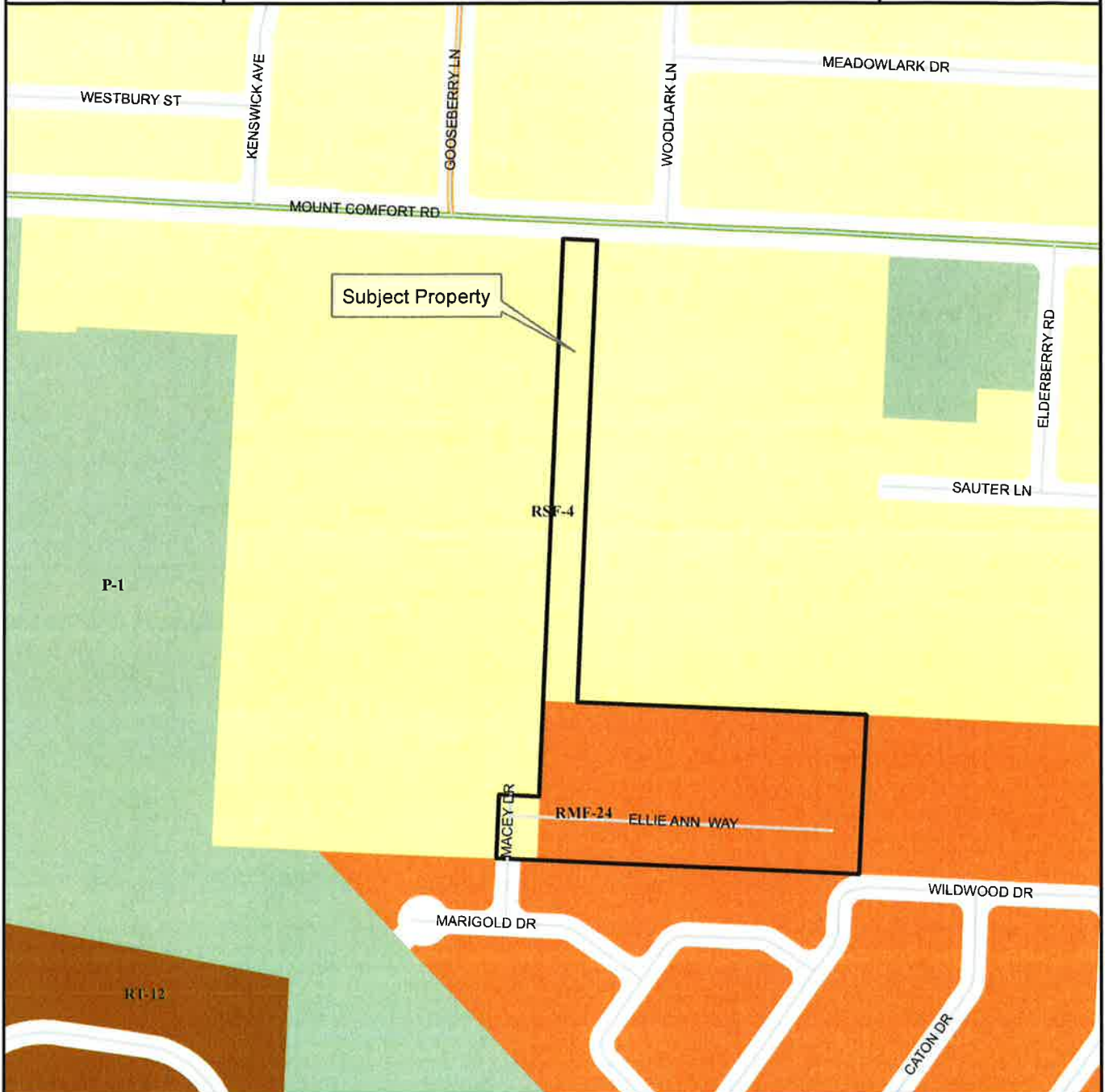
16-007

Fayetteville, AR

LSD 16-5488

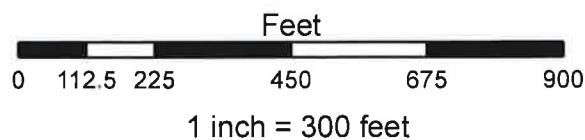
Close Up View

MACEY DR TOWNHOMES



Legend

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



- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- P-1



MINUTES

DRAFT MINUTES - Planning Commission

September 12, 2016

5:30 PM

113 W. Mountain, Room 219

Members: Kyle Cook (Chair), Ron Autry (Vice Chair), Matthew Hoffman (Secretary), Tracy Hoskins, Janet Selby, Ryan Noble, Tom Brown, Leslie Belden, and Allison Thurmond Quinlan.

Call to Order: 5:30 PM, Kyle Cook

In Attendance:

Members: Kyle Cook (Chair), Ron Autry (Vice Chair), Matthew Hoffman (Secretary), Tracy Hoskins, Janet Selby, Tom Brown, Leslie Belden, and Allison Thurmond Quinlan.

Absent: Ryan Noble

Staff: Andrew Garner, Jonathan Curth, Quin Thompson, Harry Davis, Corey Granderson

City Attorney: Kit Williams

Consent Agenda:

1. Approval of the minutes from the August 22, 2016 meeting.

2. ADM 16-5580: Administrative Item (542 W. DICKSON ST./YANCEY HOG DOGS-1 YR. MOBILE VENDOR, 484): Submitted by CODY YANCEY for property located at 542 W. DICKSON ST. The property is zoned MSC-MAIN STREET CENTER and contains approximately 0.57 acres. The request is for a one year mobile food vendor permit.

3. 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.

Motion:

Commissioner Autry made a motion to **approve the consent agenda**. **Commissioner Quinlan** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

Old Business:

4. LSD 16-5488: Large Scale Development (2900 BLOCK MT. COMFORT RD./MACEY DR. APTS., 363): Submitted by SWOPE CONSULTING, INC. for property located at the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF 24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, and contains approximately 6.76 acres. The request is for a 58 unit apartment complex with associated parking.

Harry Davis, Planner: Read the staff report.

Tim Brisiel, Applicant: In agreement with planning staff on their recommendation.

Public Comment:

No public comment at this time.

Tracy Hoskins, Commissioner: Asks to see the elevations on the screen. Questions if the developer needs to have a turnaround or if the street must continue to the property line.

Andrew Garner, Planning Director: Answers no.

Tom Brown, Commissioner: Believes there is a problem with the amount of accidents in the neighborhood. There were 14 accidents in the Pine Valley subdivision, which is a higher number in comparison to the intersections analyzed by staff.

Matthew Hoffman, Commissioner: In agreement with Commissioner Brown. Hoffman believes that staff has missed some key information in how wide the streets are in Pine Valley and how that would affect driving speeds and road safety. Therefore, Hoffman cannot support the development. No further issues with development.

Ron Autry, Commissioner: In agreement with Commissioners Brown and Hoffman. The existing amount of cars produces 14 accidents, which would be further increased by having 100 or so more vehicles going through the neighborhood.

Janet Selby, Commissioner: Does not believe they can support this development and is in agreement with previous comments.

Williams, City Attorney: Cautions the Planning Commission to be careful in voting on this development. Commissioner Brown's information should be evaluated by the Planning Commission and Staff. The existing subdivision was approved and the development in question has the right to be where it is located. Williams believes that the information sent by Hoffman is not applicable to the discussion about this development. Planning staff should come back with a more detailed report on the accidents in this existing subdivision in relation to similar subdivisions elsewhere in Fayetteville. A decision to deny the proposed development would need to be defensible in court, and therefore must have a serious traffic hazard to deny.

Garner: Explains the staff's process in reviewing the data in relation to other places around Fayetteville. Staff ultimately does not believe this proposed project would cause a problem and states that a professional traffic engineer is the next step in providing more information to the Planning Commission, if they desire more data. He also clarifies that the information provided to Commissioner Brown is the information provided by staff.

Williams: Understands and defers to staff.

Brown: Believes that traffic counts must be included in this analysis. Roads with higher traffic counts have accidents numbering in the single digits, while the accident data within the subdivision amounts to 14 accidents.

Williams: Cautions the Planning Commission against making judgments without expertise in traffic engineering. Suggests the applicant should conduct a full traffic study.

