

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
November 1, 2016**

A meeting of the Fayetteville City Council was held on November 1, 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 18, 2016 City Council Meeting Minutes.

Approved

2. **REPEAL RESOLUTION NO. 180-16:** A resolution to repeal resolution No. 180-16, award bid no. 16-60 and authorize the purchase of a prefabricated bridge in the amount of

\$31,500.00 plus applicable sales taxes from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 192-16

3. **SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1:** A resolution to approve amendment No. 1 to the contract with Southwind Hospitality Holdings, LLC to reflect the correct number of parking spaces being leased in the Meadow Street Parking Deck, and to approve a credit in the amount of \$700.00 for past overpayment for two parking spaces.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 193-16

4. **LEXINGTON INSURANCE COMPANY:** A resolution to authorize acceptance of insurance proceeds in the amount of \$457,925.07 from Lexington Insurance Company for necessary repair work on buildings located at the Fayetteville Executive Airport as a result of hail damage, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 194-16

5. **GARVER, LLC TASK ORDER NO. 6:** A resolution to approve Task Order No. 6 with Garver, LLC in the amount of \$25,000.00 for bid package development, bidding services and construction phase services for the Drake Field Airfield Roof Rehabilitation Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 195-16

6. **CH2M HILL ENGINEERS, INC. CHANGE ORDER:** A resolution to approve a change order to the out-of-scope agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000.00 to continue work on a use attainability analysis for the White River, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 196-16

7. **SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1:** A resolution to approve a Change Order No. 1 to the contract with Sweetser Construction, Inc. in the amount of \$390,568.20 for the relocation of approximately 1,100 feet of 12-inch water main associated with the Ruppel Road - Persimmon to Congressional Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 197-16

B. Unfinished Business:

1. **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 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 TABLED TO NOVEMBER 15, 2016.

2. **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 SECOND READING.

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

THIS ORDINANCE WAS TABLED TO NOVEMBER 15, 2016.

4. **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.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5921

C. New Business:

1. **RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT):** An ordinance to rezone that property described in rezoning petition RZN 16-5588 for approximately 3.65 acres located at 407 North Mountain Ranch Boulevard from rsf-4, residential single family to nc, neighborhood conservation.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5922

2. **RZN 16-5594 (15 S. WEST/KOLBERG):** An ordinance to rezone that property described in rezoning petition RZN 16-5594 for approximately 0.37 acres located at 15 South West Avenue from nc, neighborhood conservation to msc, Main Street/Center.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO 5923

3. **AMENDMENT TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):** An ordinance to amend ordinance No. 5897 by modifying the bill of assurance to permit the realignment of a protected stream.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5924

4. **UARK CREDIT UNION REZONING APPEAL:** An ordinance to rezone that property described in rezoning petition RZN 16-5589 for approximately 0.37 acres located at 714 West Martin Luther King Boulevard and 511 Hill Avenue from rmf-40, residential multi family, 40 units per acre to c-1, neighborhood commercial.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

5. **WG LAND COMPANY APPEAL:** An ordinance to rezone that property described in rezoning petition RZN 16-5590 for approximately 23 acres located northeast of McGuire Street and Van Asche Drive from c-2, thoroughfare commercial and c-3, central commercial to c-3, central commercial.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

City Council Agenda Session Presentations

City Council Tour

Announcements

Adjournment: 6:41 p.m.

City Council Meeting:

November 1, 2016

Adjourn: 6:41 pm

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

6-3

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

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Long</i>			
A. 1 - A. 7 <i>Minutes</i> <i>Approved</i> <i>Approved</i> <i>192-16</i> <i>thru</i> <i>197-16</i>	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>A</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>A</i>			
	Long	<i>✓</i>			
	Gray	<i>A</i>			
	Mayor Jordan				

5-0

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

Subject:		RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)			
Motion To:			<i>No motion</i>		<i>Table to 11-15-16</i>
Motion By:			<i>was made</i>		<i>Petty</i>
Seconded:			<i>to go to</i>		<i>Schoppmeyer</i>
Unfinished Business B. 1 <i>Tabled to November 15, 2016</i>	Marsh	<i>the third</i>		<i>✓</i>	
	Kinion	<i>reading.</i>		<i>✓</i>	
	Petty	<i>City Attorney</i>		<i>✓</i>	
	Tennant	<i>Kit Williams</i>		<i>A</i>	
	Schoppmeyer	<i>read the</i>		<i>✓</i>	
	La Tour	<i>entire</i>		<i>A</i>	
	Long	<i>ordinance.</i>		<i>✓</i>	
	Gray			<i>A</i>	
Mayor Jordan					

5-0

Subject:		VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE)			
Motion To:			<i>2nd Read</i>		
Motion By:			<i>Long</i>		
Seconded:			<i>Petty</i>		
Unfinished Business B. 2 <i>Left on the Second Reading</i>	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>A</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>A</i>			
	Long	<i>✓</i>			
	Gray	<i>A</i>			
Mayor Jordan		<i>✓</i>			

6-0

Subject:	APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES				
Motion To:		<i>Table to 11-15-16</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Schoppmeyer</i>			
Unfinished Business B. 3 <i>Tabled to 11-15-16</i>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	A			
	Schoppmeyer	✓			
	La Tour	A			
	Long	✓			
	Gray	A			
	Mayor Jordan				

5-0

Subject:	AMEND CHAPTERS 161, 162, AND 164				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Long</i>	<i>Marsh</i>		
Seconded:		<i>Petty</i>	<i>Petty</i>		
Unfinished Business B. 4 <i>Approved 5921</i>	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	A	A	A	
	Schoppmeyer	✓	✓	✓	
	La Tour	A	A	A	
	Long	✓	✓	✓	
	Gray	A	A	A	
	Mayor Jordan	✓	✓		

6-0

6-0

5-0

Subject:	RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Long</i>	<i>Marsh</i>		
Seconded:		<i>Marsh</i>	<i>Long</i>		
New Business C. 1 <i>Approved</i> <i>5922</i>	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>A</i>	<i>A</i>	<i>A</i>	
	Schoppmeyer	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>A</i>	<i>A</i>	<i>A</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan	<i>✓</i>	<i>✓</i>		

*6-0**6-0**5-0*

Subject:	RZN 16-5594 (15 S. WEST/KOLBERG)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Long</i>	<i>Petty</i>		
New Business C. 2 <i>Approved</i> <i>5923</i>	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>A</i>	<i>A</i>	<i>A</i>	
	Schoppmeyer	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>A</i>	<i>A</i>	<i>A</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>A</i>	<i>A</i>	<i>A</i>	
	Mayor Jordan	<i>✓</i>	<i>✓</i>		

*6-0**6-0**5-0*

Subject:		AMENDMENT TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN)			
Motion To:					
		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:					
		<i>Marsh</i>	<i>Marsh</i>		
Seconded:					
		<i>Long</i>	<i>Petty</i>		
New Business C. 3 <i>Approved</i> <i>5924</i>	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>A</i>	<i>A</i>	<i>A</i>	
	Schoppmeyer	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>A</i>	<i>A</i>	<i>A</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>A</i>	<i>A</i>	<i>A</i>	
Mayor Jordan		<i>✓</i>	<i>✓</i>		

*6-0**6-0**5-0*

Subject:		UARK CREDIT UNION REZONING APPEAL			
Motion To:					
		<i>2nd Read</i>	<i>3rd Read</i>	<i>Approve</i>	
Motion By:					
Seconded:					
New Business C. 4 <i>Left on the first Reading</i>	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
Mayor Jordan					

Subject:	WG LAND COMPANY APPEAL				
Motion To:					
Motion By:					
Seconded:					
New Business C. 5 <i>Left on the First Reading</i>	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
New Business	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	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: November 2, 2016

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of November 1, 2016

1. A resolution to repeal Resolution No. 180-16, award Bid No. 16-60 and authorize the purchase of a prefabricated bridge in the amount of \$31,500.00 plus applicable sales taxes from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.
2. A resolution to approve Amendment No. 1 to the contract with Southwind Hospitality Holdings, LLC to reflect the correct number of parking spaces being leased in the Meadow Street Parking Deck, and to approve a credit in the amount of \$700.00 for past overpayment for two parking spaces.
3. A resolution to authorize acceptance of insurance proceeds in the amount of \$457,925.07 from Lexington Insurance Company for necessary repair work on buildings located at the Fayetteville Executive Airport as a result of hail damage, and to approve a budget adjustment.
4. A resolution to approve Task Order No. 6 with Garver, LLC in the amount of \$25,000.00 for bid package development, bidding services and construction phase services for the Drake Field Airfield Roof Rehabilitation Project.
5. A resolution to approve a change order to the out-of-scope agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000.00 to continue work on a use attainability analysis for the White River, and to approve a budget adjustment.
6. A resolution to approve Change Order No. 1 to the contract with sweetser Construction, Inc. in the amount of \$390,568.20 for the relocation of approximately 1,100 feet of 12-inch water main associated with the Ruppel Road - Persimmon to Congressional project.
7. 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.

8. An ordinance to rezone that property described in rezoning petition RZN 16-5588 for approximately 3.65 acres located at 407 North Mountain Ranch Boulevard from RSF-4, Residential Single Family, 4 Units Per Acre to NC, Neighborhood Conservation.

9. An ordinance to rezone that property described in rezoning petition RZN 16-5594 for approximately 0.37 acres located at 15 South West Avenue from NC, Neighborhood Conservation to MSC, Main Street/Center.

10. An ordinance to amend Ordinance No. 5897 by modifying the Bill of Assurance to permit the realignment of a protected stream.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, November 1, 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** [2015-0658](#)

APPROVAL OF THE OCTOBER 18, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0481](#)**REPEAL RESOLUTION NO. 180-16:**

A RESOLUTION TO REPEAL RESOLUTION NO. 180-16, AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 PLUS APPLICABLE SALES TAXES FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: [REPEAL RESOLUTION NO. 180-16](#)

A. 3 [2016-0486](#)**SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH SOUTHWIND HOSPITALITY HOLDINGS, LLC TO REFLECT THE CORRECT NUMBER OF PARKING SPACES BEING LEASED IN THE MEADOW STREET PARKING DECK, AND TO APPROVE A CREDIT IN THE AMOUNT OF \$700.00 FOR PAST OVERPAYMENT FOR TWO PARKING SPACES

Attachments: [SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1](#)

A. 4 [2016-0478](#)**LEXINGTON INSURANCE COMPANY:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF INSURANCE PROCEEDS IN THE AMOUNT OF \$457,925.07 FROM LEXINGTON INSURANCE COMPANY FOR NECESSARY REPAIR WORK ON BUILDINGS LOCATED AT THE FAYETTEVILLE EXECUTIVE AIRPORT AS A RESULT OF HAIL DAMAGE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [LEXINGTON INSURANCE COMPANY](#)
 [BA LEXINGTON INSURANCE COMPANY](#)

A. 5 [2016-0487](#)**GARVER, LLC TASK ORDER NO. 6:**

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH GARVER, LLC IN THE AMOUNT OF \$25,000.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES AND CONSTRUCTION PHASE SERVICES FOR THE DRAKE FIELD AIRFIELD ROOF REHABILITATION PROJECT

Attachments: [GARVER, LLC TASK ORDER NO. 6](#)

A. 6 [2016-0450](#)**CH2M HILL ENGINEERS, INC. CHANGE ORDER:**

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$30,000.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS FOR THE WHITE RIVER, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [CH2M HILL ENGINEERS, INC. CHANGE ORDER](#)
 [BA_CH2M HILL ENGINEERS, INC. CHANGE ORDER](#)

A. 7 [2016-0479](#)**SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$390,568.20 FOR THE RELOCATION OF APPROXIMATELY 1,100 FEET OF 12-INCH WATER MAIN ASSOCIATED WITH THE RUPPLE ROAD - PERSIMMON TO CONGRESSIONAL PROJECT

Attachments: [SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1](#)

B. Unfinished Business:**B. 1** [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 SECOND 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.
At the October 18, 2016 City Council Meeting this ordinance was left on the second reading.*

B. 2 [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

(LEFT ON THE FIRST READING)

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

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

B. 3 [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](#)

At the October 18, 2016 City Council Meeting this resolution was tabled to November 1, 2016.

B. 4 [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

(LEFT ON THE FIRST READING)

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

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:**C. 1** [2016-0489](#)**RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5588 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 407 NORTH MOUNTAIN RANCH BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY TO NC, NEIGHBORHOOD CONSERVATION

Attachments: [RZN 16-5588 \(407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT\)](#)

C. 2 [2016-0460](#)**RZN 16-5594 (15 S. WEST/KOLBERG):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5594 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 15 SOUTH WEST AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO MSC, MAIN STREET/CENTER

Attachments: [16-5594 \(15 S. WEST/KOLBERG\)](#)

C. 3 [2016-0494](#)**AMENDMENT TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):**

AN ORDINANCE TO AMEND ORDINANCE NO. 5897 BY MODIFYING THE BILL OF ASSURANCE TO PERMIT THE REALIGNMENT OF A PROTECTED STREAM

Attachments: [AMENDMENT TO A BILL OF ASSURANCE \(NE CORNER OF MORNINGSIDE &](#)

C. 4 [2016-0488](#)**UARK CREDIT UNION REZONING APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

Attachments: [UARK CREDIT UNION REZONING APPEAL](#)

C. 5 [2016-0490](#)**WG LAND COMPANY APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

Attachments: [WG LAND COMPANY APPEAL](#)

D. City Council Agenda Session Presentations:

D. 1 [2016-0475](#)

AGENDA SESSION PRESENTATION - UPDATE ON THE FAYETTEVILLE MOBILITY
PLAN BY THE CITY'S CONSULTANT, NELSON/NYGAARD

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: 2015-0658

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE OCTOBER 18, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0481

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

REPEAL RESOLUTION NO. 180-16:

A RESOLUTION TO REPEAL RESOLUTION NO. 180-16, AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 PLUS APPLICABLE SALES TAXES FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

WHEREAS, Resolution No. 180-16, passed by the City Council on October 4, 2016, did not include approval for the payment of sales taxes.

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 repeals Resolution No. 180-16.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-60 and authorizes the purchase of a prefabricated bridge in the amount of \$31,500.00 plus applicable sales taxes from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

City of Fayetteville Staff Review Form

2016-0481

Legistar File ID

November 1st, 2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

9/16/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Repeal and replace Resolution 180-16. Approval of award of Bid 16-60 and authorization of a contract with Art Thureson Inc. in the amount of \$31,500 plus all applicable sales taxes for purchase of a prefabricated bridge for the Cato Springs Trail near the connection to the Kessler Mountain Regional Park.

Budget Impact:

4470.900.9470-5814.05

Sales Tax Cap Imp

Account Number

Fund

02016.1405

Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 428,045.00

Funds Obligated \$ 298,294.13

Current Balance \$ 129,750.87

Does item have a cost? Yes

Item Cost \$ 31,500.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 98,250.87

V20140710

Previous Ordinance or Resolution # 180-16

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 1, 2015

TO: Mayor and City Council

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

FROM: Matt Mihalevich, Trails Coordinator

DATE: October 12th, 2016

SUBJECT: 2016-0481 Cato Springs Trail – Regional Park Bridge

RECOMMENDATION:

Repeal and replace Resolution 180-16. Approval of award of Bid 16-60 and authorization of a contract with Art Thureson Inc. in the amount of \$31,500 plus all applicable sales taxes for purchase of a prefabricated bridge for the Cato Springs Trail near the connection to the Kessler Mountain Regional Park.

BACKGROUND:

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

DISCUSSION:

The original request for approval of the purchase of the bridge did not include sales tax, therefore the original resolution 180-16 is to be repealed and replaced with and new resolution for the purchase of the bridge including all applicable sales tax.

BUDGET/STAFF IMPACT:

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

Attachments:

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



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

Bid 16-60, Prefabricated Pedestrian Bridge

****Official Bid Tabulation****

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

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

9/16/16

Date:

CITY OF



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

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO

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

INVITATION TO BID Bid 16-60, Prefabricated Pedestrian Bridge

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

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

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

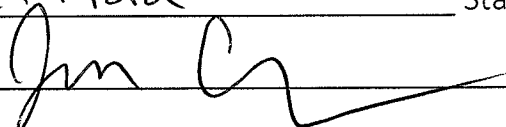
Name of Firm: Art Thureson Inc

Contact Person: Jon Cheney Title: Sales

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

Business Address: 4000 West Walton Blvd

City: Waterford State: MI Zip: 48329

Signature:  Date: 9-14-16

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

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

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

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

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

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

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

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

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

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

See Quote 2834

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

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

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

~~1.) NO KNOWN RELATIONSHIP EXISTS~~

2.) RELATIONSHIP EXISTS (Please explain): _____

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

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

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

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

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

*D/B/A or Corporation Name _____

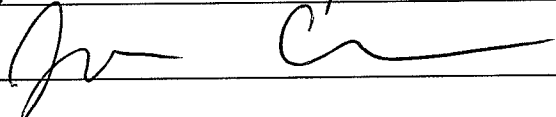
*BUSINESS ADDRESS: 4000 West Walton Blvd

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

*PHONE: 248-623-8599 FAX: _____

*E-MAIL: Jon@artthrejoninc.com

*BY: (PRINTED NAME) Jon Cheney

*AUTHORIZED SIGNATURE: 

*TITLE: Sales

*DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 47-0962457

Acknowledge Addendums:

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

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

ART THURESON, INC

4000 West Walton Waterford, MI 48329

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

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

Quote #2834
September 13, 2016

RE: Bid 16-60, Prefabricated Pedestrian Bridge

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

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

BRIDGE SPECIFICATIONS

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

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

30% progress payment due after approval of drawings.

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

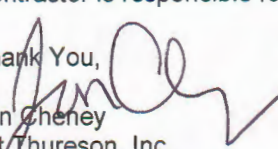
Any change in tally, delivery location, or specifications will affect price.

Abutment design-not offered.

Any local or state taxes not included.

Contractor is responsible for final tally.

Thank You,


Jon Cheney
Art Thureson, Inc
jon@artthuresoninc.com

Accepted By: _____ Date: ____/____/____

PO# _____

Contact Name: _____ Cell: _____

Please return to process order.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0486

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1:

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH SOUTHWIND HOSPITALITY HOLDINGS, LLC TO REFLECT THE CORRECT NUMBER OF PARKING SPACES BEING LEASED IN THE MEADOW STREET PARKING DECK, AND TO APPROVE A CREDIT IN THE AMOUNT OF \$700.00 FOR PAST OVERPAYMENT FOR TWO PARKING SPACES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 1 to the lease agreement with Southwind Hospitality Holdings, LLC to reflect that the correct number of spaces being leased in the Meadow Street Parking Deck is 178 rather than 176, and further approves a credit in the amount of \$700.00 for past overpayment of two parking spaces.

City of Fayetteville Staff Review Form

2016-0486

Legistar File ID

11/1/2016

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

Justin Clay

10/12/2016

Parking & Telecommunications /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approving an amendment to the Lease Agreement for the Meadow Street (Municipal) Parking deck to reflect that the agreement is for 176 parking spaces.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost?

Item Cost

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution # 162-11

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 1, 2016

TO: Lioneld Jordan, Mayor
City Council

THRU: Paul Becker, Chief Financial Officer
Don Marr, Chief of Staff
Peter Nierengarten, Director of Sustainability, Resilience and Parking

FROM: Justin Clay, Parking Manager

DATE: October 12, 2016

SUBJECT: Amend Parking Lease Agreement for Meadow Street Parking Deck

RECOMMENDATION:

Staff recommends amending the Lease Agreement for the Meadow Street (Municipal) Parking deck to reflect that the agreement is for 176 spaces. Staff further recommends issuing a credit of \$700.00 to the Chancellor Hotel for past overpayment of two (2) spaces.

BACKGROUND:

On October 16, 1990, the City entered into a lease with FOURTEN SOUTH BROADWAY CORPORATION. The original Lease Agreement was written for all of the first floor and all of the third floor (roof) spaces for a total of 180 spaces (Attachment A). The Americans with Disabilities Act (ADA) of 1990 required designated access aisles for the handicapped spaces. For 51-100 parking spaces (the first floor fits this size) the ADA requires four (4) H/C spaces with access aisles for each vehicle. These access aisles could be shared by two H/C spaces or dedicated to a particular space.

On October 16, 1990, an amendment to the Lease Agreement was made naming the Fayetteville Hotel Ventures Limited Partnership as the Tenant for 180 parking spaces in the parking deck.

In August, 2004, Resolution 123-04 amended the lease with Radisson Hotel to "Continue to lease parking spaces in the Municipal Parking Deck for one additional year". The number of spaces given was 180 in the Contract Review memo.

In June, 2006, Resolution 112-06 established a Lease Agreement with the Radisson Hotel for a total of 178 leasable spaces. No indication explaining the change in the number of spaces from 1990 was given.

In July, 2010, Resolution 147-10 established a Lease Agreement with Ozark Asset Management for 89 spaces on the first level.

In September, 2011, Resolution 162-11 established a Lease Agreement with Southwind Hospitality, LLC for 178 total leasable spaces.

It is thought that the current three handicapped access aisles were designated on the first floor to bring the level into compliance with the ADA sometime after June, 2006, which resulted in the loss of three (3) parking spaces, bringing the total leased spaces to 177.

DISCUSSION:

In June, 2016, a diagram of all 3 levels was created showing the first floor having 83 regular spaces and 4 handicapped spaces plus 3 access aisles for a total of 87 leasable spaces. The third (roof) level has 88 regular spaces plus 1 handicapped space with no access aisle for a total of 89 leasable spaces. This results in a total of 176 leasable spaces for the combined 1st and 3rd levels. (Attachment B)

In June, 2016, Parking Management staff was asked to and did meet with the new property management company representatives for the hotel. Ms. Maxine Dee, Regional Vice-President of Operations for the Schulte Hospitality Group (shg) and the Interim Manager of the hotel Ashley Kellam were inquiring as to how the parking deck operated, what they could do to increase revenue in the facility, and to ask us to examine the billings for this year as they counted a different number of spaces than they were being billed for. Billing has been for 89 spaces on the 1st level and 89 spaces on the 3rd (roof) level for a monthly total of 178 spaces.

BUDGET/STAFF IMPACT:

When corrected, this would affect the Parking budget revenue with a reduction in income of \$1,200 annually

There is no staff impact.

SUMMARY:

Using the current space counts, the City has over billed the hotel for at least the past 7 months by 2 spaces.(Attachments C-I) At \$50.00 per space, per month, the billings in question total a difference of \$100.00/month for a total year to date of \$700.00. Staff recommends the Lease Agreement be amended to reflect the correct number of one hundred seventy-six (176) spaces.

ATTACHMENTS:

Amendment_Southwind Lease
Southwind Original Lease

**AMENDMENT #1 TO LEASE OF MEADOW STREET PARKING DECK
Levels 1 and 3**

BE IT KNOWN TO ALL:

That the City of Fayetteville, Arkansas and Southwind Hospitality Holdings, LLC on this _____ day of July, 2016, hereby agree that their Lease Agreement of September 6, 2011, shall be amended as follows:

1. The legal description contained in the Agreement shall be amended by substituting the following legal description of the Leased Premises:

Eighty-seven (87) parking spaces located in the first level and eighty-nine (89) parking spaces located on the third level of the Meadow Street Parking Deck located upon real property more particularly described as:

A part of Block numbered Fifteen (15) in the original plat of the City of Fayetteville, Arkansas described as follows: Beginning at a point 127 feet west of the northeast corner of said Block Fifteen; and running thence west 177 feet; thence south 206 feet; thence east 177 feet; thence north 206 feet to the place of beginning.

2. Paragraphs 1, 3 and 4 shall be amended by changing all references to the number of leased parking spaces on the first level of the parking deck from 89 to 87 and by changing the total number of leased parking spaces on the first and third floors of the parking deck from 178 to 176.

The parties agree and understand that this Amendment is supplemental to their Lease Agreement of September 6, 2011, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

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

Southwind Hospitality Holdings, LLC

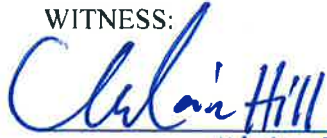
City of Fayetteville, Arkansas


Printed Name: Ike W. Thrall
Title: Manager

Lioneld Jordan, Mayor

WITNESS:

ATTEST:


Printed Name: Melanie Hill
Title: VP

Sondra E. Smith, City Clerk-Treasurer

LEASE OF MEADOW STREET PARKING DECK Levels 1 and 3

This Agreement, made and entered into this 6th day of September, 2011, by and between the City of Fayetteville, Arkansas, a Municipal Corporation, 113 W. Mountain St., Fayetteville, Arkansas, and Southwind Hospitality, LLC 5998 Place Blvd. Hattiesburg, MS 39402.

WITNESSETH:

The City of Fayetteville, for and in consideration of the rents hereinafter reserved and of the covenants and agreements hereinafter set forth to be kept and performed by Southwind Hospitality agrees to lease the premises as later described to Southwind Hospitality, LLC, and Southwind Hospitality, LLC agrees to pay rents set forth below and to lease from the City of Fayetteville, portions of the Meadow Street Parking Deck on that parcel of land situated in the County of Washington and State of Arkansas, and more particularly described as:

Eighty-nine (89) parking spaces located in the first level and eighty-nine (89) parking spaces located on the third level of the Meadow Street Parking Deck located upon real property more particularly described as:

A part of Block numbered Fifteen (15) in the original plat of the City of Fayetteville, Arkansas, described as follows: Beginning at a point 127 feet west of the northeast corner of said Block Fifteen; and running thence west 177 feet; thence south 206 feet; thence east 177 feet; thence north 206 feet to the place of beginning.

Said parcel of land and parking spaces may be hereinafter referred to as the "Leased Premises".

1. **Term of Lease.** The initial term of this Lease shall commence on October 1, 2011 after the execution of the lease by both parties and shall be for a period of one (1) year and cover only the first level with 89 parking spaces at \$50.00 per month each or \$4,450.00 per month. There shall be two automatic annual renewals, each for a period of seven (7) additional years. For each of the seven (7) year extensions Southwind Hospitality will lease 178 parking spaces at \$50.00 per month on the first and third levels of the Meadow Street Parking Deck for a total monthly rental of \$8,900.00.

2. **Right of First Refusal.** If at any time during the term of this Lease the City of Fayetteville receives an acceptable bona fide offer to purchase the Leased Premises, or any part thereof, the City of Fayetteville shall submit a written copy of such offer to

Southwind Hospitality giving Southwind Hospitality thirty (30) days within which to elect to meet such offer.

3. **Parking Spaces.** This Lease shall be for the entire first level of the Leased Premises consisting of eighty-nine (89) parking spaces of the Fayetteville Municipal Parking Deck located at 25 E. Meadow Street for the term of the first 1 year lease. This lease shall cover the first and third levels (178 parking spaces) for years 2-15.

4. **Rent.** Southwind Hospitality shall pay to the City of Fayetteville as rent for the Leased Premises the following:

- a. The sum of fifty dollars (\$50.00) per month per parking space (89) rented on the first level of the Leased Premises which monthly total shall be Four Thousand Four Hundred Fifty Dollars (\$4,450.00).
- b. The sum of fifty dollars (\$50.00) per month per parking space rented (89) on the third level of the Leased Premises which monthly total shall be Four Thousand Four Hundred Fifty Dollars (\$4,450.00).
- c. The monthly rental shall be payable in consecutive monthly installments payable in advance on or before the first day of every calendar month.

5. **Deposit.** Southwind Hospitality shall pay to the City of Fayetteville a deposit in advance equal to one (1) months rent. Deposit must be paid to the City of Fayetteville within ten (10) business days upon execution of this Agreement. Upon termination of this Agreement, the deposit shall be applied to any outstanding balance due and the remainder returned to Southwind Hospitality within forty-five (45) days after termination of Agreement.

6. **Use.** Southwind Hospitality and their subtenant or occupants shall have the right to use the Leased Premises for parking only; any other use of the Leased Premises must be pre-approved by the City of Fayetteville and shall meet all present and future building codes, zoning and other laws.

7. **Repairs.** The City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, keep the Leased Premises in as good order and repair as it is at the date of the commencement of this Lease, reasonable wear and tear and damage by accidental fire or other casualty not within the control of City of Fayetteville excepted. Southwind Hospitality shall not knowingly commit or willfully permit to be committed on the Leased Premises any waste, damaging act or thing contrary to the rules and regulations prescribed from time to time by either federal, state or municipal authority.

8. **Casualty.** If at any time the Leased Premises or the building which forms the principal component of the Leased Premises should be damaged by fire or any major

casualty which is not the fault of Southwind Hospitality and the cost of repairing the damage does not exceed 35% of the value of the Meadow Street Parking Deck, then the City of Fayetteville shall as soon as reasonably practical repair the damage caused by said fire or other casualty. If, however, the damage should exceed 35% of the value of the Meadow Street Parking Deck, the City of Fayetteville shall have the option of either repairing said premises or terminating this Lease as of the date of said fire or other casualty by giving notice to Southwind Hospitality within thirty (30) days after said date. If the damages should render the Leased Premises untenable for the use of Southwind Hospitality's business as set forth herein, the rental from the date of said fire, or any major casualty not the fault of the Southwind Hospitality, to the date of the completion of the restoration of the premises shall be abated, such abatement being figured on a pro rata basis of the rentals.

In the event the damage should exceed 35% of the value of the Meadow Street Parking Deck and the City of Fayetteville makes the decision not to repair the Leased Premises such a decision must be submitted in writing to Southwind Hospitality. Upon receipt of the notice from City of Fayetteville, Southwind Hospitality has thirty (30) days to elect either, or both, of the following options:

- a. To purchase the entire Leased Premises from City of Fayetteville at its then fair market value and/or,
- b. To repair the Leased Premises as Southwind Hospitality's sole and exclusive expense with all terms of the Lease Agreement, except for abatement of rent provided for herein, continuing in effect.

9. Lighting and Painting. City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, keep, in the same manner as it is as of the date of the commencement of this Lease, the Leased Premises lighted, and all parking spaces properly striped and the premises painted.

10. Parking Equipment. City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, provide revenue control and access equipment for the Leased Premises. This equipment shall include parking gates, parking card readers, and automatic revenue control machines located at the entrance of the parking deck.

11. Parking Management Services. The City of Fayetteville shall provide services to manage the municipal parking deck located directly east of the Cosmopolitan Hotel. This service shall include the following:

- a. Provide parking revenues and access control equipment for Leased Premises.

- b. Program parking cards and distributing them to Southwind Hospitality; activate and deactivate parking cards as requested by Southwind Hospitality.
- c. Provide routine maintenance on gates, card readers, revenue control machines, etc. Expenses incurred for maintenance on equipment shall be borne by the City of Fayetteville, unless damages for required repairs were directly caused by Southwind Hospitality and/or its employees.
- d. Provide a minimum of four (4) hours of cleaning services per week; cleaning services include sweeping; blowing; vacuuming; spot washing of soft drinks, mud, or other spills; and the emptying of trash containers into the dumpster.
- e. Retrieve revenues from revenue control machines at least once per month.
- f. Frequently service the revenue control machines to ensure change hoppers have sufficient coins to make change to customers. City staff will take sufficient amount of money from the revenues collected in order to purchase enough quarters and dollar coins to keep revenue machines fully operational. One hundred percent (100%) of the revenues collected, less monies used to replenish quarter and dollar coin hoppers, will be deposited into the City's account; a check will be issued to Southwind Hospitality for one hundred percent (100%) of the total revenues, less monies used to replenish quarter and dollar coin hoppers and/or cost to replenish parking cards. This revenue shall be reimbursed to Southwind Hospitality within thirty (30) days of receipt of monies collected.
- g. Provide accounting of all revenues received through the revenue control machines on a monthly basis; provide audit statements of revenues collected to Southwind Hospitality on a monthly basis.
- h. All expenses incurred for the purchase of equipment and supplies for the operations of the deck shall be borne by the City of Fayetteville. All purchases shall be initiated by the City of Fayetteville.
- i. The City agrees to allocate parking cards only to Southwind Hospitality's and employees of the Parking Management Division for purposes of executing parking services.
- j. Southwind Hospitality may reallocate parking cards to a second party as they deem necessary; however, Southwind Hospitality may not resell parking spaces for a greater amount than that paid by Southwind Hospitality to the City of Fayetteville as set forth in this contract except that Southwind Hospitality is free to charge its hotel guests whatever parking fee it determines is appropriate.

12. Tenant Responsibilities. Southwind Hospitality shall provide the following:

- a. Reimburse the City of Fayetteville for cost of all parking cards provided for access into the Leased Premises. The City of Fayetteville shall bill Southwind Hospitality for all parking cards issued to Southwind Hospitality at the actual cost of the cards plus applicable sales tax. The City of Fayetteville shall have the option to bill Southwind Hospitality for this cost, or may deduct the cost directly from the money collected from the revenue control machines. If invoiced, Southwind Hospitality shall submit payment within thirty (30) days of invoice date to the City of Fayetteville.
- b. Provide advance notification to the City of Fayetteville and post signage at the Leased Premises at least forty-eight (48) hours in advance prior to any parking area closure on Leased Premises.
- c. Provide advance notification at least forty-eight (48) hours in advance to the City of Fayetteville when gates need to be programmed to open/close for special events or any other reason.
- d. Provide advance notification at least forty-eight (48) hours in advance to the City of Fayetteville when additional parking cards need to be issued and/or programmed.

13. Insurance. Southwind Hospitality shall be solely responsible for insuring its interests in the Leased Premises and improvements for its protection.

14. Taxes. The City of Fayetteville shall pay all real estate taxes and special assessments, if any, during the term of the Lease.

15. Utilities/Janitorial. The City of Fayetteville shall pay for all utility service and janitorial service in the Leased Premises.

16. Nuisance. Southwind Hospitality covenants and agrees not to use or allow the Leased Premises to be used for any purpose or in any manner which would constitute or create a nuisance, which would constitute waste, which would interfere with the lawful rights of owners or occupants of adjoining property or which would in any way be contrary to the law, ordinances, orders, rules, regulations or requirements of the federal, state, county or municipal governments or any department, board or bureau thereof. Southwind Hospitality further agrees to promptly comply with the requirements of any of the aforesaid authorities with reference to the installation, erection, construction, use, repair or modifications or any improvements situated upon the Leased Premises during the term of this Lease.

17. Holding Over. Any occupancy by Southwind Hospitality of the Leased Premises beyond the expiration of this Lease as herein provided shall be a tenancy from month to month.

18. Notices. All notices, demands and requests provided for or permitted to be given under this Agreement must be in writing and shall be deemed to have been properly given or served by depositing the same in the United States Mail, addressed to the City of Fayetteville or to Southwind Hospitality, as the case may be, prepaid and certified mail, return receipt requested, at the party's last known address. All notices, demands and requests shall be effective seventy-two (72) hours after being deposited in the United States Mail. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice, demand or request. Either party shall have the right from time to time and at any time upon at least ten (10) days written notice thereof, to change their respective addresses and each shall have the right to specify as its address any other address within the United States of America.