Leslie Belden, Commissioner: Questions if Shiloh would be extended across the creek to the south in order to provide another outlet.

Garner: States the Master Street Plan shows that it will be extended at some point to Wedington.

Williams: States the bridge to cross the creek there is an expensive and far-future project.

Belden: Asks if there is considerable, developable land along Mt. Comfort that would continue to funnel into the intersection of Mt. Comfort and Shiloh.

Garner: Answers yes.

Autry: Asks when Pine Valley was constructed.

Garner: Answers around the 2000s, as the homes there are about 10-15 years old.

Autry: Explains that much in this area was not constructed just a short time ago. He agrees with **Williams** that there should be another traffic study to exhaust all options.

Brown: States that the developer should look into a box culvert in crossing the stream to the north and connecting with Mt. Comfort. The project should be tabled to find out more information.

Hoskins: Asks about the nature of the accidents in the report.

Garner: States that the reports do not specify.

Hoskins and Garner engage in further rapid question and answer about nature of streets and intersections in the report.

Hoskins: States that much time and money has been spent in improving the intersection at Mt. Comfort and Shiloh. This small of a project will not cause a problem there and crossing the river to the north would not be feasible, based on just the cost of the street length alone, for a development of this size. He surmises that the information has been analyzed well and that the applicant has made the necessary changes to be approved. The developer and owner has a right to develop this project.

Public Comment:

Sharon Davidson, Nearby Neighbor: Believes this development will help calm traffic for the neighborhood. She is in support of this development.

No more public comment.

Motion #1:

Commissioner Brown made a motion to **table LSD 16-5488**. **Commissioner Autry** seconded the motion.

Brisiel: States that some investigation in the accident reports is needed and would be happy to collaborate with staff. A full traffic study is not desired, as it would be a considerable cost and staff has not asked for one throughout this process.

Kyle Cook, Commission Chair: Asks **Williams** if the project is not approved, then the applicant would be able to appeal to City Council.

Williams: Answers yes.

Hoffman: States they do not share the same opinion stated by **Hoskins**. A final decision is more appropriate for this developer instead of tabling and pushing their development back even further.

Hoskins: Asks the Planning Commission if a traffic study would help them come to a better decision.

Autry: Answers that the nature of the accident reports would determine the decision.

Brown: Offers that the Planning Commission should offer some suggestions on comparable subdivisions that would be good comparisons.

Williams: States that the staff have provided good comparisons for intersections and the traffic study would not provide the information desired by the Planning Commission, where the accident reports would provide the best information.

Cook: Asks the applicant what their preference would be for a decision between approval or denial and tabled.

Brisiel: Prefers to be tabled.

Hoskins: Clarifies that the Planning Commission is not asking for a traffic study, but more information on the accidents.

Upon roll call the motion to table failed with a vote of 3-5-0, Motion to table for more study fails 3-5-0. Commissioners Hoffman, Quinlan, Selby, Autry, Belden voted 'no'.

Motion #2:

Commissioner Autry made a motion to **approve LSD 16-5488**. **Commissioner Hoskins** seconded the motion.

Brown: Admits that his analysis is not a professional one, but does make use of the available and given data.

Cook: States that he will support the development, although admits that the development is not good planning. The issue of traffic has been addressed and there are no other issues.

Upon roll call the motion to approve LSD 16-5488 failed with a vote of 3-5-0. Commissioners Hoffman, Quinlan, Selby, Autry, and Brown voted 'no'.

DRAFT



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0449

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 7

AMEND § 157.03 AND § 157.04:

AN ORDINANCE TO AMEND § 157.03 ANNEXATION AND ZONING MAP AMENDMENTS TO INCLUDE PLANNED ZONING DISTRICTS AND TO REPLACE § 157.04 WITH A NEW NOTIFICATION REQUIREMENT IF AN INDEFINITELY TABLED REZONING ORDINANCE IS REMOVED FROM THE TABLE

WHEREAS, the notification requirements of a Planned Zoning District had separate and slightly increased notification requirements in § 157.04 because of its former development approval rights; and

WHEREAS, Planned Zoning Districts are now only zoning amendments and should be handled as all other rezoning applications in § 157.03.

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 in its entirety § 157.04 **Planned Zoning District** and amends § 157.03 **Annexation and Zoning Map Amendments** by changing its introductory language to read as:

“Notification of public hearings for annexation petitions and zoning map amendments (including Planned Zoning Districts) shall occur as follows:”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby enacts a replacement § 157.04 as follows:

“§ 157.04 **Indefinitely tabled rezoning ordinance.**

If the City Council removes from the table any indefinitely tabled rezoning ordinance, the City Council may not pass this ordinance at that meeting. The applicant shall be required to repost the Planning Department’s notice signs within six (6) days of the removal of the item from the table and at least seven (7) days before the City Council Meeting when the rezoning ordinance will again be considered.”

AGENDA REQUEST FORM

FOR: Council Meeting of October 18, 2016

FROM:

City Council Member Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 157.03 ANNEXATION AND ZONING MAP AMENDMENTS TO INCLUDE PLANNED ZONING DISTRICTS AND TO REPLACE § 157.04 WITH A NEW NOTIFICATION REQUIREMENT IF AN INDEFINITELY TABLED REZONING ORDINANCE IS REMOVED FROM THE TABLE

APPROVED FOR AGENDA:



City Council Member Alan Long

September 21, 2016
Date



City Attorney Kit Williams
(as to form)

September 20, 2016
Date

Williams, Kit

From: Longward4@gmail.com <longward4@gmail.com>
Sent: Tuesday, September 13, 2016 12:27 PM
To: Williams, Kit
Subject: Re: Razorback Golf Course

Please do. Thanks!

On Sep 13, 2016, at 12:19 PM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

Alan,

Both Planning and my office do not think a new notice requirement is needed if a rezoning is removed from the table and under consideration again. However, you have the right to make your proposal, and I will draft such ordinance change if that is your wish.

Kit Williams
Fayetteville City Attorney
479.575.8313

<image001.jpg> <image002.png>

From: Garner, Andrew
Sent: Tuesday, September 13, 2016 10:25 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Cc: Pate, Jeremy <jpate@fayetteville-ar.gov>
Subject: RE: Razorback Golf Course

I personally don't think it's a problem that needs to be addressed. The public are notified for the Planning Commission meetings and typically comment at planning commission and track the project through to council where their input is considered. I would hope the council would continue to consider public comments and concerns expressed at planning commission and that the public don't feel like they have to attend any and all meetings and continue to repeat their concerns when an item is brought off the table. It might be difficult for the city to enforce this requirement as some member of city staff will just have to remember that when a rezoning that has been tabled indefinitely, public notification needs to be completed again by law. If we forget that a sign needs to go up in this unique situation, and a rezoning is approved it could put the city in difficult legal position. I would recommend that in a unique case like Razorback Golf Course the council or staff simply require that additional notification be completed on an as-needed basis. However, if council feels like this topic needs to be codified we can make it work.

From: Williams, Kit
Sent: Monday, September 12, 2016 10:21 PM
To: Garner, Andrew; Longward4@gmail.com
Cc: Marr, Don; Smith, Sondra; Pennington, Blake; Pate, Jeremy
Subject: RE: Razorback Golf Course

Thanks. What do you think about Alderman Long's renotification (by signs only) for rezonings which have been indefinitely tabled and then taken from the table?

Kit Williams
Fayetteville City Attorney

479.575.8313

<image001.jpg> <image002.png>

From: Garner, Andrew

Sent: Monday, September 12, 2016 8:18 PM

To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Longward4@gmail.com <longward4@gmail.com>

Cc: Marr, Don <dmarr@fayetteville-ar.gov>; Smith, Sondra <ssmith@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Pate, Jeremy <jpate@fayetteville-ar.gov>

Subject: RE: Razorback Golf Course

Kit,

I would agree that the notification for a PZD could be the same as a rezoning. I would recommend that we delete 157.04 and add a clarification to 157.03 (see underlined below) that a zoning map amendment include Planned Zoning Districts.