19. Legal Representatives, Successors and Assigns. It is further covenanted and agreed by and between the City of Fayetteville and Southwind Hospitality, that all covenants, agreements, provisions, conditions and undertakings in this Lease contained shall extend to and be binding upon the heirs, executors, successors and assigns of the respective expressed, and shall be construed as covenants and conditions running with the land and the reversion; and that wherever in this Lease reference is made to either the City of Fayetteville or South wind Hospitality , it shall be held to include and apply to (wherever and whenever applicable) the heirs, executors, successors, personal or legal representatives and assigns of the City of Fayetteville or Southwind Hospitality, the same as if in each and every case so expressed.

20. Condemnation. If during the term of this Lease, or any renewal thereof, all or substantially all of the Leased Premises shall be taken or condemned by a competent authority for any purpose or use, then the Lease shall terminate immediately after the vesting of title in such authority and rent shall be paid to and adjusted as of that day. The term "all or substantially all" shall be deemed to mean a taking of all of the Leased Premises or a taking of such portion of the Leased Premises that Southwind Hospitality cannot reasonably operate in the remainder in substantially the same manner as before.

21. Right Upon Default. The City of Fayetteville may declare Southwind Hospitality in default and terminate this lease if Southwind Hospitality shall do any of the following:

- a. Default in the payment of any installment of monthly rent and continue in default for thirty (30) days after the City of Fayetteville gives Southwind Hospitality written notice specifying the default; or
- b. Fail to timely pay monthly rental payments for two (2) or more months during any consecutive twelve (12) month period during the term of this lease may, at the discretion of the City of Fayetteville, constitute default; or

- c. Default in any other covenant of Southwind Hospitality in this Lease and fail to commence (subject to unavoidable delay) to take reasonable steps to remedy such default within twenty (20) days after the City of Fayetteville gives Southwind Hospitality written notice specifying the default.
- d. Upon the occurrence of any default that has not been fully and timely remedied, the City of Fayetteville may terminate this Lease upon ten (10) days written notice of its intent to so terminate, provided the termination shall not be allowed if either of the following provisions are complied with during the notice period or at any prior time:
 - i. Southwind Hospitality proceeds to cure the default or takes reasonable remedies to cure the default; or
 - ii. Southwind Hospitality contests the amount claimed to be due or any other item for which an amount could be estimated (definite or estimated), and Southwind Hospitality deposits the contested amount in an escrow account with instructions to the escrow agent to disburse the amount in accordance with the written, agreement of Southwind Hospitality and the City of Fayetteville or in accordance with the order of a court exercising jurisdiction over the controversy.

22. Termination. Neither party may terminate this agreement without consent of the other party unless the other party has committed a default. If the City of Fayetteville sells this parking garage to a third party, this lease and all extensions of this lease must be assigned with the sale.

23. Assignability. Southwind Hospitality shall not, without the written consent of City of Fayetteville, assign this Lease, or any rights there under, or sublet any part of the Leased Premises, provided however, Southwind Hospitality is authorized to assign this Lease as part of any sale of the hotel that is located adjacent to the Leased Premises provided that, at the time of the closing of the sale, the purchaser agrees to continue to operate the purchased improvements as a hotel. Upon any approved assignment of this lease by Southwind Hospitality in which its assignee agrees to be bound by all terms of this Lease, Southwind Hospitality shall be released and discharged from any further obligations or liabilities it has hereunder and any assignee of Southwind Hospitality shall have all rights belonging to Southwind Hospitality under this Lease.

24. Entire Agreement. All previous negotiations and understandings between the City of Fayetteville and Southwind Hospitality, or their respective agents and employees, with respect to the Lease Agreement set forth herein are merged in this Lease Agreement which alone fully and completely expresses the parties' rights, duties and obligations.

25. **Amendments.** No waivers, alterations or modifications of this Lease shall be valid unless written upon or attached to the fully executed copies of this Lease and further executed by both the City of Fayetteville and Southwind Hospitality herein.

26. **Binding.** This Lease shall be binding upon the parties and upon their heirs, successors and assigns. This Lease shall be construed under the laws of the State of Arkansas.

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

SOUTHWIND HOSPITALITY, LLC,
an Arkansas limited liability company

CITY OF
FAYETTEVILLE, ARKANSAS

By: 
IKE THRASH

By: 
LIONELD JORDAN, Mayor

Managing Member
Title

Witness: 

Attest:

By: Joseph Thrash, VP
(Printed Name and Title)

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0478

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

LEXINGTON INSURANCE COMPANY:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF INSURANCE PROCEEDS IN THE AMOUNT OF \$457,925.07 FROM LEXINGTON INSURANCE COMPANY FOR NECESSARY REPAIR WORK ON BUILDINGS LOCATED AT THE FAYETTEVILLE EXECUTIVE AIRPORT AS A RESULT OF HAIL DAMAGE, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the acceptance of insurance proceeds in the amount of \$457,925.07 from Lexington Insurance Company for necessary repair work on buildings located at the Fayetteville Executive Airport as a result of hail damage.

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

City of Fayetteville Staff Review Form

2016-0478

Legistar File ID

11/1/2016

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

Andrea Rennie

10/14/2016

Purchasing /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends the City accept insurance funds from Lexington Insurance Company in the amount of \$457,925.07 for related hail damages occurring on five buildings located at the Fayetteville Executive Airport and approve a budget adjustment.

Budget Impact:

5550.760.3960-5400.00

Airport

Account Number

Fund

13025.1602

Airport Roof Replacements

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 164,727.00

Funds Obligated \$ 14,500.00

Current Balance \$ 150,227.00

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 457,627.00

Remaining Budget \$ 607,854.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 01, 2016

TO: Mayor Lioneld Jordan and Fayetteville City Council

THRU: Paul A. Becker, Chief Financial Officer

FROM: Andrea Rennie, Purchasing Manager

DATE: Friday, October 14, 2016

SUBJECT: Approval of accepting insurance funds for roof related damages

RECOMMENDATION:

Staff recommends the City accept insurance funds from Lexington Insurance Company in the amount of \$457,925.07 for related hail damages occurring on five buildings located at the Fayetteville Executive Airport and approve a budget adjustment.

BACKGROUND:

The Fayetteville Executive Airport experienced hail damage on May 09, 2015. After extensive teamwork by City staff, research efforts from Garver Engineers, and great efforts from the City's insurance broker, HUB International, Lexington Insurance Company has acknowledged the City experienced a loss in the amount of \$482,927.07.

Lexington Insurance Company will be compensating the City for the following:

RCV Building loss (5 locations):	\$457,925.07
Compensation for Professional Fees:	+\$ 25,000.00
Less Wind/Hail Deductible:	<u>- \$ 25,000.00</u>
Total Funds to be Received	= \$457,925.07

DISCUSSION:

In 2015, Lexington Insurance Company stated damages were under the deductible amount of \$25,000. After consulting with Garver Engineers, the City and HUB International went back to Lexington to dispute the amount of damages. After months of diligent efforts, Lexington agreed the City experienced hail damage to the following five buildings located at the Fayetteville Executive Airport: Terminal Building, FBO Hangar, FAA Building, Old Terminal Building, and the Air Museum.

The City intends to retain Garver Engineers, as the City's selected engineer for the Airport to develop a bid package identifying the scope of work for the repairs. After the bid package is complete, Purchasing will bid out the repair work associated with the damages from the hail storm.

BUDGET/STAFF IMPACT:

The Airport will pay the \$25,000 deductible and additional broker costs in the amount of \$3,000 for claim assistance. The insurance funds will pay for engineering for the bid package and the repairs.

Insurance funds received are intended cover repair costs; however, in the event the price for the repairs exceed the amount received from insurance, less the deductible, the City will file a supplemental claim.

Attachments:

Budget Adjustment

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

Budget Year 2016	Division /Org2 AIRPORT SERVICES (760) Requestor: Andrea Rennie	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Due to a major hail storm on May 9, 2015, five buildings had roof damage. An insurance settlement has been reached. The Airport will pay the \$25,000 deductible and the additional broker costs. The settlement will pay for engineering for the bid specs and the repairs. The buildings that will receive new roofs are: Terminal, Old Terminal, FBO Hangar, FAA Building and the Air Museum.

RESOLUTION/ORDINANCE	COUNCIL DATE:	11/1/2016
	LEGISTAR FILE ID#:	2016-0478
	<i>Liz Hutchens</i>	
	10/14/2016 3:00 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		457,627	457,627				v.20160722
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
5550.760.3960-5314.00	3,000	-	13025	1601	EX	Services - Professional	
5550.760.3960-5400.00	25,000	-	13025	1601	EX	Building & Grounds - Maintenance	
5550.760.3960-5801.00	(28,000)	-	13025	1	EX	Fixed Assets - Fixed Assets	
5550.760.3940-6999.00	-	457,627	13025	1602	RE	Miscellaneous - Miscellaneous	
5550.760.3960-5314.00	25,000	-	13025	1602	EX	Services - Professional	
5550.760.3960-5400.00	432,627	-	13025	1602	EX	Building & Grounds - Maintenance	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0487

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

GARVER, LLC TASK ORDER NO. 6:

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH GARVER, LLC IN THE AMOUNT OF \$25,000.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES AND CONSTRUCTION PHASE SERVICES FOR THE DRAKE FIELD AIRFIELD ROOF REHABILITATION 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 approves Task Order No. 6 with Garver, LLC in the amount of \$25,000.00 for bid package development, bidding services and construction phase services for the Drake Field Airfield Roof Rehabilitation Project.

City of Fayetteville Staff Review Form

2016-0487

Legistar File ID

11/1/2016

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

Wade Abernathy

10/13/2016

Facilities Management /
Finance & Internal Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Staff recommends approval and Signature of Task Order 06 with Garver for Engineering Services for Air field Roof Rehabilitation-Fayetteville Drake Field related to insurance Claim.

Budget Impact:

5550.760.3960.5314.00

Airport

Account Number

Fund

13025.1602

Engineering Services for Roof Rehab/Insurnace
Claim

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 25,000.00

Funds Obligated \$ -

Current Balance \$ 25,000.00

Does item have a cost? Yes

Item Cost \$ 25,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 25, 2016

TO: Mayor Lioneld Jordan

THRU: Paul A. Becker, Chief Financial Officer
Terry Gulley, Transportation Services Dept. Director

FROM: Wade Abernathy, Facilities Management / Building Construction Manager

DATE: October 12, 2016

SUBJECT: Approval and Signature of Task Order 06 with Garver for Engineering Services for Airfield Roof Rehabilitation-Fayetteville Drake Field related to Insurance Claim

RECOMMENDATION:

Staff recommends approval and signature of Garver's Task Order #06 for Airfield Roof Rehabilitation associated with the Insurance Claim. Services to include Bid Package Development, Bidding Services, and Construction Administration Services as outlined in the Appendix A-6 attached. The buildings included are FBO Hanger, Terminal Building, FAA Building, Old Terminal Building, and Old Air Museum.

BACKGROUND:

The Fayetteville Executive Airport experienced hail damage on May 09, 2015. Hub International, and Lexington Insurance Company has acknowledged damage. The agreed to loss value is \$482,927.07. Included in that figure is \$25,000 for compensation for Professional Fees. These fees will be used to development bid documents that Staff will rely on to receive bids for the agreed to repairs. The fees also include bidding services as well as construction administration as outlined in appendix A-6 attached.

DISCUSSION:

The services provided by Garver will allow the city to not only receive competitive bids, but also assure that the repairs are carried out in compliance with the plans and specifications.

BUDGET/STAFF IMPACT:

Funding will be available once received from Lexington Insurance Company and is recognized by council. Funds will be allocated from: Project/sub 13025.1602
Account 5550.760.3960.5314.00

Attachments:
Appendix A-6

APPENDIX A-6

TASK ORDER 06 FAYETTEVILLE – DRAKE FIELD (FYV) AIRFIELD ROOF REHABILITATION – INSURANCE CLAIM

This TASK ORDER is made as of _____, 2016 by and between the CITY OF FAYETTEVILLE of Fayetteville, Arkansas hereinafter referred to as “CITY OF FAYETTEVILLE,” and GARVER, LLC, hereinafter referred to as “GARVER”, in accordance with the provisions of the AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES executed on April 21, 2015.

Under this Work Order, the CITY OF FAYETTEVILLE intends to make the following improvements for the FYV Airfield Roof Rehabilitation project.

Rehabilitate the following City owned building roofs located at Fayetteville-Drake Field and as shown in Exhibit C-6:

1. FBO Hangar
2. Terminal Building
3. FAA Building
4. Old Terminal Building
5. Old Air Museum

GARVER will provide professional services related to these improvements as described herein.

SECTION 1 - SCOPE OF SERVICES

GARVER will provide services as detailed in Exhibit A-6.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum basis. The CITY OF FAYETTEVILLE represents that funding sources are in place with the available funds necessary to pay GARVER.

The table below presents a summary of the fee amounts and fee types for this contract.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Bid Package Development	\$14,000	Lump Sum
Bidding Services	\$3,000	Lump Sum
Construction Phase Services	\$8,000	Cost + FF
TOTAL FEE	\$25,000	

Any unused portion of the fee, due to delays beyond GARVER's control, will be increased 6% annually with the first increase effective on or about July 1, 2016.

Bid Package Development and Bidding Services:

The lump sum amount to be paid under this agreement is \$17,000. For informational purposes, Exhibit B-6 includes approximate current hourly rates for each employee classification.

Construction Phase Services:

The Owner will pay GARVER, for time spent on the project, at the unburdened hourly payroll rate of each of GARVER's personnel during the performance of these services for work time directly connected with the project, plus payroll and general overhead costs of 190.34% of the unburdened hourly rate, plus direct reimbursable expenses normal and necessary for the completion of the project, plus a fixed fee of \$1,043.48. Estimated cost of these services, including the fixed fee is \$8,000.00. The actual total fee may not exceed this estimate without approval from the CITY OF FAYETTEVILLE. For informational purposes, Exhibit B-6 includes approximate current hourly rates for each employee classification. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded.

Expenses other than salary costs that are directly attributable to performance of our professional services will be billed as follows:

1. Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
2. Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.
3. The amount allowed by the federal government for mileage with an additional \$0.05 for survey trucks/vans.

Additional Services (Extra Work). For work not described or included in Section 2 – Scope of Services but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Exhibit B-6 for each classification of GARVER's personnel, plus overhead, plus 15% profit, plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The rates shown in Appendix B-6 will be increased annually with the first increase effective on or about July 1, 2017.

SECTION 3 –EXHIBITS

3.1 The following Exhibits are attached to and made a part of this Agreement:

- 3.1.1 Exhibit A-6 Scope of Services
- 3.1.2 Exhibit B-6 Rate Schedule
- 3.1.3 Exhibit C-6 Project Exhibit

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

Approval and acceptance of this Task Order, including attachments listed in SECTION 3 –EXHIBITS, shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By:  Digitally signed by
Michael J. Griffin
Date: 2016.10.12
11:37:49-05'00'

ATTEST:

By: _____
City Clerk

Title: Senior Vice President _____

**EXHIBIT A-6 – SCOPE OF SERVICES
FAYETTEVILLE – DRAKE FIELD (FYV)
AIRFIELD ROOF REHABILITATION – INSURANCE CLAIM**

2.1 General

Generally, the scope of services includes bid package development, bidding services, and construction phase services for improvements to Fayetteville – Drake Field Airport. Improvements will consist primarily of rehabilitating City owned building roofs located as listed below and shown in Exhibit C-6.

1. FBO Hangar
2. Terminal Building
3. FAA Building
4. Old Terminal Building
5. Old Air Museum

2.2 Bid Package Development

GARVER and Polk Stanley Wilcox will prepare detailed construction drawings, specifications, instructions to bidders, and general provisions and special provisions, all based on guides furnished to GARVER by the CITY OF FAYETTEVILLE. Contract Documents (Plans, Specifications, and Estimates) will be prepared for award of one (1) construction contract. These designs shall be in accordance with sound engineering principles. Detailed specifications shall be developed using appropriate standards. A specimen copy of applicable prevailing wage rates will be obtained by GARVER from the Arkansas Department of Labor as appropriate for incorporation into the specifications for the proposed project.

GARVER will furnish plans to the CITY OF FAYETTEVILLE for bidding and coordination purposes.

2.3 Bidding Services

GARVER will assist the CITY OF FAYETTEVILLE in advertising for and obtaining bids or negotiating proposals for one (1) prime contract for construction, materials, equipment and services; and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, and receive and process deposits for Bidding Documents. The CITY OF FAYETTEVILLE will pay advertising costs outside of this contract. GARVER will assist CITY OF FAYETTEVILLE staff to issue addenda as appropriate to interpret, clarify or expand the Bidding Documents. GARVER will consult with and advise the CITY OF FAYETTEVILLE as to the acceptability of subcontractors, suppliers and other persons and organizations proposed by the prime contractor(s) (herein called "Contractor(s)") for those portions of the work as to which such acceptability is required by the Bidding Documents. GARVER will consult with the CITY OF FAYETTEVILLE concerning and to determine the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution prior to the award of contracts is allowed by the Bidding Documents. GARVER will attend the bid opening and assist the CITY OF FAYETTEVILLE in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment and services.

2.4 Construction Phase Services

During the construction phase of work, GARVER and Polk Stanley Wilcox, as a Subconsultant to GARVER, will accomplish the following:

1. Issue a Notice to Proceed letter to the Contractor and attend the preconstruction meeting.
2. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by GARVER on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
3. Issue instructions to the Contractor on behalf of the CITY OF FAYETTEVILLE and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
4. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the CITY OF FAYETTEVILLE regarding payment. GARVER's recommendation for payment shall not be a representation that GARVER has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
5. When authorized by the CITY OF FAYETTEVILLE, prepare change orders or supplemental agreements, as appropriate, for ordering changes in the work from that originally shown on the Plans and Specifications. If re-design or substantial engineering is required in the preparation of these documents, payment for extra services involved will be made in addition to the payment provided in basic engineering services.
6. Participate in final project inspection, prepare punch list, review final project closeout documents, and submit final pay request.

2.5 Project Deliverables

The following will be submitted to the CITY OF FAYETTEVILLE, or others as indicated, by GARVER:

1. One copy of the Final Plans and Specifications.
2. Three copies of the Final Plans and Specifications to the Contractor.
3. Electronic files as requested.

2.6 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the CITY OF FAYETTEVILLE's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Roof rehabilitation design for buildings other than those listed in Section 2.1.
3. Analysis or opinions of any other aspect of the City owned buildings, including architectural, mechanical, electrical and/or civil components or features.
4. Submittals or deliverables in addition to those listed herein.
5. Construction materials testing.
6. Construction observation.
7. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
8. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
9. Review of National Historic Registry requirements or design to meet National Historic Registry requirements.

Extra Work will be as directed by the CITY OF FAYETTEVILLE in writing for an additional fee as agreed upon by the CITY OF FAYETTEVILLE and GARVER.

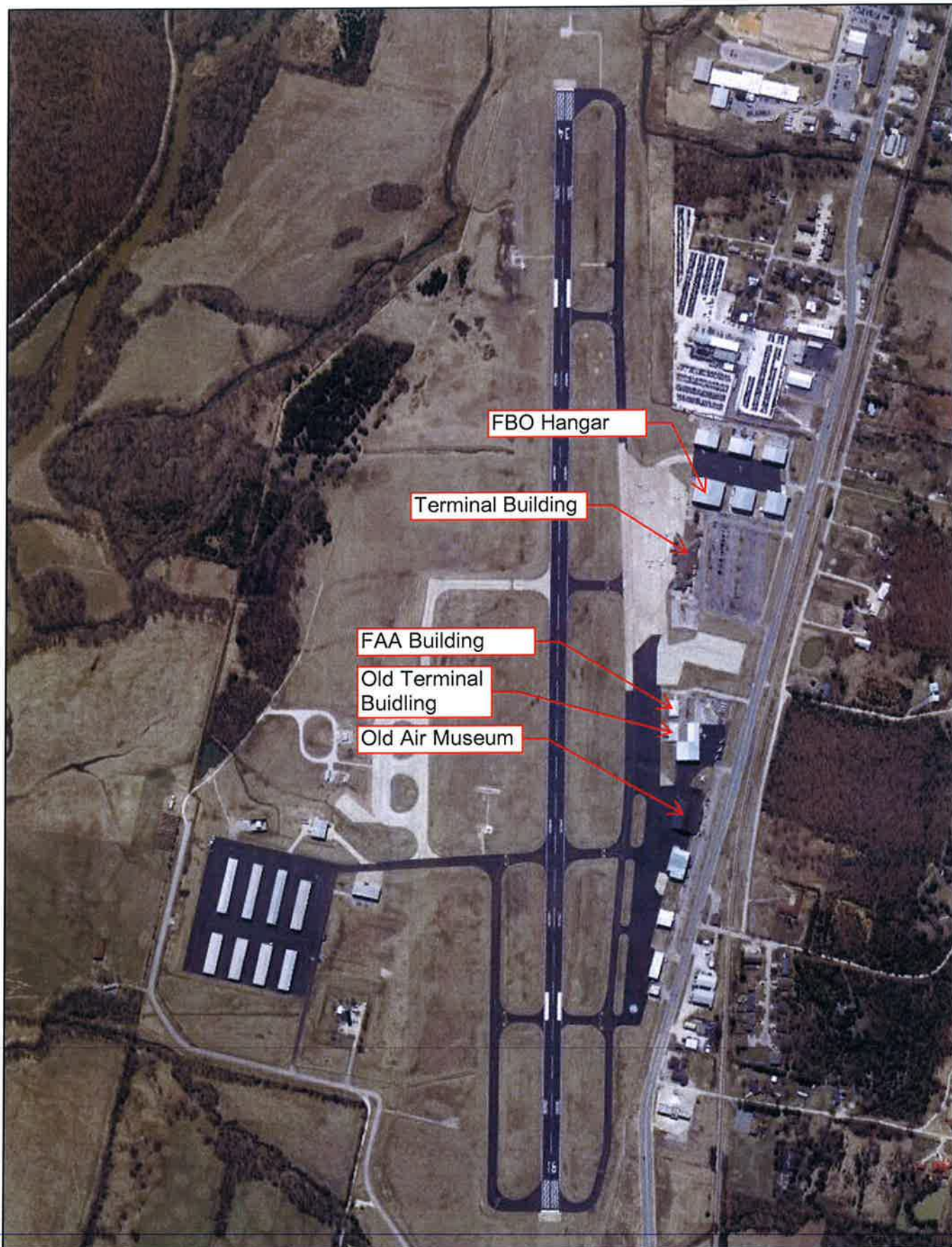
2.7 Schedule

GARVER shall begin work immediately upon receipt of the executed task order and shall complete the work within a mutually agreeable schedule.



Exhibit B-6
FYV Airfield Roof Rehabilitation – Insurance Claim
Garver Hourly Rate Schedule

Classification	Rates
Engineers / Architects	
E-1	\$ 32.70
E-2	\$ 37.90
E-3	\$ 45.90
E-4	\$ 53.60
E-5	\$ 65.40
E-6	\$ 82.00
E-7	\$ 108.00
Planners / Environmental Specialist	
P-1	\$ 39.40
P-2	\$ 49.40
P-3	\$ 61.50
P-4	\$ 69.70
P-5	\$ 81.00
P-6	\$ 92.20
Designers	
D-1	\$ 30.60
D-2	\$ 35.80
D-3	\$ 42.50
D-4	\$ 49.40
Technicians	
T-1	\$ 23.80
T-2	\$ 30.20
T-3	\$ 36.80
Surveyors	
S-1	\$ 14.60
S-2	\$ 19.30
S-3	\$ 26.00
S-4	\$ 37.30
S-5	\$ 49.40
S-6	\$ 56.20
2-Man Crew (Survey)	\$ 56.60
3-Man Crew (Survey)	\$ 71.20
2-Man Crew (GPS Survey)	NA
3-Man Crew (GPS Survey)	NA
Construction Observation	
C-1	\$ 28.80
C-2	\$ 37.00
C-3	\$ 45.30
C-4	\$ 55.70
Management / Administration	
M-1	\$ 108.00
X-1	\$ 18.70
X-2	\$ 25.40
X-3	\$ 35.40
X-4	\$ 45.10
X-5	\$ 55.40
X-6	\$ 70.00



FAYETTEVILLE - DRAKE FIELD
FAYETTEVILLE, ARKANSAS
**AIRFIELD ROOF REHABILITATION -
INSURANCE CLAIMS**

PROJECT EXHIBIT

FIGURE NUMBER

C-6



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0450

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

CH2M HILL ENGINEERS, INC. CHANGE ORDER:

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$30,000.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS FOR THE WHITE RIVER, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a change order to the contract with CH2M Hill Engineers, Inc., a copy of which is attached to this Resolution, in the amount of \$30,000.00 to continue work on a Use Attainability Analysis for the White River.

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

City of Fayetteville Staff Review Form

2016-0450

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Tim Nyander

10/14/2016

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution approving a Change Order to an Out-of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000 to continue work on a Use Attainability Analysis (UAA) for the White River, and approving a Budget Adjustment.

Budget Impact:

5400.720.5700-5315.00

Water & Sewer

Account Number

Fund

11014.1101

White River NPDES UAA and APCEC Action

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 60,236.00

Funds Obligated \$ 60,235.74

Current Balance \$ 0.26

Does item have a cost? Yes

Item Cost \$ 30,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 30,000.00

Remaining Budget \$ 0.26

V20140710

Previous Ordinance or Resolution # 19-13

Original Contract Number: 2160

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 1, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Water & Sewer Committee

FROM: Tim Nyander, Utilities Director

DATE: October 14, 2016

SUBJECT: Approval of a Change Order to an Out-of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000 to continue work on a Use Attainability Analysis (UAA) for the White River, and approval of a Budget Adjustment

RECOMMENDATION:

City staff recommends a Resolution approving a Change Order to an Out-of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000 to continue work on a Use Attainability Analysis (UAA) for the White River, and approving a Budget Adjustment.

BACKGROUND:

A former revision to the Out-of-Scope Agreement with CH2M Hill Engineers, Inc. was passed by Resolution 19-13 on February 5, 2013 in the amount of \$154,550.00.

DISCUSSION:

This amendment covers work estimated to be required to carry this process through EPA Region 6 approval, completing the third party rulemaking process. Due to circumstances beyond the control of the City and the consultant team, the project has taken longer and required more work than expected. While the science is relatively definable, the regulatory questions and actions required to meet evolving requirements are less easy to define.

BUDGET/STAFF IMPACT:

Budgeted funds will be moved from the Wastewater Treatment, Water Quality Improvements project to the White River NPDES UAA and APCEC Action, Use Attainability Analysis project.

ATTACHMENTS:

Staff Review Form
Budget Adjustment
Out of Scope Letter Agreement
Resolution 48-11
Resolution 19-13



CH2M
1400 N. Fox Hunter Road
Fayetteville, AR 72701
O 479.443.3292
F 479.443.5613

October 14, 2016

Mr. Tim Nyander
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement Revisions

Dear Tim:

Previously, we agreed to have CH2M HILL Engineers, Inc. (CH2M HILL) provide certain Out of Scope services in a letter dated March 4, 2011 and as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties. Under that Out of Scope Letter dated March 4, 2011, the parties needed to agree in writing when CH2M HILL had revisions to the approved ADEQ work plan or to the price.

CH2M HILL respectfully requests a change order in the amount of \$30,000 for the completion of the Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into. The UAA addresses the current Arkansas site-specific criteria for minerals (chloride, sulfate, and total dissolved solids).

The field studies and data collection outlined in the agency approved UAA Study Plan, dated May 2011, have been completed. The UAA draft report was submitted to the Arkansas Department of Environmental Quality (ADEQ) on August 27, 2012. The City received written comments from ADEQ on October 22, 2012. The City provided ADEQ an initial response to comments on November 21, 2012. The revised report, *White River Use Attainability Analysis – Fayetteville, Arkansas*, was submitted to ADEQ on May 21, 2013.

On June 10, 2013, ADEQ sent a letter to the City of Fayetteville requesting assessment of the UAA in consideration of the proposed Act 954. CH2M HILL conducted the analyses and submitted a Technical Memorandum to the City to forward to ADEQ in response to ADEQ's request. The Technical Memorandum was submitted to ADEQ on July 24, 2013.

On October 11, 2013, the Mitchell Williams law firm filed a petition on behalf of the City of Fayetteville to initiate Third-Party Rulemaking to amend Regulation No. 2, Water Quality Standards, pursuant to the revised UAA report dated May 21, 2013. The petition was reviewed by the Arkansas Pollution Control and Ecology Commission's Regulations Committee on October 25, 2013. The Regulations Committee recommended the Commission consider adopting the proposed revision and proposed that the first public hearing be held during the week of February 10, 2014. The public hearing was held at the Fayetteville Public Library on February 13, 2014.

Written public comments in response to the public hearing were received February 27, 2014. ADEQ submitted a comment requesting the proposed minerals criteria be re-evaluated to insure they reflect instream concentrations based on either the submitted data, or the minerals concentrations measured over the past 23 years in monitoring data. Since then, a significant amount of technical analyses has been performed to address this comment, including the modeling of effluent minerals concentrations that could result from potential future phosphorus reduction at the WWTP, should it be required for Beaver Lake. Technical presentations to ADEQ occurred on June 19, 2014; March 19, 2015; November 16, 2016; and, July 1, 2016. These efforts have all been conducted in response to ADEQ's public comment with the objective of gaining their support for instream, site-specific minerals criteria that result in NPDES permit limits at the Noland WWTP that are anticipated to be achievable based on past performance and modeling of effluent minerals concentrations associated with phosphorus reduction. Ultimately, the proposed instream site-specific minerals criteria must be approved by the Arkansas Pollution Control and Ecology Commission (APC&EC) and the U.S. Environmental Protection Agency (EPA).

As of this request for additional funding, the City is awaiting feedback from ADEQ as to exactly what proposed criteria they will endorse, except that it is not anticipated to be the 60 mg/L chloride, 100 mg/L sulfate, and 440 mg/L TDS, as originally proposed by the City in the initial Third-Party Rulemaking process. As of September 23, 2016, ADEQ is reconsidering the values proposed in the City's March 2015 presentation, which are: 44 mg/L chloride, 79 mg/L sulfate, and 362 mg/L TDS. Approval and endorsement from ADEQ of the proposed criteria is considered extremely important for gaining approval from APC&EC and EPA.

ADEQ is currently considering segmenting the reach of the White River downstream of the Noland WWTP outfall and applying two sets of criteria. It is unknown at this time if this would trigger additional public comments to be dealt with during the Third-Party

Rulemaking process since this would be different than what was originally proposed to the APC&EC. Because it is difficult to predict the responses and requests of ADEQ, EPA, APC&EC, and the public during the process that lies ahead; the estimated needs between October 2016 and September 2017, when NPDES permit renewal must begin, has been based on best professional judgement, consideration of the project hourly burn-rate to date, and the schedule benchmarks ahead.

When it is being provided:	Services are expected to be initiated in October 2016 and continue to September 2017.
Price of services:	To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our Agreement upon completion of the services. Documentation of actual costs shall be provided with invoices.
Increased Estimate of costs:	Estimated at approximately \$30,000*
Payment terms:	Due upon receipt of CH2M HILL's invoice and payable within thirty (30) calendar days as per Section 5.2 of our Agreement.

*Note that the City will be alerted immediately if ADEQ requires work beyond the scope outlined above or other circumstances cause the estimated costs of the project to exceed this number. No work will be performed above this price until such work is approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended November 16, 2010, and November 15, 2011, between CH2M HILL and The City of Fayetteville remain in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL appreciates the opportunity to provide these additional services to the City of Fayetteville.

Sincerely,

A handwritten signature in black ink, appearing to read 'SCA', with a long horizontal line extending to the right.

Steven Carpenter
Regional Business Manager

Both parties indicate their approval of the above-described services by their signature below.

Authorized CH2M HILL:

Authorized City of Fayetteville, Arkansas

A handwritten signature in blue ink, appearing to read 'Scott Neelley', with a long horizontal line extending to the right.

Name: Scott Neelley
Senior Vice President
Date: 10/14/2016

Name: Lioneld Jordan
Title: Mayor
Date:

RESOLUTION NO. 19-13

A RESOLUTION APPROVING A REVISION TO AN OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$154,550.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS (UAA) FOR THE WHITE RIVER, MAINTAINING THE EXISTING \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

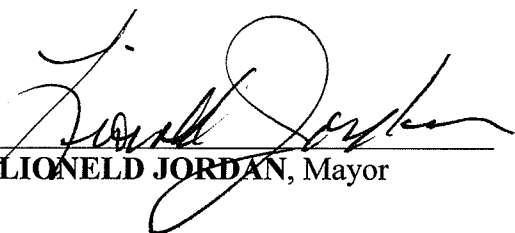
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an out-of-scope agreement with CH2M Hill Engineers, Inc. in the amount of \$154,550.00 to continue work on a use attainability analysis (UAA) for the White River and maintains the existing \$50,000.00 contingency.

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

PASSED and APPROVED this 5th day of February, 2013.

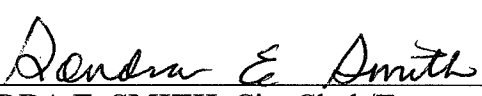
APPROVED:

By:


LIONELD JORDAN, Mayor

ATTEST:

By:


SONDRA E. SMITH, City Clerk/Treasurer

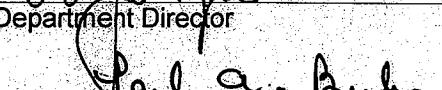
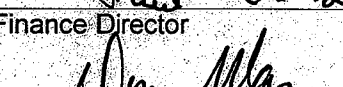
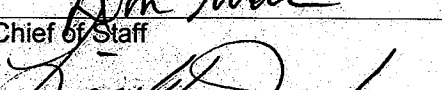


V12.0724

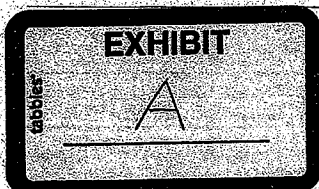
Budget Year 2013	Division: Water & Sewer Maintenance Department: Utilities Director	Request Date 1/8/2013	Adjustment Number
----------------------------	---	---------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

A BA for \$137,150 is needed for a revision to the Out of Scope Agreement with CH2M Hill Engineers, Inc. to continue work on the Use Attainability Analysis (USAA) for the White River (Revision of Res 48-11). This amendment includes researching and responding to numerous technical questions from ADEQ and/or EPA, researching and responding to technical and non-technical questions from the APCEC and public comments and attending numerous public and technical calls or meeting with stakeholders, ADEQ, EPA and APCEC.

Division Head	Date	Prepared By: Cheryl Partain
	1-10/13	cpartain
Budget Director	Date	Reference:
	9 JAN 13	Budget & Research Use Only
Department Director	Date	Type: A B C <u>D</u> E P
	1-15-2013	General Ledger Date
Finance Director	Date	Posted to General Ledger
	1-15-13	Initial Date
Chief of Staff	Date	Checked / Verified
	1/23/13	Initial Date
Mayor	Date	

TOTAL BUDGET ADJUSTMENT

[illegible]

City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

05-Feb-13

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

Wastewater Treatment
Division

Utilities
Department

Action Required:

Approval of an revision to the Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$154,550 to continue work on the Use Attainability Analysis (UAA) for the White River, maintaining the existing approved \$50,000 contingency, and approve a budget adjustment.