157.03 - Annexation And Zoning Map Amendments

Notification of public hearings for annexation petitions and zoning map amendments (including Planned Zoning Districts) shall occur as follows:

Thanks,
Andrew

From: Williams, Kit

Sent: Monday, September 12, 2016 2:18 PM

To: Longward4@gmail.com <longward4@gmail.com>; Garner, Andrew <agarner@fayetteville-ar.gov>

Cc: Marr, Don <dmarr@fayetteville-ar.gov>; Smith, Sondra <ssmith@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Pate, Jeremy <jpate@fayetteville-ar.gov>

Subject: RE: Razorback Golf Course

Jeremy and Andrew,

It appears that Alderman Long may wish to require partial notice when an indefinitely tabled rezoning issue is removed from the table. This requirement could be placed as a substitute for the current §157.04 Planned Zoning District which does not appear to still be necessary as PZD's are now only rezoning issues that whose notice requirements would be set by §157.03 Annexation and Zoning Map Amendments unless you believe we need to retain the 100 feet beyond the perimeter of a PZD which no longer authorizes actual development rights.

Alderman Long may wish to require an applicant with an untabled rezoning to reinstall rezoning signs at least 7 days before the City Council meeting. Do you wish to replace §157.04 or propose a new §157.12 ?

Kit Williams
Fayetteville City Attorney
479.575.8313

<image003.jpg> <image004.png>

From: Longward4@gmail.com [<mailto:longward4@gmail.com>]

Sent: Monday, September 12, 2016 1:08 PM

To: Williams, Kit <kwilliams@fayetteville-ar.gov>

Cc: Marr, Don <dmarr@fayetteville-ar.gov>; Smith, Sondra <ssmith@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Pate, Jeremy <jpate@fayetteville-ar.gov>

Subject: Re: Razorback Golf Course

Hi Kit,

Thank you for the thorough reply. I certainly do not want to tie the hands of future councils.

What I am proposing is that a notification be required after a rezoning item is removed from the table. I would not want to require that notification go out in order for something being removed from the table, only a requirement for after a rezoning item is brought back to the agenda.

I think that this is a good example of a potential rezoning where many neighbors in the area will have no idea that it is being discussed, primarily because many people do not follow Facebook or other methods that we council members use to update constituents.

Is there a way to draft language to address the issue that I have pointed out so that more of the public will be aware of this and future rezoning requests? I am only suggesting a sign requirement to be posted on corresponding property that is up for a potential rezoning.

I think this would be a great improvement in the area of citizen engagement and notification.

Thank you again,
Alan

On Sep 12, 2016, at 9:33 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

Alan,

The City does not notify the neighbors for a rezoning request; it requires the land owner/applicant to notify by mail and signs and to certify such notification has been accomplished.

Removing some item (not always a rezoning application) from the table can happen at any time during a City Council meeting with no notice to other members of the City Council, public, etc. It would certainly be in violation of *Roberts Rules of Order* and other parliamentary guides to try to demand public notification as a requirement before a Motion to Remove from the Table could be made. It is best to rely upon the wisdom, common sense, and judgment of the City Council about what should occur if an indefinitely tabled item is removed from the table.

The City Council handled the removal from the table of the Razorback Golf course rezoning properly, and I would expect such careful and correct procedure to be followed in the future. We should not try to tie the hands of future City Councils with onerous procedural rules restricting how an indefinitely tabled measure can be removed from the table so that the City Council can consider its merits.

However, you and any City Council member can propose ANY change or addition to the City Council Rules of Order and Procedure that you want to. If you want to propose such change, draft the change in your own words, and we will submit it exactly as you request pursuant to your authority as an Agenda Item.

Kit Williams
Fayetteville City Attorney
479.575.8313

<image001.jpg> <image002.png>

From: Alderman Long
Sent: Friday, September 09, 2016 2:08 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Fwd: Razorback Golf Course

Kit,

Can we add something to our notification requirements that states that if a rezoning is brought off of the table, that we will follow standard notification requirements for other rezonings?

Sincerely,

Alan T Long
City Council Member-Ward 4
City of Fayetteville, AR
Longward4@gmail.com

www.longward4.com

Follow my Facebook page for Ward 4 announcements and updates:

facebook.com/longward4

Begin forwarded message:

From: "Pate, Jeremy" <jpate@fayetteville-ar.gov>

Date: September 9, 2016 at 1:50:17 PM CDT

To: "Longward4@gmail.com " <longward4@gmail.com>, "La Tour, John" <ward4_pos1@fayetteville-ar.gov>

Cc: "Marr, Don" <dmarr@fayetteville-ar.gov>

Subject: Razorback Golf Course

Good afternoon, gentlemen.

I was looking through my notes from last Tuesday's City Council meeting and noted there was a discussion about notifying neighborhoods that this rezoning has been reintroduced and will be discussed at the next City Council meeting on September 20. Because the City Clerk's office does not send out public notifications and there is no legal requirement for the applicant to do so at this point, I would like to ask if you would both send out a brief note to your neighborhood contacts/list-servs that have been involved in this discussion to let them know that the rezoning to Neighborhood Conservation and Neighborhood Services is back on the table for discussion, a Bill of Assurance has been formally submitted for consideration (that can be found in your agenda packet that the City Clerk sent out yesterday), and the date and time of the meeting, which is September 20 at 5:30 pm. We will also look through our email contact lists and notify those with whom we've come into contact and know are interested in the project as well.

Please let me know if you have any questions, and have a great weekend.

-Jeremy

Jeremy Pate

Development Services Director

City of Fayetteville, Arkansas

T: 479.575.8265

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

- (B) **Applicability:** Development applications include, for the purpose of notification, preliminary plats, concurrent plats, and large scale developments. If an application does not require a public hearing, notification is not required.
- (C) **Notice of Public Hearing.** The applicant shall provide the following notice:
- (1) **Who Gets Notice.** Notice of the proposed development shall be given to all adjacent landowners.
 - (2) **Methods of Notice.** Notice shall be provided by the following methods, as required by this chapter:
 - (a) **Written Notice.** Written notice shall be provided at least seven (7) days prior to Subdivision Committee and at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (b) **Posted Notice.** The applicant shall post notice at least seven (7) days prior to Subdivision Committee and at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
- (D) **Large Scale Development** applications that are subject to administrative approval are exempt from the notification requirements of this code subsection, however, they are subject to and shall complete the public notification requirements for a Large Site Improvement Plan application.
- (Code 1965, App. C., Art. IV, §1; App. A., Arts. 5, 5(IIA), 8(12), 12(1); App. C., Art. V, §F; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 1903, 3-6-73; Ord. No. 2379, 9-20-77; Ord. No. 2538, 7-3-79; Ord. No. 2582, 12-4-79; Ord. No. 2603, 2-19-80; Ord. No. 2633, 5-20-80; Ord. No. 2710, 3-24-81; Ord. No. 2779, 11-17-81; Ord. No. 2980, 2-7-84; Ord. No. 3128, 10-1-85; Ord. No. 1747, 6-29-70; Code 1991, §§159.54, 159.68, 160.032, 160.035, 160.121(L), (M), 160.156; Ord. No. 2716, §1, 6-15-93; Ord. No. 3925, §§6, 7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5183, 10-7-08; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14)

157.03 Annexation And Zoning Map Amendments

Notification of public hearings for annexation petitions and zoning map amendments shall occur as follows:

- (A) **Public Hearing Required.** Upon receipt of a petition for an annexation or an amendment to the zoning map, the Planning Commission shall hold a public hearing on the proposed amendment.
- (B) **Notice of Public Hearing.** The applicant shall provide the following notice:
- (1) **Who Gets Notice.** Notice of the proposed annexation or zoning map amendment shall be given to all adjacent landowners.
 - (2) **Methods of Notice.** Notice shall be provided by the following methods, as required by this chapter:
 - (a) **Written Notice.** Written notice shall be provided at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.

- (b) Posted Notice. The applicant shall post notice at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
- (c) Published Notice. Notice of public hearing shall be given by the city by publishing a notice in a newspaper of general circulation in the city, at least one time, at least fifteen (15) days prior to Planning Commission.

(Code 1965, App. A., Art. 12(1); Ord. No. 1747, 6-29-70; Ord. No. 2538, 7-3-79; Code 1991, §160.156; Ord. No. 3716, §1, 6-15-93; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5183, 10-7-08)

157.04 Planned Zoning District

Notification of public hearings for planned zoning district applications shall occur as follows:

- (A) Public Hearing Required. A public hearing shall be held at the meeting of the Subdivision Committee and the Planning Commission at which the Planned Zoning District is to be considered, or as set forth in the procedures of the Planned Zoning District ordinance.
- (B) Notice of Public Hearing. The applicant shall provide the following notice:
 - (1) Who Gets Notice. Notice of the proposed PZD shall be given by the applicant to all landowners within 100 feet of the perimeter of a PZD.
 - (2) Methods of Notice. Notice shall be provided by the following methods, as required by this chapter:
 - (a) Written Notice. Written notice shall be provided at least seven (7) days prior to Subdivision Committee and at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (b) Posted Notice. The applicant shall post notice at least seven (7) days prior to Subdivision Committee and at least fifteen (15) days prior to Planning Commission. Proof of notice shall be provided as required by this chapter.
 - (c) Published Notice. Notice of public hearing shall be given by the city by publishing a notice in a newspaper of general circulation in the city, at least one time, at least fifteen (15) days prior to Planning Commission.
- (C) Planned Zoning District applications that are not considered at the Subdivision Committee are not required to provide notice for that meeting.
- (D) *Amendments*. Amendments to a Planned Zoning District or portion of a Planned Zoning District that require Planning Commission and/or City Council approval shall follow the notification requirements as set forth above.

(Code 1965, App. A., Art. 7(10), (20); Ord. No. 1747, 6-29-70; Ord. No. 1880, 8-15-72; Ord. No. 2486, 11-21-78; Ord. No. 2605, 2-19-80; Code 1991, §§160.085, 160.090, 160.095, 160.096; Ord. No. 3716, §3, 6-15-93; Ord. No. 3780, §1, 4-19-94; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5183, 10-7-08; Ord. No. 5654, 01-21-14)



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0462

Agenda Date: 10/18/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 8

AMEND CHAPTERS 161, 162, AND 164:

AN ORDINANCE TO AMEND CHAPTERS 161 AND 162 TO RENAME AND REPLACE “COTTAGE HOUSING DEVELOPMENT” WITH “CLUSTER HOUSING DEVELOPMENT”; TO RENAME CHAPTER 164 TO **SUPPLEMENTARY ZONING REGULATIONS AND SPECIALIZED DEVELOPMENT REQUIREMENTS**, TO REPLACE § 164.22 COTTAGE HOUSING DEVELOPMENT WITH § 164.22 CLUSTER HOUSING DEVELOPMENT AND MAKE FURTHER AMENDMENTS TO § 164.22

WHEREAS, many regulations within Chapter 164 **Supplemental Zoning Regulations** are in reality development type regulations and should be administered as development regulations rather than zoning regulations; and

WHEREAS, several existing regulations within § 164.22 **Cottage Housing Development** need to be amended to promote rather than retard use of the Cluster Housing concept for attractive, but affordable clustered houses.

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 Chapter 161 Zoning Regulations of the Unified Development Code to change the name of Use Unit 44 “Cottage Housing Development” to “Cluster Housing Development” throughout this Chapter.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 162.01 by removing and deleting the last sentence referring to an asterisk from the introductory language and by renaming Use Unit 44 as “Cluster Housing Development” in the initial table listing all Use Units.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby replaces the term Cottage Housing Development with Cluster Housing Development throughout § 162.01 (RR).

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 164 of the Unified Development Code by changing its name to **Supplemental Zoning Regulations and Specialized Development Regulations** and enacting a Purpose section as shown below:

“§ 164.00 **Purpose**

(A) The purpose of this chapter is to protect and further the health, safety and general welfare of the citizens of Fayetteville by providing appropriate zoning and development regulations to provide opportunities for innovative development while protecting neighboring properties and neighborhoods from incompatible development.

(B) Regulations within this chapter that regulate traditional zoning requirements such as density, setbacks, bulk and area, maximum buildable area, height of structures, lot width, etc. shall be administered as all other zoning regulations. Regulations within this chapter that regulate traditional development requirements such as type of foundation, minimum building width, building design requirements, open space requirements, parking requirements, internal separation requirements, orientation requirements, etc. shall be administered as all other development regulations.”

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 164.22 **Cottage Housing Development** in its entirety and enacts a replacement § 164.22 **Cluster Housing Development** as shown on Exhibit A.

City of Fayetteville Staff Review Form

2016-0462

Legistar File ID

11/18/2016

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

Jeremy Pate

9/30/2016

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An ordinance to amend the Unified Development Code Chapters 161, 162, and 164 in order to replace Cottage Housing Development standards with Cluster Housing Development standards.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

TO: Mayor and City Council

THRU: Jeremy Pate

FROM: Matthew Petty, Ward 2 Alderman

DATE: ~~April 29, 2016~~ **UPDATED 5/18/2016 UPDATED 9/30/2016**

SUBJECT: Ordinance No. _____. An ordinance to rename Chapter 164 to SUPPLEMENTARY ZONING REGULATIONS AND SPECIALIZED DEVELOPMENT REQUIREMENTS and to amend § 164.22 COTTAGE HOUSING DEVELOPMENT.

BACKGROUND:

Cottage courts are a type of single-family housing that arranges homes around a central open space. The design of the central court and its intended use vary and there are examples of yards, vegetable or botanical gardens, boardwalks, and artful stormwater facilities. In addition to the common open space, cottage courts differ from standard single-family arrangements in that residents of courts also share a driveway and parking areas. Townhouse courts are a multifamily variant, with attached buildings arranged in a similar manner.

Fayetteville adopted its Cottage Housing Development code in December 2011 to encourage development of courts. No cottage court has been constructed under the current ordinance.

Reviewed by the Planning Commission twice, it was ultimately passed by the Commission in the summer of 2016. In the following months, the ordinance was further revised with input from staff. The proposed ordinance now includes objective standards for the common open space, allows developments with attached housing to be subdivided into lots for fee-simple sales, and permits new lots to be created when they have frontage on multi-use trails.

The flexibility introduced by the proposal will allow developers to cluster housing in any zone using a wide variety of building and unit types. Clustered housing gives developers the ability to conserve environmentally sensitive areas without reducing the total number of units or resorting to condominium models. Reflecting these changes, the term 'cottage housing' has been replaced with 'cluster housing' throughout the ordinance.

DISCUSSION:

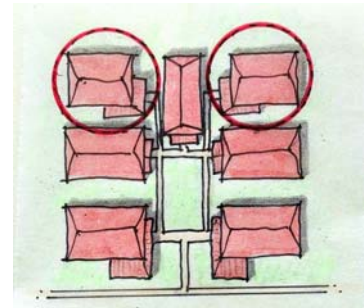
Despite no cottage courts yet constructed, the structure of the existing ordinance is generally sound. Its flexibility in allowing for the creation of fee-simple lots or entitlement as a single site improvement is an innovation that should be replicated in other cities. However, the current code contains unnecessary provisions which create substantial barriers to clustered housing developments.

Proposed changes include:

1. Eliminate the minimum number of units. The current code requires a minimum of four units, however courtyard arrangements of three and even two homes are possible. Such arrangements provide housing in a format sometimes preferable to attached duplexes and triplexes.
2. Strike the requirement to separate individual cluster housing developments by 1000'. The underlying assumption that cottage courts negatively impact the quality of life within single-family neighborhoods is subjective and appropriately addressed in the consideration of an application for a Conditional Use Permit.
3. Redefine the required separation distance between detached units. The current regulation requires detached units to be separated by 10' as measured from one eave to the other. This discourages traditional roof forms. The separation distance of 10' is derived from the requirement that each home have a private open space of 250 square feet, which is commonly achieved by providing a 10' separation and a lot depth of at least 25'. Measuring the separation distance from one wall to another preserves this approach while levelling incentives to choose one architectural style over another.

Building separations and how they relate to requirements for fire-rated wall assemblies are still enforced through the International Building Code and International Residential Code.