\$204,550.00

Cost of this request

\$

67,400.00

Category / Project Budget

Wastewater Treatment

Program Category / Project Name

5400.5700.5315.00

Account Number

\$

-

Funds Used to Date

Wastewater Treatment

Program / Project Category Name

11014-1101

Project Number

\$

67,400.00

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item

XX

Budget Adjustment Attached

XX

[Signature]
Department Director

10 JAN 13
Date

Previous Ordinance or Resolution #

48-11

[Signature]
City Attorney

1-14-13
Date

Original Contract Date:

3/15/2011

Original Contract Number:

2113

Paul A. Buehn
Finance and Internal Services Director

1-15-2013
Date

Received in City 1-14-13 P01:43 RCVD
Clerk's Office

[Signature]
Chief of Staff

1-15-13
Date

Received in
Mayor's Office

[Signature]
Mayor

1/15/13
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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

Date: January 7, 2013

Subject: Out of Scope Agreement Revision, CH2M Hill Engineers, White River Use Attainability Analysis

RECOMMENDATION

Staff recommends approving a revision to the Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$154,550 to continue work on the Use Attainability Analysis (UAA) for the White River, maintaining the existing approved \$50,000 contingency, and approve a budget adjustment.

BACKGROUND

ADEQ informed the City that the Noland WWTF National Pollutant Discharge Elimination System (NPDES) permit, currently nearing final publication by ADEQ and was scheduled for issuance in May 2011, will contain limits on total dissolved solids (TDS), and minerals, specifically chloride (Cl⁻), and sulfate (SO₄⁻). The segment of the White River where the Noland plant discharges is on the 303(d) impaired streams list for turbidity (sediment), TDS, Cl⁻, and SO₄⁻. Concentrations measured in the White River exceeded the current site specific water quality standards (WQS) of: Cl⁻ -20 mg/l; SO₄⁻ -20 mg/l; and TDS -160mg/l.

The City began the least cost and most common solution, as recommended by ADEQ and successfully completed by several other Arkansas entities, to make a third party petition to the Arkansas Pollution Control and Ecology Commission (APCEC) requesting an amendment to Regulation 2 modifying the site specific water quality standards. In March 2011 we executed a \$265,000 out of scope agreement with CH2M Hill Engineers for the project, supported by FTN Associates. We also executed related contracts with Mitchell-Williams law firm for \$48,000 and \$19,600 with the United States Geological Survey as team members in this work. The combined consultant-staff team has developed the Use Attainability Analysis (UAA), which evaluates aspects of the river with respect to the designated uses of the stream. The White River has designated uses of aquatic life and drinking water. The latter has the water quality standards of Cl⁻ - 250 mg/l; SO₄⁻ - 250 mg/l; and TDS - 500mg/l. The draft report was submitted to ADEQ in August 2012. We are now working with ADEQ to answer questions, develop the final report, and submit our petition to the APCEC. Once the APCEC makes a determination, it is submitted to the USEPA Region 6 for final approval. The remaining process could take 18 months.

DISCUSSION

This amendment covers work estimated to be required to carry this process through EPA Region 6 approval, completing the third party rulemaking process. Due to circumstances beyond the control of the City and the consultant team, the project has taken longer and required more work than expected. While the science is relatively definable, the regulatory questions and actions required to meet evolving requirements are less easy to define. ADEQ requested additional field activities beyond the work that had been performed in similar studies. Also, the project was delayed eight months due to extreme flooding in April and May 2011, which was when we were to conduct spring season White River water quality sampling. This amendment includes:

- researching and responding to numerous technical questions from ADEQ and/or EPA
- researching and responding to technical and non-technical questions from the APCEC and public comments
- attending numerous public and technical calls or meetings with stakeholders, ADEQ, EPA, and APCEC

BUDGET IMPACT

\$67,400 is available in this project; the remaining \$137,150 is proposed to be moved from Wastewater Treatment/Water Quality Improvements project 13018, established to provide additional funding for this and other related projects.

RESOLUTION NO. _____

A RESOLUTION APPROVING A REVISION TO AN OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$154,550.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS (UAA) FOR THE WHITE RIVER, MAINTAINING THE EXISTING \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an out-of-scope agreement with CH2M Hill Engineers, Inc. in the amount of \$154,550.00 to continue work on a use attainability analysis (UAA) for the White River and maintains the existing \$50,000.00 contingency.

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

PASSED and APPROVED this 5th day of February, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



CH2M HILL

9189 South Jamaica Street

Englewood, CO 80112-5946

Tel 303.771.0900

Fax 720.286.9250

January 4, 2013

Mr. David Jurgens
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement Revisions

Dear David:

Previously, we agreed to have CH2M HILL Engineers, Inc. (CH2M HILL) provide certain Out of Scope services in a letter dated March 4, 2011 and as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties. Under that Out of Scope Letter dated March 4, 2011, the parties needed to agree in writing when CH2M HILL had revisions to the approved ADEQ work plan or to the price.

CH2M HILL respectfully requests a change order in the amount of \$154,550 for the completion of the Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into. The UAA addresses the current Arkansas site-specific criteria for minerals (chloride, sulfate, and total dissolved solids).

The field studies and data collection outlined in the agency approved UAA Study Plan, dated May 2011, have been completed. The UAA draft report was submitted to the Arkansas Department of Environmental Quality (ADEQ) on August 27, 2012. The City received written comments from ADEQ on October 22, 2012. The City provided ADEQ an initial response to comments on November 21, 2012; however, additional work is required to complete the UAA process as outlined below.

Final report review and preparation of the response to the October 22, 2012 comments submitted by ADEQ is anticipated to require additional work estimated to cost \$62,550 (see Task 1 below). Work associated with the third-party rulemaking process was not included in the original UAA scope of work or cost estimate, but it has been included below under Tasks 2 and 3. The level of effort anticipated to provide technical support during the third-party rulemaking process is estimated to be \$92,000 (see Tasks 2 and 3 below).

Task 1: Address ADEQ comments on the UAA and revise the report for ADEQ approval.

Estimate to complete task: \$62,550

Key assumptions and caveats:

- Assumes currently anticipated review of report will be adequate to support future activities
- Assumes up to three (3) one-hour internal team conference calls pertaining to technical issues.
- Assumes up to three (3) one-hour internal team conference calls pertaining to regulatory/policy strategy issues.
- Assumes up to two (2) one-hour conference calls with ADEQ pertaining to technical issues.
- Assumes up to two (2) meetings with ADEQ pertaining to regulatory/policy strategy issues.
- Assumes the extent of ADEQ comments to be addressed under this task will be limited to those dated October 22, 2012.
- Assumes no additional field sampling or data collection will be required.
- Assumes technical analyses pertaining to nutrient enrichment will not be required.
- Clearance to proceed with the third-party rulemaking petition requires approval of the UAA by ADEQ, which is anticipated but cannot be guaranteed.

Task 2: Address potential EPA and stakeholder comments prior to initiation of the third-party rulemaking process.

Estimate to complete task: \$32,000

Key assumptions and caveats:

- Significant comments from EPA are not anticipated until their formal, 90-day review period begins after final approval of the proposed rulemaking by APCEC (see Task 3).
- The cost estimate for Task 2 does not include addressing EPA comments that may originate during their formal, 90-day review period; those comments will be addressed under Task 3.
- Assumes no additional analyses or significant report amendments will be required to address the findings of the USGS report pertaining to the Beaver Lake water quality model when it is published by the USGS.
- Assumes up to two (2) one-hour internal team conference calls for planning and coordination.
- Assumes up to two (2) conference calls with EPA, of which one (1) will be a teleconference from the ADEQ headquarters building.
- Assumes up to two (2) conference calls and one (1) meeting with stakeholders.
- Assumes up to two (2) conference calls with ADEQ to maintain coordination with the lead agency.

- Assumes limited revisions to the report may be required under this task, but no reproduction of report hardcopies.

Task 3: Initiate and complete the third-party rulemaking process.

Estimate to complete task: \$60,000

Key assumptions and caveats:

- Assumes up to two (2) one-hour internal team conference calls for planning and coordination.
- Assumes participation of two (2) technical staff in five (5) meetings: the initial APCEC meeting (initiation of rulemaking); one public hearing; two legislative committee hearings; and the final APCEC meeting.
- Assumes up to two (2) conference calls with stakeholders.
- Assumes up to two (2) conference calls with EPA, of which one (1) will be teleconference from the ADEQ headquarters building.
- Assumes up to two (2) conference calls with ADEQ to maintain coordination with the lead agency.
- Assumes all written technical clarification will be transmitted via technical memorandums and no revisions or reproduction of the UAA report (as developed under Tasks 1 and 2) will be required.

When it is being provided:

Services are expected to be initiated in January 2013 by first meeting with ADEQ to discuss the comments they provided on October 22, 2012. It is possible that such a meeting could occur in December 2012, but it is not anticipated given the approaching holidays. The initial goal is to obtain ADEQ approval of the minerals UAA with clearance to proceed with the Third-Party Rulemaking. If approval were granted in March 2013, it is estimated that the rulemaking process would be complete during the first quarter of 2014. Refer to Attachment 1 for an outline of the estimated schedule for Third-Party Rulemaking.

Price of services:

To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our Agreement upon completion of the services. Documentation of actual costs shall be provided with invoices.

Increased Estimate of costs:

Estimated at approximately \$154,550*

Payment terms:

Due upon receipt of CH2M HILL's invoice and payable within thirty (30) calendar days as per Section 5.2 of our Agreement.

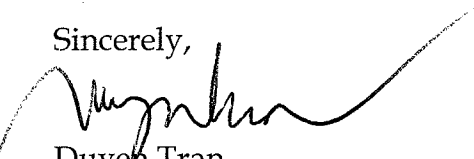
*Note that the City will be alerted immediately if ADEQ requires work beyond the scope outlined above or other circumstances cause the estimated costs of the project to exceed this number. No work will be performed above this price until such work is approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended November 16, 2010, and November 15, 2011, between CH2M HILL and The City of Fayetteville remain in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

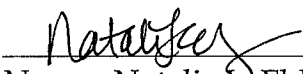
CH2M HILL appreciates the opportunity to provide these additional services to the City of Fayetteville.

Sincerely,


Duyen Tran
Project Manager

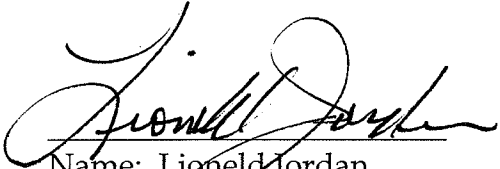
Both parties indicate their approval of the above-described services by their signature below.

Authorized CH2M HILL:


Name: Natalie E. Eldredge
Title: Senior Designated Manager
Date: 1/7/13

1-7-2013
OUB

Authorized City of Fayetteville, Arkansas


Name: Lioneld Jordan
Title: Mayor
Date: 1/6/13

RESOLUTION NO. 48-11

A RESOLUTION APPROVING AN OUT OF SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$265,000.00 FOR DEVELOPMENT OF A USE ATTAINABILITY ANALYSIS (UAA) ON THE WHITE RIVER, APPROVING A \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an out of scope agreement with CH2M Hill Engineers, Inc. in the amount of \$265,000.00 for development of a use attainability analysis (UAA) on the White River. A copy of the agreement is attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a \$50,000.00 contingency.

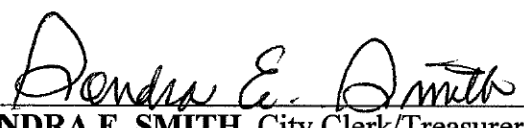
Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "B".

PASSED and APPROVED this 15th day of March, 2011.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





CH2M HILL
9193 South Jamaica Street
Englewood, CO 80112
Tel 720.286.2000

March 4, 2011

Mr. David Jurgens
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement

Dear David:

As agreed upon in our previous discussions, CH2M HILL Engineers, Inc. (CH2M HILL) will provide the following Out of Scope services as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties.

What is being provided:

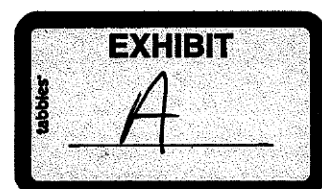
- Services, work, and materials necessary to complete a Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into.
- The UAA shall be performed in a manner approved by the Arkansas Department of Environmental Quality (ADEQ), according to a work plan that shall be submitted to ADEQ for approval as one of the initial steps of the process.
- The UAAA shall specifically address the current Arkansas water quality standards for minerals, i.e. Chloride, Sulfate, and Total Dissolved Solids (TDS) for the designated uses.
- A final report shall be issued on the results of the UAA suitable for submittal to ADEQ and the Arkansas Pollution Control and Ecology Commission.

When it is being provided:

Services are expected to be initiated in the spring of 2011 and will be completed according to the timeline approved by ADEQ.

Price of services:

To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our



Agreement upon completion of the services.
Documentation of actual costs shall be provided with
invoices.

Estimate of costs: Estimated at approximately \$265,000*

Payment terms: Due upon receipt of CH2M HILL's invoice and
payable within 30 days as per Section 5.2 of our
Agreement.

*Note that the City will be alerted immediately if the ADEQ approved work plan or
unforeseen weather or other circumstances cause the estimated costs of the project to
exceed this number. No work will be performed above this price until such work is
approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended
November 16, 2010, between CH2M HILL and The City of Fayetteville remain in full
force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return
one fully executed original for your files.

CH2M HILL appreciates the opportunity to provide these additional services to the
City of Fayetteville.

Sincerely,



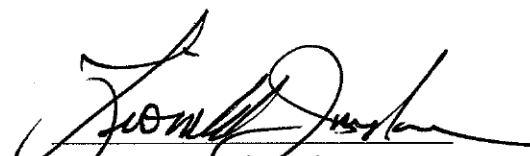
Duyen Tran
Project Manager

Both parties indicate their approval of the above-described services by their signature
below.

Authorized CH2M HILL:

Authorized City of Fayetteville, Arkansas


Name: Natalie L. Eldredge
Senior Vice President
Date: 3/4/11
CMB 3-4-2011


Name: Lionel Jordan
Title: Mayor
Date: 3/17/11

V11.0222

W:\Utilities Project Management Team\White River Stream Restoration Project\Restoration analysis\BAForm_2011_White River use attainability analysis

City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

15-Mar-11

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Wastewater Treatment

Division

Utilities

Department

Action Required:

Approval of an Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$265,000 to develop a Use Attainability Analysis (UAA) on the White River, and approving a \$50,000 contingency, and approving a budget adjustment.

\$316,000.00

Cost of this request

\$

-

Category / Project Budget

Wastewater Treatment

Program Category / Project Name

5400.5100.5328.00

Account Number

\$

-

Funds Used to Date

Wastewater Treatment

Program / Project Category Name

\$

-

Remaining Balance

Water/Sewer

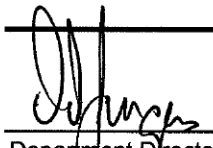
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

XX

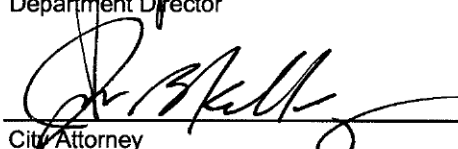

 Department Director

25 Feb 11
 Date

Previous Ordinance or Resolution #

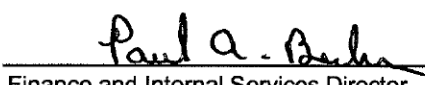
256-09

Original Contract Date:

12/15/2009

 City Attorney

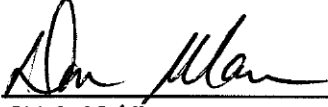
2-28-11
 Date

Original Contract Number:

2113

 Finance and Internal Services Director

2-28-2011
 Date
Received in City
Clerk's Office

02-25-11 P03:58 RCVD



 Chief of Staff

3-1-11
 Date
Received in
Mayor's Office

 Mayor

3/1/11
 Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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

Date: February 25, 2011

Subject: Out of Scope Agreement, CH2M Hill Engineers, for \$265,000 for a White River Use Attainability Analysis

RECOMMENDATION

Staff recommends approving an Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$265,000 to develop a Use Attainability Analysis (UAA) for the White River, and approving a \$50,000 contingency, and a budget adjustment.

BACKGROUND

ADEQ has informed the City that the Noland WWTF National Pollutant Discharge Elimination System (NPDES) permit, currently being developed by ADEQ and scheduled for issuance in May, 2011, will contain limits on total dissolved solids (TDS), and minerals, specifically chloride (Cl⁻), and sulfate (SO₄²⁻), unless other actions are taken. The segment of the White River where the Noland plant discharges is on the 303(d) impaired streams list for turbidity, TDS, Cl⁻, and SO₄²⁻. Concentrations measured in the White River exceeded the current site specific water quality standards (WQS) of: Cl⁻ -20 mg/l; SO₄²⁻ -20 mg/l; and TDS -160mg/l.

The least cost and most common solution, recommended by ADEQ and successfully completed by Jonesboro (the only other City to have fully faces this issue), is to make a third party petition to the Arkansas Pollution Control and Ecology Commission (APCEC) requesting an amendment to Regulation 2 modifying the site specific water quality standard. It involves performing a Use Attainability Analysis (UAA), which evaluates aspects of the river with respect to the designated uses of the stream. The White River has designated uses of aquatic life and drinking water. The latter has the water quality standards of Cl⁻ - 250 mg/l; SO₄²⁻ - 250 mg/l; and TDS - 500mg/l. The UAA may take a full year or more to complete before the petition to modify the water quality standards can be submitted to the APCEC, and the APCEC may take another year to make a determination. We are also requesting the new NPDES permit be delayed until this process is complete.