4. Raise the cap on unit size. The current code does not allow any unit to be constructed with more than 1,100 square feet of conditioned space. Raising this cap goes directly to the stated purpose of the code, which is to "...provide opportunities for ownership of detached single-family dwellings for a population diverse in age, income, and household size." The maximum unit size is proposed to be 2500 square feet, which can be varied by the Planning Commission. The common open space required for each unit is amended to a slide scale, with larger units requiring more open space.
5. Increase the number of allowed houses which do not front onto open space or a street. The code only allows for one house to be located where it does not front onto the common space or the street. Typically, such a unit is located in the corner of a courtyard arrangement. The proposed change would require 75% of the units to have frontage on the street, the open space, or a trail.
6. Include walkways which traverse the common open space towards that requirement. The language of the current code does not allow walkways to be counted towards the open space requirement, regardless of their materiality or integration with the design of the open space. This goes against well-established precedents and discourages turf alternatives.
7. Clarify that variances in general are decided by the Planning Commission. The City Attorney noticed that current law may require all variances from the requirements of Chapter 164 to be considered by the Board Adjustments. This was not originally intended. The ordinance renames the Chapter and adds language which distinguishes between



Only one of the circled houses could be constructed under the current code.

supplementary zoning regulations and specialized development regulations, clarifying that development regulations contained in the chapter are to be handled in the same manner as variances of development regulations in other parts of the Unified Development Code.

8. (Requested by the Planning Commission.) Remove the minimum lot size requirement. The Planning Commission requested the minimum lot size be eliminated. This restriction should be eliminated for multifamily districts for consistency. Within single-family districts, it is acceptable because Cottage Housing Developments are processed as Conditional Use Permits
9. (Requested by the Planning Commission.) Allow an applicant to choose the multifamily parking standard. For cottage housing developments proposed with a majority of 1-bedroom houses, the multifamily parking standard is proportional to the parking needs of the inhabitants. For proposals composed of larger homes, the existing standard is the better one. This ordinance would allow a developer to choose which standard the project must meet at the time of their application. The same standard must be applied throughout the project.
10. Eliminate the requirement that attached units in multifamily districts have private open space if certain conditions are met. There are numerous precedents of townhouse and apartment courts which have common open space of sufficient quality that private open space is not necessary. This proposal would allow developments which provide more common open space than is required to waive their requirement for private open space.
11. Allow units to be created with trail frontage. Trail-oriented housing is in high demand due to the success of the trail system and the quality of life it provides to nearby residents. Currently there is no legal way for units to be developed which front onto the trail. This proposal would allow such units and parcels to be created when other units in a cluster housing development already develop street frontage.

BUDGET/STAFF IMPACT:

Budget: none.

MEETING OF OCTOBER 18, 2016

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: September 30, 2016

SUBJECT: **ADM 16-5430, Cluster Housing Development**

RECOMMENDATION:

Staff recommends the City Council consider amendments to the Cottage Housing Development ordinance, replacing 164.22 with new standards for Cluster Housing Development and amending Ch. 161, 162 and 164 as discussed below.

BACKGROUND:

Earlier this year, Alderman Matthew Petty brought forward a proposal to amend several sections of the Cottage Housing ordinance, §164.22. This request was reviewed at the Planning Commission meeting of May 09 and May 23, where several changes were ultimately recommended. Staff expressed concerns with several of these changes, finding some ran counter to the original intent of the cottage housing ordinance and could result in unintentional negative impact to surrounding properties if developed with the recommended standards. Over the past few months, staff and Alderman Petty have discussed various ways to address these concerns, making several modifications to create the most productive ordinance language possible.

DISCUSSION:

Three code sections need to be amended to enact the requested changes: Chapter 161, Zoning Regulations, Chapter 162 Use Units and Chapter 164, Supplementary Zoning Regulations. Following is a bullet point summary list of the changes:

Ch. 161 Zoning Regulations

- All zoning districts that refer to Use Unit 44 "Cottage Housing Development" as a use by right or conditional use are amended to refer to Use Unit 44 "Cluster Housing Development"

Ch. 162 Use Units

- 162.01, Replace references to "Cottage Housing Development" with "Cluster Housing Development" in all locations (Use Unit 44, (RR))

Ch. 164 Supplementary District Regulations

- Rename chapter to “Supplementary Zoning Regulations and Specialized Development Regulations,” to clarify this chapter deals with both zoning and development matters outside of the norm
- Add a purpose statement (164.00) to further clarify the above difference between zoning and development regulations within the same chapter, which is an important distinction when it comes to a variance request (development matters go to Planning Commission, zoning matters go to Board of Adjustment)
- **164.22 Cottage Housing Development** – Changed the name to Cluster Housing Development primarily because the significant requested changes in the size limits, number, and scale of the projects that could occur would no longer be just cottages
- **(A) Purpose**
 - removed reference to single family; multi-family cluster housing would be permitted
- **(D) Dwellings Permitted**
 - removed the minimum of 4 cottages
 - removed the minimum ½ acre lot size requirement;
 - kept a maximum of 12 dwellings, but if certain conditions are met, an unlimited number would be permitted, until density limits are met
 - removed the 1000 feet separation between cluster housing developments
- **(E) Zoning Regulations**
 - Reformatted to mirror standard zoning district criteria
 - Amended to measure setbacks from exterior wall to wall, rather than eaves
 - Removed structure separation requirements for cluster housing in multi-family districts
- **(F) Common Property Maintenance**
 - Added a phrase to allow the City Council to accept ownership and maintenance of common open space areas in these developments, if the Council chooses to do so.
- **(G) Development Standards**
 - Size, orientation
 - Amended maximum floor area for any dwelling from 1100 SF to 2500 SF
 - Removed all other size restrictions from this code section
 - Amended to reduce number of dwellings that must face a street, open space or public trail to 75% of the dwellings
 - Added public trail frontage as an option for a dwelling
 - Open Space
 - With the maximum size of a dwelling being increased from 1100 SF to 2500 SF, created a sliding scale of open space required to dwelling size
 - Add performance criteria for common open spaces (i.e., improved active/passive space, courtyards, gardens, amenities such as LID facilities, seating, orchards, water features, etc.)
 - Replaced requirement that open space must be in one contiguous parcel to be no more than two separate parcels
 - Added a provision in the private open space required for each dwelling that exempts a development from being required to provide this type of space, in exchange for 20% additional common open space.
 - Amended to allow pedestrian access ways to count as open space.
 - Fences

- Added public trail frontage to fence height restriction and removed subjective language about fencing being respectful of surrounding context, etc.

Parking

- Amended to allow parking reductions available through parking ordinance
- Added an option to park at a ratio of 1 space per bedroom or 1.5 per 1000sf/2 per 1000SF+
- Removed several parking standards already in other parts of Ch. 172 Parking, found to be redundant
- Removed statements about a desire for covered bike parking, settled on a requirement of 1 bike rack per dwelling unit

Fire

- Simplified statement, as much of it was required regardless if stated in this ordinance
- Removed “solid waste” references in favor of “Recycling and Trash Collection”
- Removed specific 9-foot linear distance requirement for residential recycling and trash collection dimension in favor allowing the developer and RTC to work out a mutually agreeable solution.

- **(H) Building Design Standards**

- Removed references to providing variety, visual interest, compatibility with character of surrounding neighborhood
- Removed required architectural elements
- Clarified that attached units must meet Urban Residential Design Standards
- Added section requiring dwellings that front a trail to treat the frontage as a principal façade

- **(I) Variances**

- Clarified that variances are processed through the Planning Commission, except for (E), which are zoning regulations for which variances are considered by the Board of Adjustment

BUDGET/STAFF IMPACT:

None

Attachments:

Proposed Ordinance amendments

Existing Ordinance

Ch. 161 Zoning Regulations

Replace *Use Unit 44 Cottage Housing Development* with *Use Unit 44 Cluster Housing Development* in all zones where it currently exists.[PJ1]

162.01 - Establishment/Listing

The various use units referred to in the zoning district provisions are herein listed in numerical order. Within the use units, the permitted uses are ordinarily listed in alphabetical order. In these use units where there is a preliminary descriptive statement (which may mention specific uses) in addition to the detailed list of uses, the detailed list shall govern. ~~The asterisk (*) next to a specific use indicates that the use has special conditions as required by Chapter 163, Use Conditions and Chapter 164 Supplemental Regulations.~~[PJ2]

Unit 1	City-wide uses by right
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 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings

Unit 10	Three-family dwellings
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 13	Eating places
Unit 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Transportation Trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing

Unit 23	Heavy industrial
Unit 24	Home occupation
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 30	Extractive uses
Unit 31	Facilities emitting odors & facilities handling explosives
Unit 32	Sexually oriented business
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor stores
Unit 35	Outdoor music establishments

Unit 36	Wireless communications facilities
Unit 37	Manufactured homes
Unit 38	Mini-storage units
Unit 39	Auto salvage and junk yards
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 44	Cottage-Cluster Housing Development
Unit 45	Small scale production

(RR)Unit 44. ~~Cottage-Cluster~~ Housing Development.