DISCUSSION

There are three companies, CH2M Hill, FTN Associates, and GBM^c & Associates, who are leaders in performing UAAs. The attached agreement represents a partnership with CH2M Hill as the lead and FTN in a supporting role. This team presents the optimum combination of experience, capability for quick, responsive action, and familiarity with the White River conditions, to complete this project as quickly as possible. This type out of scope agreement is allowed for within our existing contract with CH2M Hill. As soon as this contract is executed, CH2M Hill will submit a draft schedule for the UAA to ADEQ for approval. That will determine the schedule of work to follow.

BUDGET IMPACT

Funds are proposed to be reduced from two other approved water/sewer projects to fund this new project, as shown in the attached budget adjustment. The budget adjustment is large enough that it is expected to cover this agreement, the expected contract with the environmental attorney to file the petition with the APCEC, with a contingency.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OUT OF SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$265,000.00 FOR DEVELOPMENT OF A USE ATTAINABILITY ANALYSIS (UAA) ON THE WHITE RIVER, APPROVING A \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an out of scope agreement with CH2M Hill Engineers, Inc. in the amount of \$265,000.00 for development of a use attainability analysis (UAA) on the White River. A copy of the agreement is attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a \$50,000.00 contingency.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "B".

PASSED and APPROVED this 15th day of March, 2011.

APPROVED:

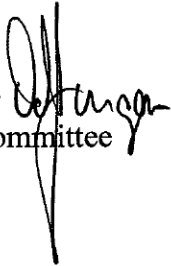
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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

Date: February 25, 2011

Subject: Information Paper-Noland Wastewater Treatment Facility NPDES Permitting Issues Relating to Total Dissolved Solids, Chloride, and Sulfate

SITUATION

ADEQ has informed the City that the Noland WWTF National Pollutant Discharge Elimination System (NPDES) permit, currently being developed by ADEQ and scheduled for final issuance in May, 2011, will contain limits on total dissolved solids (TDS) and minerals, specifically chloride (Cl^-), and sulfate (SO_4^{2-}), unless other actions are taken. The segment of the White River where the Noland plant discharges is on the 303(d) impaired streams list for turbidity (sediment), TDS, Cl^- , and SO_4^{2-} . Concentrations measured in the White River both above and below the Noland WWTF discharge exceeded the current site specific water quality standards (WQS) of: Cl^- -20 mg/l; SO_4^{2-} -20 mg/l; and TDS -160mg/l.

According to ADEQ representatives, no point source dischargers are allowed to cause or contribute to an identified impairment. Because the reach of the river where the Noland WWTF effluent discharges (Reach 23) is on the 303(d) list, Noland's effluent, which does contain TDS, Cl^- , and SO_4^{2-} , is subjected to the site specific WQS set for the White River. Any discharge at concentrations above the water quality standards is deemed to contribute to the impairment. As a result, if our NPDES permit were issued today, these same concentrations would become NPDES permit limits. Jonesboro and Huntsville have recently faced this issue same issue.

ALTERNATIVES

Fayetteville and CH2M HILL staff met with ADEQ staff at 2:00, January 26, 2011, to discuss alternatives. ADEQ staff included Ryan Benefield, Steve Drown, Mo Shaffi, Marysia Jastrzebski, John Bailey, and Kim Fuller. City representatives included David Jurgens, Dr. Robert Blanz, P.E., PhD, Billy Ammons, and Duyen Tran. Based on the discussion and the recommendations from ADEQ, Fayetteville has several courses of action. These are not all mutually exclusive; some may be considered in combination.

1. Change the site specific water quality standards. This requires a third party petition to the Arkansas Pollution Control and Ecology Commission (APCEC) requesting an amendment to Regulation 2. It involves performing a Use Attainability Analysis (UAA), which evaluates aspects of the river with respect to the designated uses of the waterway. Designated uses for the White River are aquatic life and drinking water. Aquatic life water quality standards are variable, but as a minimum the drinking water standards of Cl^- - 250 mg/l; SO_4^{2-} - 250 mg/l; and TDS - 500mg/l would apply. Modifying the site specific water quality standard is the most common approach and was recommended by ADEQ in the January 26 meeting. This is the method Jonesboro selected to address the same issue. The UAA may take a full year or more to complete before the petition to modify the water quality standards can be submitted to the APCEC for consideration, and the

APCEC may take another year to make a determination. Simultaneously, we should use every means to get issuance of the new permit delayed. ADEQ staff at the meeting expressed great reluctance to grant an extension, for fear of setting a precedent. Huntsville exerted significant political influence through the City, legislative attention, and the Poultry Federation. As a result, Huntsville received a three year permit that includes monitoring requirements, but no discharge limits, for Cl^- , SO_4^{2-} , and TDS. This was very unusual, and is not available for Fayetteville because we are major discharger. Additionally, this did not solve Huntsville's problem- it simply delayed the final conclusion. Historically, once monitoring begins, discharge limits almost always follow. Thus, Huntsville can expect limits on minerals and TDS when their next permit is issued.

2. Eliminate the source of the TDS and minerals in the stream that are causing the water quality standards to be exceeded. The West Fork of the White River shows impairment upstream from the City's outfall. The Middle and main forks of the White River do not. ADEQ representatives have stated that concentrations of minerals were not an issue until 2004, when a significant increase in TDS and minerals was observed. These higher concentrations have remained since, indicating a long term change in conditions. Staff is obtaining and reviewing the data to further identify exactly when the change occurred. Eliminating the source of this change, and thereby eliminating the source of the minerals, is a hit-or-miss proposition, as a preliminary review has not indicated any potential source for such a change. It may be induced by human action, or may be caused by natural phenomena. The only potential cause identified thus far is the major flood that occurred on April 23-24, 2004. The City of West Fork WWTF is the only other permitted point source upstream; its flow volume is comparatively minor and is extremely unlikely to be the source. Positively identifying the source will take comprehensive stream sampling, and will probably prove unsuccessful no matter how much effort is applied. This alternative should be investigated, but cannot be relied upon as a sole solution to the permitting problem.

3. Do nothing to change the standards. This alternative creates two sub-choices:

a. Upgrade the WWTF to meet the new permit limits. This will result in an approximate \$45 million (very preliminary estimate) initial capital and \$2 million increased annual operational cost for treatment, which could approach a present worth value of \$100 million over the life of the Noland facility.

b. Do not upgrade the WWTF, and accept not meeting the permit requirements. This will result in fines from ADEQ which would be levied as soon as the new limits take affect (this was made clear in the January 26 meeting).

4. Change the state-wide water quality standards. Several cities in Arkansas have faced this issue in recent years, and it will become more common in future permits. As a result, ADEQ representatives agree that there is significant benefit to changing these water quality criteria on a state-wide basis. This process would likely take at least 3 – 5 years, if it would be successful at all. It is also very expensive, and according to the ADEQ officials in our meeting is not currently feasible for ADEQ. This is the best long-term solution, but will not solve the issue for Fayetteville.

5. Invoke legislative action to allow or force ADEQ to address the Regulation. This is a state-wide problem that will impact multiple municipal and other dischargers. As every ADEQ representative agreed, this is not an environmental impact issue but a regulatory one that they are required to enforce. These constituents have no negative impact on the environment at the levels cited in the Regulation, but changes in the White River flow and the low flows experienced in 2007 have caused this to become a permitting issue. ADEQ stated they are unwilling to address the problem on a state-wide basis due to lack of funding and manpower to do so. It will take legislative action to change this position. If no state-wide action is taken by ADEQ, then the responsibility is placed directly on each permitted discharger, who then must invest in a \$300k - \$400 study to make a third party rule change. Any legislative change may help other NPDES permit holders, but cannot occur in time to help with Fayetteville's situation.

6. Partner with West Fork, as the only other NPDES permitted facility on the White River upstream of Beaver Lake. Their NPDES permit expires in 2012. If the ADEQ approach remains unchanged, they will face the same problem. This would require two to four additional sampling sites on the West Fork, but otherwise would not add significant work to the process. West Fork staff is evaluating, and we are executing our initial work so they could join in and cost share on the study and petition.

RECOMMENDATION

As soon as possible, initiate a plan to conduct a UAA. Send the plan to ADEQ for review, comment, and (if they will grant such) approval. Start the UAA soon enough that we catch the spring conditions this year. Request a two year extension of our existing permit from ADEQ while we undergo the study and submit the WQS standards change request to the APCEC. Select and hire an attorney specializing in environmental law to submit the request to the APCEC. Structure our initial work such that West Fork can participate allowing for them to cover their portion of the expense.

BACKGROUND and ADDITIONAL INFORMATION

All attendees in the January 26 meeting agreed these standards are not reasonable for wastewater, and there is no scientific evidence that we know of suggesting that minerals and TDS in the concentrations present in either the river or the wastewater effluent cause harm or degradation to aquatic life or other aspects of the environment. We are not aware of another NPDES permit in Arkansas that currently has discharge limits on these parameters, although Jonesboro and Huntsville have had to address the issue. Most states do not appear to have any type of water quality standard for these minerals and ADEQ admitted that the standards as they currently exist provide no known benefit to the environment. ADEQ further acknowledged that the standards themselves should be changed but insisted that they had neither time nor resources to perform that action. The standards were introduced into the state-wide regulations by ADEQ in the late 1970's, based on a study conducted at that time. That study cannot now be found. Thus, they cannot find the reason these standards were first identified- neither for the entire state nor for the White River. Additionally, there are different impaired water body uses for the White River in the 303(d) list in the 2004, 2006, 2008, and (draft) 2010 publications, but ADEQ staff has not identified the reasons for these changes. It is, they agreed, possible that these numbers, and the resulting inclusion on the 303(d) list, are the result of an error. However, now that the numbers are in the Regulation, they must be either be followed or formally changed. As a point of comparison, the proposed limits are much stricter than the recommended standards for finished drinking water, which has recommended (but not required) standards shown in the table below.

The City has never monitored our effluent for these items. There was never a reason to. Preliminary monitoring, conducted since the issue was brought to our attention, indicates our effluent, **at that time**, contained the concentrations shown below. The BWD drinking water concentrations are shown as well.

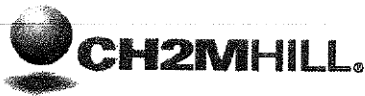
Constituent	White River Limit	Noland Effluent ² (Jan 2011)	Drinking Water Limit ¹	BWD 2009 Actual
Chloride	20	Average 40.5 range 38.2 - 44.3	250	9
Sulfate	20	Average 57.1 range 37.3 - 61.4	250	27.6
Total Dissolved Solids	160	Average 458, range 397 - 680	500	95

¹ These are aesthetic standards recommended by USEPA and ADH for drinking water; they are not mandatory.

² These are samples taken in January, 2011. These could change drastically for different seasons, influent changes, and treatment process changes.

303(d) List Summary

303(d) Year	Stream Reach for Which City	Impairment	Impaired Use	Reason
2002	West Fork, Fayetteville	None	N/A	N/A
2004	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Road const & agriculture
2004	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	Agriculture & Industry	Road const & agriculture
2006	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Unknown
2006	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	Agriculture & Industry	Unknown
2008	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Unknown
2008	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	Agriculture & Industry	Unknown
2010	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Unknown
2010	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	None Listed, verbally Aquatic Life (Fisheries)	Unknown



CH2M HILL
9193 South Jamaica Street
Englewood, CO 80112
Tel 720.286.2000

February 28, 2011

Mr. David Jurgens
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement

Dear David:

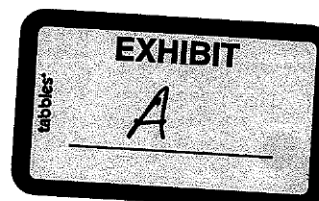
As agreed upon in our previous discussions, CH2M HILL Engineers, Inc. (CH2M HILL) will provide the following Out of Scope services as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties.

What is being provided:

- Services, work, and materials necessary to complete a Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into.
- The UAA shall be performed in a manner approved by the Arkansas Department of Environmental Quality (ADEQ), according to a work plan that shall be submitted to ADEQ for approval as one of the initial steps of the process.
- The UAAA shall specifically address the current Arkansas water quality standards for minerals, i.e. Chloride, Sulfate, and Total Dissolved Solids (TDS) for the designated uses.
- A final report shall be issued on the results of the UAA suitable for submittal to ADEQ and the Arkansas Pollution Control and Ecology Commission.

When it is being provided:

Services are expected to be initiated in the spring of 2011 and will be completed according to the timeline approved by ADEQ.



Price of services: To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our Agreement upon completion of the services. Documentation of actual costs shall be provided with invoices.

Estimate of costs: Estimated at approximately \$265,000*

Payment terms: Due upon receipt of OMI's invoice and payable within 30 days as per Section 5.2 of our Agreement.

*Note that the City will be alerted immediately if the ADEQ approved work plan or unforeseen weather or other circumstances cause the estimated costs of the project to exceed this number. No work will be performed above this price until such work is approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended November 16, 2010, between CH2M HILL and The City of Fayetteville remain in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL appreciates the opportunity to provide these additional services to the City of Fayetteville.

Sincerely,

Duyen Tran
Project Manager

Both parties indicate their approval of the above-described services by their signature below.

Authorized CH2M HILL:

Authorized City of Fayetteville, Arkansas

Name: Natalie L. Eldredge
Title: Vice President
Date: _____

Name: Lionel Jordan
Title: Mayor
Date: _____

Budget Year	Division	Adjustment Number
2016	WATER SEWER (720)	
	/Org2	
	Requestor: Cheryl Partain	

A BA is needed to move budgeted funds into the White River NPDES UAA and APCEC Action project to increase CH2M Engineers, Inc. agreement with the City. The amendment is to cover additional costs for work relating to the Use Attainability Analysis (UAA) work being done by CH2M.

	COUNCIL DATE:	11/1/2016
	LEGISTAR FILE ID#:	2016-0450
	<i>Barbara Fell</i>	
	<i>10/17/2016 8:14 AM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0479

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$390,568.20 FOR THE RELOCATION OF APPROXIMATELY 1,100 FEET OF 12-INCH WATER MAIN ASSOCIATED WITH THE RUPPLE ROAD - PERSIMMON TO CONGRESSIONAL 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 approves Change Order No. 1 to the contract with Sweetser Construction, Inc. in the amount of \$390,568.20 for the relocation of approximately 1,100 feet of 12-inch water main associated with the Ruppel Road - Persimmon to Congressional Project

City of Fayetteville Staff Review Form

2016-0479

Legistar File ID

11/1/2016

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

Matt Casey

10/11/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Change Order No.1 for the Ruppel Rd. - Persimmon to Congressional Project for the relocation of approximately 1100 feet of 12" water main.

Budget Impact:

5400.720.5600-5808.00

Water and Sewer

Account Number

Fund

12009.1

Water System Rehabilitation/Replacement

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 3,736,723.21

Funds Obligated

Current Balance \$ 3,736,723.21

Does item have a cost? Yes

Item Cost \$ 390,568.20

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget \$ 3,346,155.01

V20140710

Previous Ordinance or Resolution # 74-16

Original Contract Number:

Approval Date:

Comments: Existing PO# 16-0000388-001

MEETING OF NOVEMBER 1, 2016

TO: Mayor and City Council

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

FROM: Matt Casey, Engineering Design Manager

DATE: October 11, 2016

SUBJECT: **Approval of Change Order #1 in the amount of \$390,568.20 with Sweetser Construction, Inc. for the Ruppel Road –Persimmon to Congressional Project.**

RECOMMENDATION:

Staff recommends City Council approval of Change Order #1 in the amount of \$390,568.20 with Sweetser Construction, Inc. for the Ruppel Road – Persimmon to Congressional Project for the relocation of approximately 1100 linear feet of 12" water main.

BACKGROUND:

The City of Fayetteville Engineering Division developed the design plans for the construction of this portion of Ruppel Road. Ruppel Road is shown on the City of Fayetteville Master Street plan as a Principal Arterial Parkway from Martin Luther King Blvd. (Highway 62) north to Howard Nickell Road. The street cross section for this project includes four lanes with a center median, a 12' trail and an 8' sidewalk.

On April 5, 2016, the City Council approved a contract with Sweetser Construction, Inc. in the amount of \$2,537,900 for the construction of this project. The notice to proceed was issued on June 20, 2016 and construction began shortly after.

DISCUSSION:

There is an existing 12" water line that runs along the east side of Ruppel along this project. The design called for the water line to remain in place with the City Water Department making some minor adjustments where needed. During the excavation for the roadway, it was discovered that the portion of existing 12" water line that runs under the proposed roadway was previously installed at a much shallower depth than expected. With the waterline being too shallow, Sweetser Construction is unable to perform the earthwork necessary for the roadway construction. City staff provided a design for the waterline relocation and Sweetser Construction has provided a cost for this work and is included in this change order.

BUDGET/STAFF IMPACT:

This change order will be funded by the Water and Sewer Fund.

Attachments:

Change Order

Water line plan sheets



CHANGE ORDER

Contract Title Rupple Road - Persimmon to Congressional

Change Order No. 1

Date of Issuance _____

To Contractor: Sweetser Construction, Inc.

ORDINANCE/RESOLUTION: 74-16

The Contract is changed as follows:

Effective April 5, 2016

	Bid	Bid	Previous	Unit	Contract	Revised	Revised	Original	Revised
Contract	Item	Item	Estimated	of	Unit	Estimated	Unit	Estimated	Estimated
Changes	No.	Description	Quantity	Measure	Price	Quantity	Price	Cost	Cost
	128	1" Single Meter Setting	0	EA	\$0.00	4	\$800.00	\$0.00	\$3,200.00
	129	1" Single Meter w/PRV	0	EA	\$0.00	1	\$1,100.00	\$0.00	\$1,100.00
	130	1.5" SDR9 HDPE Sleeve	0	LF	\$0.00	30	\$30.00	\$0.00	\$900.00
	131	3" SDR9 HDPE Sleeve	0	LF	\$0.00	75	\$30.00	\$0.00	\$2,250.00
	132	24" Steel Encasement	0	LF	\$0.00	10	\$250.00	\$0.00	\$2,500.00
	133	1" SDR9 HDPE Service Line	0	LF	\$0.00	150	\$25.00	\$0.00	\$3,750.00
	134	2" SDR9 HDPE Service Line	0	LF	\$0.00	150	\$25.00	\$0.00	\$3,750.00
	135	6" PVC C-900 DR-14 Water Main	0	LF	\$0.00	100	\$44.50	\$0.00	\$4,450.00
	136	12" PVC C-900 DR-14 Water Main	0	LF	\$0.00	1100	\$237.00	\$0.00	\$260,700.00
	137	18"x12" Tapping Sleeve & Valve	0	EA	\$0.00	1	\$11,637.00	\$0.00	\$11,637.00
	138	12"x12" Tapping Sleeve & Valve	0	EA	\$0.00	1	\$11,200.00	\$0.00	\$11,200.00
	139	12" Butterfly Valve w/Box	0	EA	\$0.00	2	\$4,700.00	\$0.00	\$9,400.00
	140	Epoxy Ductile Iron Fittings	0	LBS	\$0.00	1200	\$12.00	\$0.00	\$14,400.00
	141	Cut, Cap & Brace Ex. 12" Water Main	0	EA	\$0.00	2	\$1,600.00	\$0.00	\$3,200.00
	142	Remove Ex. Fire Hydrant & Reinstall	0	EA	\$0.00	3	\$1,850.00	\$0.00	\$5,550.00
	143	3-Way Fire Hydrant Assbly w/Valve	0	EA	\$0.00	2	\$7,200.00	\$0.00	\$14,400.00
	144	Abandon Ex. Water Valve	0	EA	\$0.00	4	\$500.00	\$0.00	\$2,000.00
	145	T-Patch for Road Crossings - Water	0	EA	\$0.00	1	\$2,150.00	\$0.00	\$2,150.00
	146	R&D Privacy Fence and Install New	0	LF	\$0.00	687	\$37.60	\$0.00	\$25,831.20
	147	Driveway Patch Concrete - Water	0	EA	\$0.00	1	\$1,800.00	\$0.00	\$1,800.00
	148	Driveway Patch Asphalt - Water	0	EA	\$0.00	2	\$1,450.00	\$0.00	\$2,900.00
	149	Pothole for Existing Utilities	0	LS	\$0.00	1	\$3,500.00	\$0.00	\$3,500.00
Summation of Cost								\$0.00	\$390,568.20
Net Cost for this Change Order									\$390,568.20

Not valid until signed by the Owner

The original Contract Price was	\$	2,537,900.00
Net change by previously authorized change orders	\$	-
The Contract Price prior to this Change Order was	\$	2,537,900.00
The Contract Price will be [increased][decreased] by		\$390,568.20
The new Contract Price including this Change Order will be	\$	2,928,468.20
The Contract Time(s) will be [increased by][decreased by][remain unchanged]	120	calendar days
Required dates of Completion as of the date of this Change Order therefore are:		
Substantial Completion		18-Oct-17
Final Completion		17-Nov-17

NOTE: This summary does not reflect changes in the Contract Price or Time(s) which have been authorized by Work Change Directives not incorporated in this or previous Change Orders.

Sweetser Construction, Inc.

CITY OF FAYETTEVILLE

BY

DATE

BY

DATE

-
- PARTS TO INCLUDE:**
1. 12" X 1" TAPPING SADDLE
 2. 1" CORP. STOP
 3. 1" SDR9 HDPE PIPE WITH INSERTS
 4. 1" X 12" METER YOLK
 5. 3/4" X 16" SCH40 PVC BRACE
 6. 1" SDR9 TAIL PIECE W/INSERT, 4' LONG
 7. 24" DIA. X 24" DEEP SDR51 PVC METER BOX
 8. 24" CAST IRON FLAT METER LID
- NOTE:**
1. ALL WATER SERVICE CONNECTIONS MUST BE PERFORMED BY A LICENSED PLUMBER.
 2. COORDINATE WITH FAYETTEVILLE WATER AND SEWER FOR ANY TEMPORARY SHUT DOWN OF EXISTING WATERLINES.
 3. THE WATERLINE SHALL BE 12" PVC C900 WITH A CLASSIFICATION OF DR-14.
 4. THE WATERLINE SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH CITY OF FAYETTEVILLE'S WATERLINE SPECIFICATIONS.
 5. PIPE DEFLECTION SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATION.
 6. THE WATERLINE SHALL BE BURIED A MINIMUM OF 3.0 FEET BELOW THE RUPPLE ROAD CURB ELEVATION OR 3.0 FEET BELOW GROUND SURFACE WHICHEVER RESULTS IN THE LOWEST ELEVATION.
 7. ALL DISTURBED AREAS SHALL RECEIVE A MINIMUM OF 4" TOPSOIL AND BE SEEDED AND MULCHED.
 8. UTILITY LOCATIONS ARE TO BE CONSIDERED APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ARKANSAS ONE CALL PRIOR TO BEGINNING ANY CONSTRUCTION AND SHALL HAVE ALL UTILITIES FIELD LOCATED.
- STA. 19+56**
FURNISH AND INSTALL 12" X 2" TAPPING SADDLE & 2" BALL VALVE, APPROX. 100 L.F. OF 2" SDR9 HDPE TUBING W/ TRACER WIRE, & 3" HDPE SLEEVE. SEE DETAIL
- PARCEL ID# : 765-16250-004**
OWNER: AIRWAYS FREIGHT CORP.
ADDRESS: P.O. BOX 1888
FAYETTEVILLE, AR 72702
- NOTE:**
870 N. RUPPLE RD. NOT SERVICED BY THIS 12" WL

NOTE:
870 N. RUPPLE RD. NOT
SERVICED BY THIS 12" W/L

PARCEL ID# : 765-16250-004
OWNER: AIRWAYS FREIGHT CORP
ADDRESS: P.O. BOX 1888
FAYETTEVILLE AR 72702

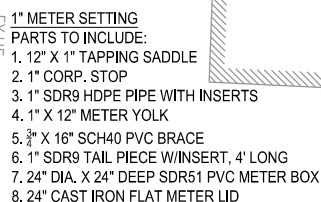
CITY OF FAYETTEVILLE
RUPPLE ROAD STREET IMPROVEMENTS
WEST PERSIMMON ST. TO CONGRESSIONAL ST.
WATERLINE RELOCATION PLAN

TIME:

113 W. MOUNTAIN STREET

SHEET:

PROJECT: Utility Relocation Plans



Scale: 1" = 40'



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0432

Agenda Date: 11/1/2016

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

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 SECOND READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from 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 YES

Date: September 12, 2016 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Hoskins

Second: Hoffman

Vote: 7-1-0 (Selby voted 'no')

Note: recommend approval

CITY COUNCIL ACTION: Required YES

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)
----------------	--------------

(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
----------------	---

(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
-------------------------	---------

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

(I) *Building Area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

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

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

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

161.20 - Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials

Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 feet
-------------------------	---------

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)



To: Andrew Garner

From: Captain J. Ashley; Assistant Fire Marshal

Date: 8/12/16

Re: RZN 16-5550 / 2155 N. Ruppel

This development will be protected by Ladder 7 located at 835 N. Ruppel.

It is 1.0 miles from the station with an anticipated response time of 2 minutes to the beginning of the development.

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

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

Captain Jeremy Ashley

Fayetteville Fire Department



JORGENSEN
+ASSOCIATES
Civil Engineering • Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 6, 2016

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Hazen Property Rezoning

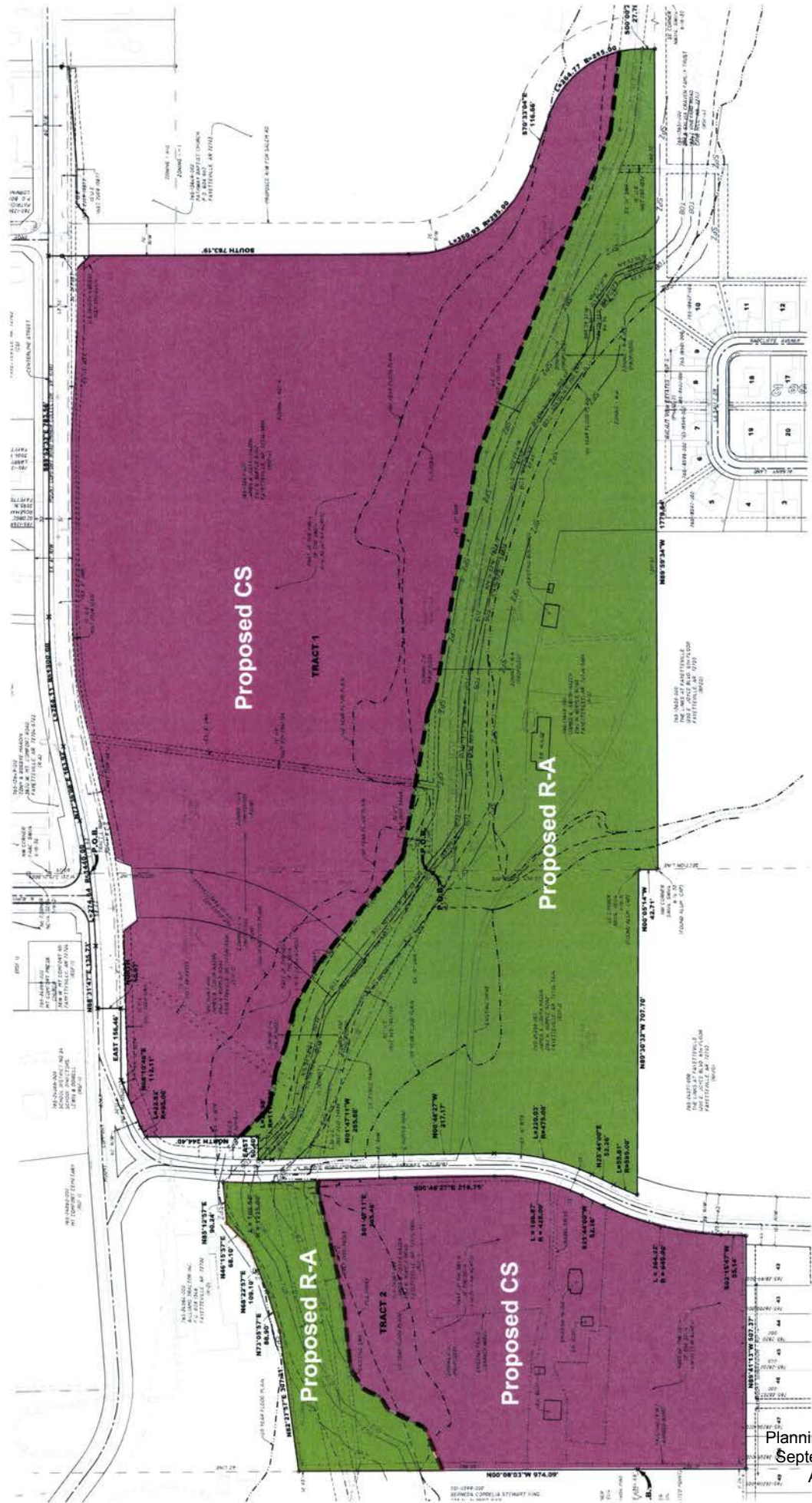
This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-13648-000 (James & Judith Hazen)
 - b. 765-13649-000 (James & Judith Hazen)
 - c. 765-24063-000 (James & Judith Hazen)
 - d. 765-24067-000 (James & Judith Hazen)
 - e. 765-24068-000 (James & Judith Hazen)
- B. Currently these properties are zoned RSF-1, RSF-4, and R-A. The reason for the requested C-S zoning is to allow this property to be developed under C-S conditions. We are also requesting R-A zoning along the creek to help create a natural buffer.
- C. There are various zoning districts around these properties. The property due west is zoned R-A. The property due south is zoned RPZD (The Links at Fayetteville). The properties due north are zoned R-O, RSF-1, R-A, and the recently rezoned C-S (proposed Dollar General at the NW corner of Salem and Mount Comfort). The properties due east are zoned R-O and P-1 (Pathway Church).
- D. Existing water and sewer are already at this site. There is an existing 12-inch water line on the south side of Mount Comfort and an existing 6-inch on the east side of Ruppel Rd. There is an existing 24-inch Hobas sewer line and 12-inch ductile iron pipe available running through the properties along the creek. There is also an 8-inch sewer bisecting the property and another running on the west side of Ruppel Rd.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development in the future as to be consistent the adjacent developments.
- F. Per the city's future land use plan this area is called out to be a City Neighborhood Areas which C-S is a form based zoning under this umbrella.
- G. Adjacent streets have been or are planned to be improved in the near future allow this area to grow. Mount Comfort was recently widened with traffic signal and the Ruppel Road realignment and widening is planned in the near future.
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services. The properties at question lie at the intersection of two master planned roads where significant improvements have been or will be made, and will allow for increased loads. Utilities are currently available and at a significant size to where we do not believe any adverse impacts to the existing system would occur.
- I. R-A is not conducive to any future developments in this area.

Sincerely,

Justin L. Jorgensen, PE

Proposed Community Services (CS): 45.90 acres
 Proposed Residential Agricultural (R-A) 27.47 acres