- (1) *Description.* Unit 44 is provided in order that ~~cottage-cluster~~ housing developments are permitted by right in multi-family zoning districts and by Conditional Use Permit in single family zoning districts.
- (2) *Included Uses.*

Cottage-Cluster Housing Developments

Ch. 164: Supplementary ~~District Regulations~~ Zoning Regulations and Specialized Development Regulations

164.00 Purpose

- (A) The purpose of this chapter is to protect and further the health, safety and general welfare of the citizens of Fayetteville by providing appropriate zoning and development regulations to provide opportunities for innovative development while protecting neighboring properties and neighborhoods from incompatible development.
- (B) Regulations within this chapter that regulate traditional zoning requirements such as density, setbacks, bulk and area, maximum buildable area, height of structures, lot width, etc. shall be administered as all other zoning regulations. Regulations within this chapter that regulate traditional development requirements such as type of foundation, minimum building width, building design requirements, open space requirements, parking requirements internal separation requirements, orientation requirements, etc. shall be administered as all other development regulations.[PJ3]

ADM 16-5430 (Cluster Housing)
Exhibit "A"

164.22 - Cluster Housing Development

- (A) *Purpose.* The purpose of the cluster housing development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide housing opportunities for a population diverse in age, income and household size.
- (B) *Applicability.* The provisions of this section shall apply to proposed cluster housing development proposals, as defined in Chapter 162: Use Units and authorized by Chapter 161: Zoning Regulations of the Unified Development Code, however zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cluster housing development are enforced subject to the criteria adopted in this chapter.
- (C) *Development Review Process.* For the purpose of development review, cluster housing developments less than one acre shall be processed as a Site Improvement Plan. Cluster housing development on lots one acre or larger shall be processed as a Large Scale Development. If individual cluster housing unit lots are created the cluster housing development shall be processed through the subdivision platting process.
- (D) *Dwellings Permitted.*
 - (1) *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of 12 dwelling units. In multi-family zones where the proposed cluster housing development exceeds the minimum open space requirements of 164.22(G)(3)(a) by at least 20%, and in which at least 75% of the planned units are attached dwellings, there shall be no maximum number of dwelling units, except to conform to the density limitations herein.
 - (2) *Existing Nonconforming Structures.* On a lot to be used for a cluster housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cluster density.
- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.
 - (1) *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Ch. 161, Zoning Regulations, as a permitted or conditional use.
 - (2) *Density.* Cluster housing development permitted as a use by right shall be allowed a density in conformance with the underlying zoning district. Zoning districts that allow cluster housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.
 - (3) *Bulk and Area Regulations.*
 - (a) *Lot Width Minimum.* There is no lot width requirement for individual cluster housing lots.
 - (b) *Lot Area Minimum.* The lot area minimum for cluster housing lots is 750 square feet.
 - (c) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 square feet.
 - (4) *Setback Requirements.* All structures shall meet setback and separation requirements of the International Building Code, as applicable. For zoning purposes:
 - (a) In single family districts, all cluster housing units shall have a minimum separation from one another of ten feet measured from exterior wall to exterior wall, not counting eaves or other architectural projections.
 - (b) In multi-family districts, there are no separation requirements from one cluster housing structure to another.

ADM 16-5430 (Cluster Housing)
Exhibit "A"

- (c) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.
- (5) *Building Height Regulations.* The height for all structures in a cluster housing development shall not exceed the permitted height requirement of the underlying zoning district.
- (6) *Building Area.* None.
- (7) *Accessory Dwelling Units.* Accessory dwelling units are not permitted in cluster housing developments.
- (F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cluster housing development residents, through a condominium association, a homeowners' association or a similar mechanism, and shall not be dedicated to the city unless accepted by the City Council.
- (G) *Development Standards.* All cluster housing developments are subject to the following standards:
 - (1) *Floor Area.* The total conditioned floor area of any individual cluster housing unit shall not exceed 2500 square feet.
 - (2) *Building Orientation.* A minimum of 75 percent of dwelling units in a cluster housing development shall be oriented around and face the common open space, a public trail or towards the street, having pedestrian access to the common open space and the street. Where a cluster housing unit fronts onto a public trail, the façade facing the public trail shall be considered a principal façade for the purposes of meeting design standards.
 - (3) *Open Space.*
 - (a) For units up to 1500 square feet, a minimum of 250 square feet of common open space shall be provided per unit. For units exceeding 1500 square feet and up to 2000 square feet, 500 square feet of common open space shall be required per unit. For units exceeding 2000 square feet, 750 square feet of common open space shall be required per unit. Common open space is subject to the following performance criteria:
 - (i) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 10 feet.
 - (ii) Required common open space shall be divided into no more than two separate areas per cluster of dwelling units.
 - (iii) Common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the site plan for approval.
 - (iv) Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space. Low Impact Development stormwater management facilities may be placed within the common open space when they are integrated with the amenities listed above.
 - (b) Each cluster housing unit shall be provided with a private open space of 250 square feet with no dimension of less than 10 feet. Private open space should be contiguous to each dwelling unit, for the exclusive use of each respective resident. In multi-family zones in which at least 75% of the planned units are attached dwellings, private open space shall not be required where the development exceeds the minimum open space requirements of (G)(3)(a) by at least 20% and it can be demonstrated that each unit has easily available access to open space amenities.
 - (c) Parking areas and driveways shall not be counted as open space.

ADM 16-5430 (Cluster Housing)
Exhibit "A"

- (4) *Fences.* Fencing located between a cluster housing unit and a public street or trail or the common open space shall not exceed 48 inches in height.
- (5) *Parking Requirements and Standards.* Parking areas should be located within the cluster housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are permitted in cluster housing developments as described in Chapter 172: Parking and Loading. Permitted on-street parking spaces adjacent to a project's frontage may count towards the parking requirements of the development. Parking standards for cluster housing developments shall be as follows:
 - (a) The owner/developer may choose to supply one parking space per bedroom for his or her entire Cluster Housing Development. Otherwise, the required number of parking spaces shall be determined according to the square footage of the cluster housing unit as described below:
 - (i) Dwelling units less than 1,000 square feet shall have one and one-half (1.5) parking spaces provided.
 - (ii) Dwelling units over 1,000 sq. ft. shall have two (2) parking spaces provided.
 - (b) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cluster housing units.
- (6) Cluster housing developments shall provide at least one bicycle parking rack per cluster housing unit.
- (7) *Fire Department Access.* Fire Department access shall be determined at the time of development review.
- (8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.
- (9) *Utilities.* Individual cluster housing lots shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cluster housing unit developments shall be located in a dedicated easement.
- (10) *Community Buildings.* Indoor or covered common areas less than 2,000 square feet are permitted by right in cluster housing development. These structures shall be architecturally integrated with the architectural style of the cluster housing development.
- (11) *Recycling and Trash Collection Service.* For the purposes of recycling and trash collection cluster housing developments are considered a residential use and should receive residential recycling and trash collection service (individual carts and recycling bins) where possible. In certain instances, it may be necessary to service cluster housing developments with commercial trash collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial trash pickup. It is incumbent on the developer to design recycling and trash collection facilities into the cluster housing development plan early in the process. The final determination of recycling and trash collection service and pick-up areas will be made at the time of development review by the City. Specific requirements for residential and commercial trash and recycling pick-up shall be as follows:
 - (a) Residential trash and recycling collection service requires a designated location near the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated pick-up day. An appropriate linear distance is required to accommodate each cluster housing unit's trash cart and recycling bin, subject to City approval.
 - (b) Commercial trash collection service requires a dumpster location that is freely accessible for front end loading and screened from public view.

ADM 16-5430 (Cluster Housing)

Exhibit "A"

- (c) Recycling and trash facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.

(H) *Building Design Standards.*

- (1) *Variety in Detached Cluster Housing Units Floor Plans and Architectural Treatments.* These standards are intended to avoid the overly repetitive use of the same building design, structural features, detailing or finishes among detached units within the cluster housing development. In cluster housing developments no two (2) structures shall be identical in terms of exterior finishes. All cluster housing units shall differ from each other by utilizing at least two (2) of the following options:
 - (a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
 - (b) Variations in adjacent cluster housing unit floor plans that alter the location of exterior windows and doors;
 - (c) Variations in the size of main floor area and/or building height of adjacent structures; or
 - (d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of 6 feet. No structurally identical front porches shall be located on adjacent cluster housing units.
 - (e) Variations in roof shapes or gables between adjacent structures.
 - (f) Other variations as approved by the Zoning and Development Administrator.
 - (2) All attached cluster housing units shall comply with §166.23 Urban Residential Design Standards. Where a cluster housing unit fronts onto a public trail or open space, the façade facing the public trail or open space shall be considered a principal façade, for the purposes of meeting this section.
- (I) *Variances from the minimum cluster housing development requirements.* Variances of this section, Cluster Housing Development, shall be administered as normal development regulations for variances of General Design Standards, except that (E) Zoning Regulations shall be administered as zoning regulations for variance purposes.

164.22 - Cottage Housing Development

- (A) *Purpose.* The purpose of the cottage development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of detached single-family dwellings for a population diverse in age, income and household size.
- (B) *Applicability.* Cottage housing development is permitted to be located as identified in Chapter 161: Zoning Regulations of the Unified Development Code, however, zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cottage housing development shall follow the criteria adopted in this chapter.
- (C) *Development Review Process.* For the purpose of development review cottage housing developments less than one acre shall be processed as a Site Improvement Plan. Cottage housing development on lots larger than one acre shall be processed as a Large Scale Development. If individual cottage housing unit lots are created the cottage housing development shall be processed through the subdivision platting process.
- (D) *Cottage Housing Development Size, Separation Requirements and Existing Structures.*
 - (1) *Number of Cottage Housing Units Permitted.* Cottage housing development shall contain a minimum of four (4) and a maximum of twelve (12) cottages located in a cluster, on no less than ½ acre.
 - (2) *Cottage Housing Development Separation Requirement.* Cottage housing developments shall have a minimum separation from other cottage housing developments of not less than 1,000 feet.
 - (3) *Existing Nonconforming Structures.* On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.
 - (1) *Density.* Zoning districts that allow cottage housing development as a use by right shall conform with the density requirement of the underlying zoning district. Zoning districts that allow cottage housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.
 - (2) *Lot Width Minimum.* There is no lot width requirement for individual cottage housing units.
 - (3) *Lot Area Minimum.* The lot area minimum for cottage housing unit lots is 750 square feet.
 - (4) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 square feet.
 - (5) *Setback Requirements.*
 - (a) All structures shall have a minimum separation of 10 feet, measured from edge of eave to edge of eave, from other structures or cottages within the cottage housing development.
 - (b) The setback from the exterior property lines of the original parent tract shall be set by the underlying zoning district.
 - (6) *Building Height Regulations.* The height for all structures in a cottage development shall not exceed the permitted height requirement of the underlying zoning district.
 - (7) *Building Area.* There is no minimum building area requirement for individual cottage housing unit lots.
 - (8) *Accessory Dwelling Units.* Accessory dwelling unit s are not permitted in cottage housing developments.

Current Ordinance

- (F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cottage housing development residents, through a condominium associations, a homeowners' association or a similar mechanism, and shall not be dedicated to the city.
- (G) *Development Standards.* All cottage developments are subject to the following standards:
- (1) *Floor Area.* The total conditioned space floor area of each cottage shall not exceed 1,100 square feet.
 - (a) Cottages shall have a maximum first floor area or footprint of no more than 900 square feet, excluding covered or attached porches.
 - (b) Future additions to any cottage housing unit shall meet the requirements of this chapter.
 - (c) Floor area that does not count towards the total conditioned space floor area permitted for a cottage housing unit includes:
 - (i) Architectural projections such as utility closets no greater than 18 inches in depth and 6 feet in width, bay windows and fireplaces.
 - (ii) Spaces with a ceiling height of 6 feet or less measured to the exterior walls, such as interior attic eaves.
 - (2) *Cottage Orientation.* The fronts of all cottage housing units shall be oriented around the common open space or towards the street, with the following exception:
 - (a) A maximum of one (1) cottage in a cottage housing development is allowed to be located in an area that does not front onto the common open space or street right of way. These units shall be located within 25 feet of the common open space and shall have direct pedestrian access to the common open space and the street.
 - (3) *Open Space.*
 - (a) The required common open space shall be provided in one contiguous parcel.
 - (b) A minimum of 300 square feet of common open space shall be provided per cottage housing unit. Common open space with a dimension of less than 20 feet shall not be included in the calculation.
 - (c) Each cottage housing unit shall be provided with a private open space of 250 square feet with no dimension of less than 10 feet. Private open space should be contiguous to each cottage, for the exclusive use of the cottage resident.
 - (d) Parking areas, driveways and common pedestrian access shall not be counted as open space.
 - (4) *Fences.* Fencing in cottage housing development should be respectful of the context of the surrounding neighborhood and should accentuate the common and private open spaces.
 - (a) Fencing located between a cottage housing unit and a public street or the common open space shall not exceed 48 inches in height.
 - (5) *Parking Requirements and Standards.* Parking areas should be located within the cottage housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are not permitted in cottage housing developments. Permitted on-street parking spaces adjacent to a projects frontage may count towards the parking requirements of the development subject to approval by the Zoning and Development Administrator. Parking standards for cottage housing developments shall be as follows:
 - (a) The required number of parking spaces for each cottage shall be determined according to the square footage of the cottage housing unit.

Current Ordinance

- (i) Cottages less than 1,000 square feet shall have one and one-half (1.5) parking spaces provided.
 - (ii) Cottages over 1,000 sq. ft. shall have two (2) parking spaces provided.
 - (b) Parking lots containing five (5) or more parking spaces shall comply with the parking lot construction and design standards located in Chapter 172: Parking and Loading of the City's Unified Development Code.
 - (c) Parking lots shall be located a minimum of 25 feet back from the public right-of-way.
 - (d) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cottage housing units.
 - (e) Parking space dimensions shall comply with Chapter 172: Parking and Loading of the Unified Development Code.
- (6) *Bicycle Parking.* Bicycle parking should be located in a common area and preferably be covered to protect the long term storage of bicycles. It is recommended that cottage housing developments should provide one (1) unsheltered bicycle rack or the equivalent sheltered space to store two (2) bicycles per cottage housing unit.
- (7) *Fire Department Access.* Fire Department access shall be determined at the time of development review. Any part of structure in a cottage housing development that is located more than 150 feet from Fire Department vehicle access, as measured by an approved route around the exterior of the buildings or facilities, shall have a Fire Department approved sprinkler system.
- (8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.
- (9) *Utilities.* Individual cottage housing units shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cottage housing unit developments shall be located in a dedicated easement.
- (10) *Community Buildings.* Community buildings and common pavilions less than 2,000 square feet. are permitted by right in cottage housing development. These structures shall be architecturally integrated with the architectural style of the cottage housing development.
- (11) *Stormwater/Grading.* Cottage housing developments shall comply with the grading, drainage and stormwater provisions set forth in the Unified Development Code Chapter 169 and 170. A drainage permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with these requirements.
- (12) *Solid Waste Service.* For the purposes of solid waste collection cottage housing developments are considered a residential use and should receive residential solid waste service (individual carts and recycling bins). In certain instances, it may be necessary to service cottage housing developments with commercial solid waste collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial solid waste pick up. It is incumbent on the developer to design solid waste service into the cottage housing development plan early in the process. The final determination of solid waste service and pick-up areas will be made at the time of development review. Specific requirements for residential and commercial solid waste pick-up shall be as follows:
- (a) Residential solid waste service requires a designated location adjacent to the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated solid waste pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated solid waste pick-up day. A minimum linear distance of 9 feet is required to accommodate each cottage housing unit's trash cart and recycling bin.
 - (b) Commercial solid waste service requires a dumpster location that is freely accessible for front end loading and screened from public view.

Current Ordinance

- (c) Solid waste facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.
- (H) *Building Design Standards.* Building design shall provide variety and visual interest in order to provide compatibility with the character of the surrounding neighborhood. These standards are intended to avoid the repetitive use of the same building design, structural features, detailing or finishes within the cottage housing development.
 - (1) *Variety in Cottage Housing Units Floor Plans and Architectural Treatments.* In cottage housing developments no two (2) structures shall be identical in terms of exterior finishes. All cottage housing units shall differ from each other by utilizing at least two (2) of the following options:
 - (a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
 - (b) Variations in adjacent cottage housing unit floor plans that alter the location of exterior windows and doors;
 - (c) Variations in the size of main floor area and/or building height of adjacent structures; or
 - (d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of 6 feet. No structurally identical front porches shall be located on adjacent cottage housing units.
 - (2) *Required Architectural Elements.* A cottage housing unit with a front porch that is credited for meeting the requirements of section 164.22(H)(1) above shall not be credited with meeting the requirements of this section. All cottage housing units in a cottage housing development shall contain a minimum of two (2) of the following building features or treatments:
 - (a) Porch.
 - (b) Variations in roof shapes or gables between adjacent structures.
 - (c) Roof brackets.
 - (d) Bay windows.
 - (e) Dormers.
 - (f) Chimneys.
 - (g) Other similar features or treatments as approved by the Zoning and Development Administrator.
- (I) *Variances from the minimum cottage housing development requirements.* An applicant may request a variance for specific requirements of the cottage housing development ordinance from the Planning Commission. Notification of adjoining and adjacent property owners shall conform to the requirements of Chapter 157: Notification and Public Hearings of the City's Unified Development Code. A variance of the following standards of the cottage housing development ordinance may be requested:
 - (1) *Number of cottage housing units permitted.*
 - (2) *Cottage housing development separation requirement.*

(Ord. No. 5462, 12-6-11)

Agenda Session 10-11-16
** Two Agenda Addition*

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 11, 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:

Agenda Additions

A. Consent:

A. 1 2015-0657

APPROVAL OF THE OCTOBER 4, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 2016-0452

CANON COPIERS AND MAINTENANCE:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF CANON COPIERS AND MAINTENANCE FROM VARIOUS VENDORS IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH APRIL 30, 2017 AND ANY FUTURE RENEWAL PERIODS, PURSUANT TO A STATE PROCUREMENT CONTRACT

Attachments: CANON COPIERS AND MAINTENANCE:

A. 3 2016-0454

SCHINDLER ELEVATOR CORPORATION:

A RESOLUTION TO APPROVE A FIVE YEAR EXTENDED WARRANTY AGREEMENT WITH SCHINDLER ELEVATOR CORPORATION IN THE AMOUNT OF \$5,100.00 PER YEAR FOR REPAIR AND MAINTENANCE OF THE SPRING STREET PARKING DECK ELEVATOR

Attachments: SCHINDLER ELEVATOR CORPORATION

~~A.4~~ 2016-0464**FAYETTEVILLE RACE SERIES:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$16,200.00 TO INCREASE FUNDING FOR THE FAYETTEVILLE RACE SERIES

Attachments: FAYETTEVILLE RACE SERIES
 BA FAYETTEVILLE RACE SERIES

~~A.5~~ 2016-0427**RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC.:**

A RESOLUTION TO AWARD RFQ NO. 16-01 AND AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH ALLGEIER, MARTIN AND ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$90,280.00 FOR THE UTILITY ELECTRICAL STUDY PROJECT

Attachments: RFQ NO. 16-01 ALLGEIER, MARTIN AND ASSOCIATES, INC.

B. Unfinished Business:~~B.1~~ 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

(LEFT ON FIRST READING)

Attachments: RZN (3434 N CROSSOVER RD./VILLAGES ASSISTED LIVING)

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.

B.2 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 70 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

(LEFT ON THE FIRST READING)

Attachments: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)

ADDITIONAL: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:**C.1** 2016-0447**MUELLER SYSTEMS, LLC:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF A LEAK DETECTION SYSTEM PILOT PROGRAM FROM MUELLER SYSTEMS, LLC IN THE AMOUNT OF \$26,985.00

Attachments: MUELLER SYSTEMS, LLC

C.2 2016-0458**RZN 16-5566 (1615 E. HUNTSVILLE RD./HARRISON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5566 FOR APPROXIMATELY 1.53 ACRES LOCATED AT 1615 EAST HUNTSVILLE ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Attachments: 16-5566 (1615 E. HUNTSVILLE RD./HARRISON)

C.3 **2016-0463****RZN 16-5573 (1030 N. COLLEGE AVE./LAZENBY):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5573 FOR APPROXIMATELY 0.73 ACRES LOCATED AT THE SOUTHWEST CORNER OF NORTH STREET AND COLLEGE AVENUE FROM R-O, RESIDENTIAL OFFICE TO UT, URBAN THOROUGHFARE

Attachments: RZN 16-5573 (1030 N. COLLEGE AVE./LAZENBY)

C.4 **2016-0459****RZN 16-5576 (1160 S. HAPPY HOLLOW RD./PROMOLIFE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5576 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 1160 SOUTH HAPPY HOLLOW ROAD FROM C-2, THOROUGHFARE COMMERCIAL AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL AND R-A, RESIDENTIAL AGRICULTURAL

Attachments: 16-5576 (1160 S. HAPPY HOLLOW RD./PROMOLIFE)

C.5 **2016-0467****VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):**

AN ORDINANCE TO APPROVE VAC 16-5571 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. TO VACATE A PORTION OF JUPITER DRIVE FROM MCGUIRE STREET TO THE AEP SUBSTATION

Attachments: VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE)

C.6 **2016-0445****APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:**

A RESOLUTION TO GRANT THE APPEAL OF TIM BRISEIEL OF LEGACY VENTURES AND TO APPROVE LARGE SCALE DEVELOPMENT 16-5488 MACEY DRIVE TOWNHOMES

Attachments: APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES

~~10.7~~ 2016-0449

AMEND § 157.03 AND § 157.04:

AN ORDINANCE TO AMEND § 157.03 ANNEXATION AND ZONING MAP AMENDMENTS TO INCLUDE PLANNED ZONING DISTRICTS AND TO REPLACE § 157.04 WITH A NEW NOTIFICATION REQUIREMENT IF AN INDEFINITELY TABLED REZONING ORDINANCE IS REMOVED FROM THE TABLE

Attachments: AMEND § 157.03 AND § 157.04

~~10.8~~ 2016-0462

AMEND CHAPTERS 161, 162, AND 164:

AN ORDINANCE TO AMEND CHAPTERS 161 AND 162 TO RENAME AND REPLACE "COTTAGE HOUSING DEVELOPMENT" WITH "CLUSTER HOUSING DEVELOPMENT"; TO RENAME CHAPTER 164 TO SUPPLEMENTARY ZONING REGULATIONS AND SPECIALIZED DEVELOPMENT REQUIREMENTS, TO REPLACE § 164.22 COTTAGE HOUSING DEVELOPMENT WITH § 164.22 CLUSTER HOUSING DEVELOPMENT AND MAKE FURTHER AMENDMENTS TO § 164.22

Attachments: AMEND CHAPTERS 161, 162, AND 164

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

G. Adjournment

Consent: Add: 2017 State District Court Program.
New Bus: Add: Appeal CUP 16-5558 Intraid Cell Tower

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.

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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.

Pre Agenda Meeting 10/5/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 11, 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:

Agenda Additions

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AV1 2015-0657

AV2 APPROVAL OF THE OCTOBER 4, 2016 CITY COUNCIL MEETING MINUTES.
2016-0452

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AV3 Attachments: CANON COPIERS AND MAINTENANCE:
2016-0454

SCHINDLER ELEVATOR CORPORATION:

A RESOLUTION TO APPROVE A FIVE YEAR EXTENDED WARRANTY AGREEMENT WITH SCHINDLER ELEVATOR CORPORATION IN THE AMOUNT OF \$5,100.00 PER YEAR FOR REPAIR AND MAINTENANCE OF THE SPRING STREET PARKING DECK ELEVATOR

Attachments: SCHINDLER ELEVATOR CORPORATION

B.2

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AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 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

(LEFT ON THE FIRST READING)Attachments:RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)ADDITIONAL: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:

C.1

2016-0447**MUELLER SYSTEMS, LLC:**

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✓
AV4 2016-0464

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Attachments: FAYETTEVILLE RACE SERIES
BA_FAYETTEVILLE RACE SERIES

✓
AV5 2016-0427

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E. City Council Tour:

F. Announcements:

G. Adjournment

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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.