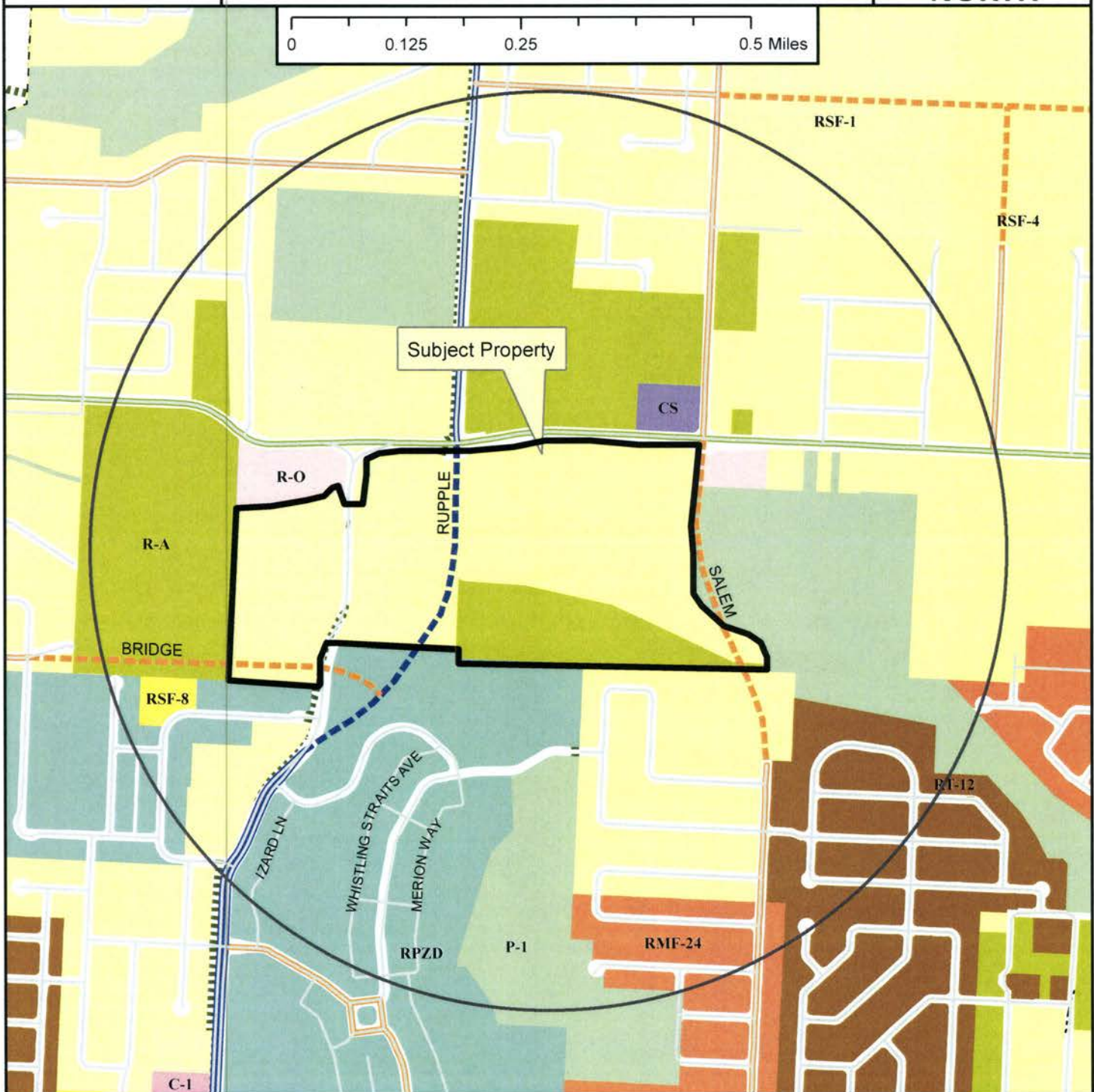
RZN 16-5550

One Mile View

2155 N. RUPPLE/HAZEN



0 0.125 0.25 0.5 Miles



Legend

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



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

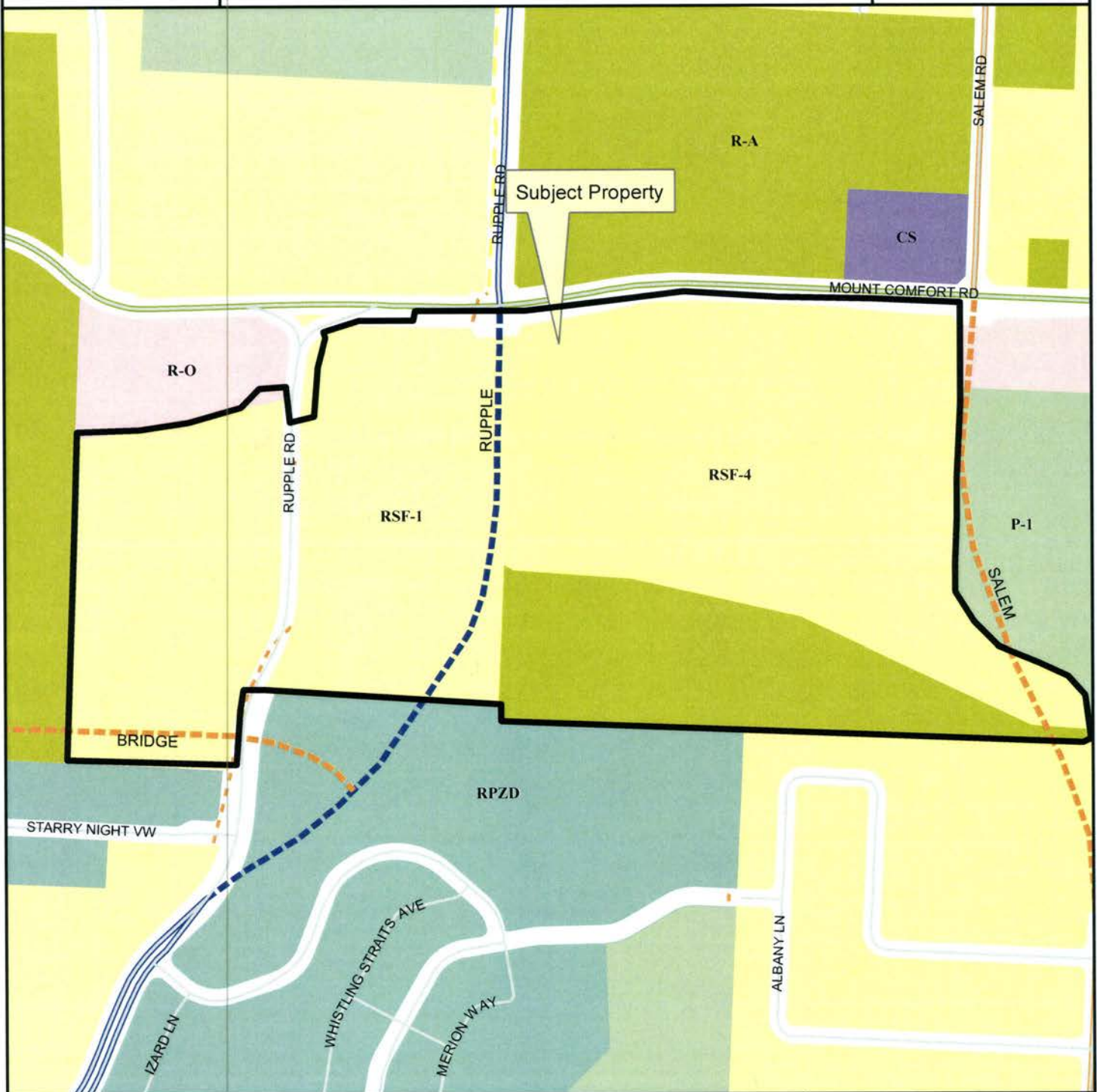
Planning Commission
September 12, 2016

Agenda Item 14
16-5550 Hazen
Page 16 of 19

RZN 16-5550

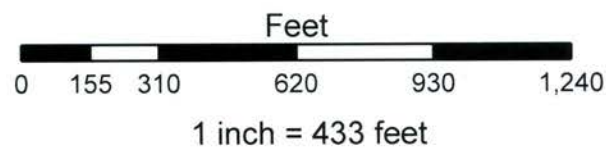
Close Up View

2155 N. RUPPLE/HAZEN



Legend

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



- Residential-Agricultural
- RSF-1
- RSF-4
- Residential-Office
- Community Services
- Commercial, Industrial, Residential
- P-1

RZN 16-5550

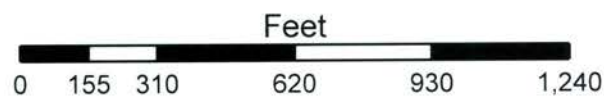
Current Land Use

2155 N. RUPPLE/HAZEN



Legend

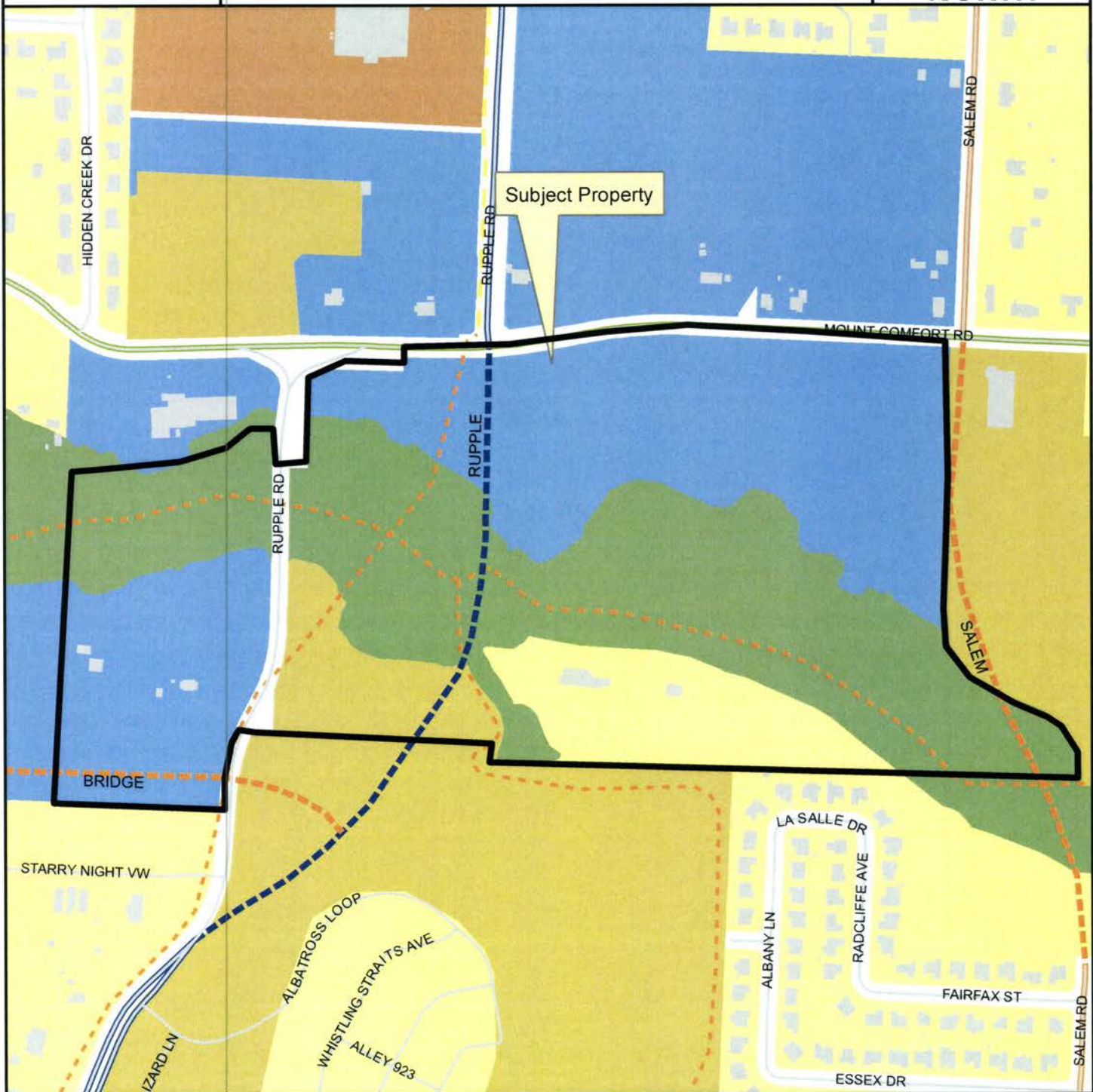
- Street
- Streets Planned**
- MSP Class**
- COLLECTOR
- PRIN ARTERIAL PKWY
- Streets Existing**
- MSP Class**
- COLLECTOR
- MINOR ARTERIAL
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)



RZN 16-5550

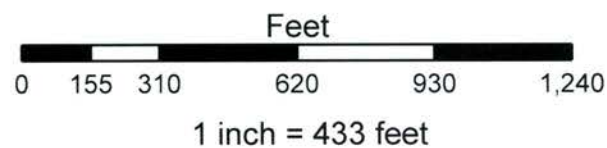
Future Land Use

2155 N. RUPPLE/HAZEN



Legend

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



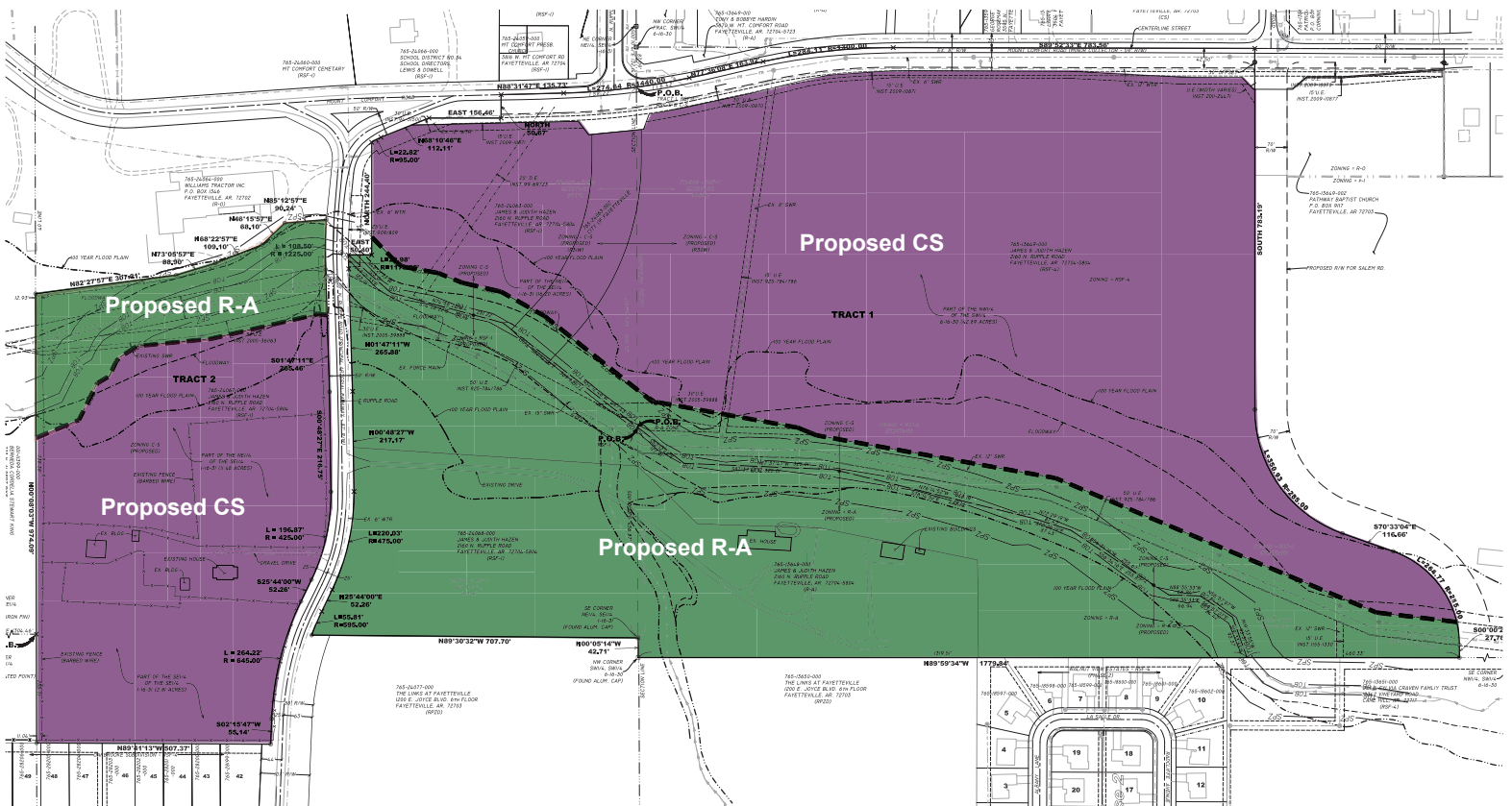
FUTURE LAND USE 2030

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

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.

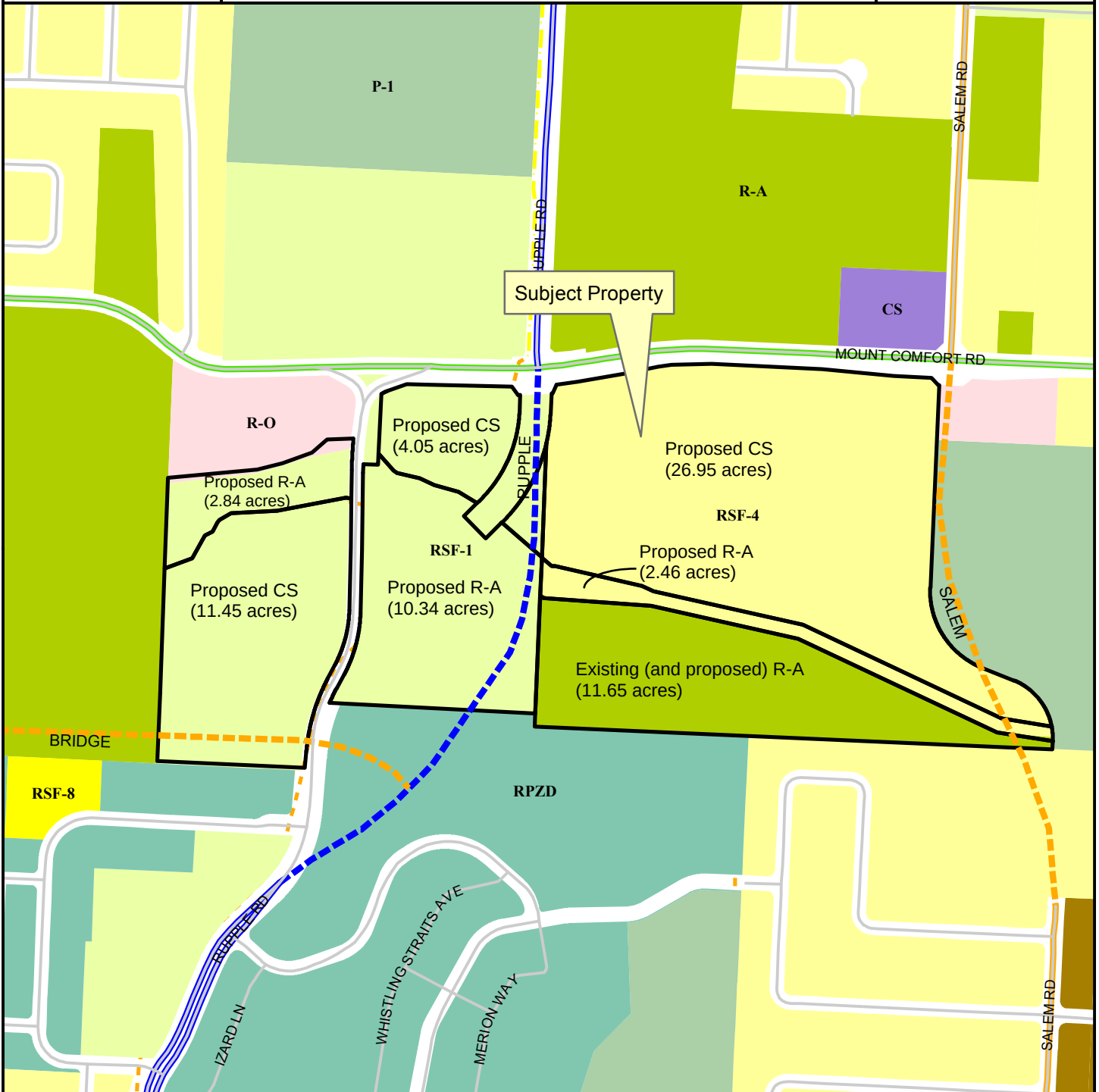
EXHIBIT 'A'

RZN 16-5550

HAZEN



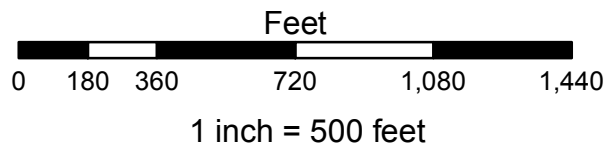
Close Up View



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)

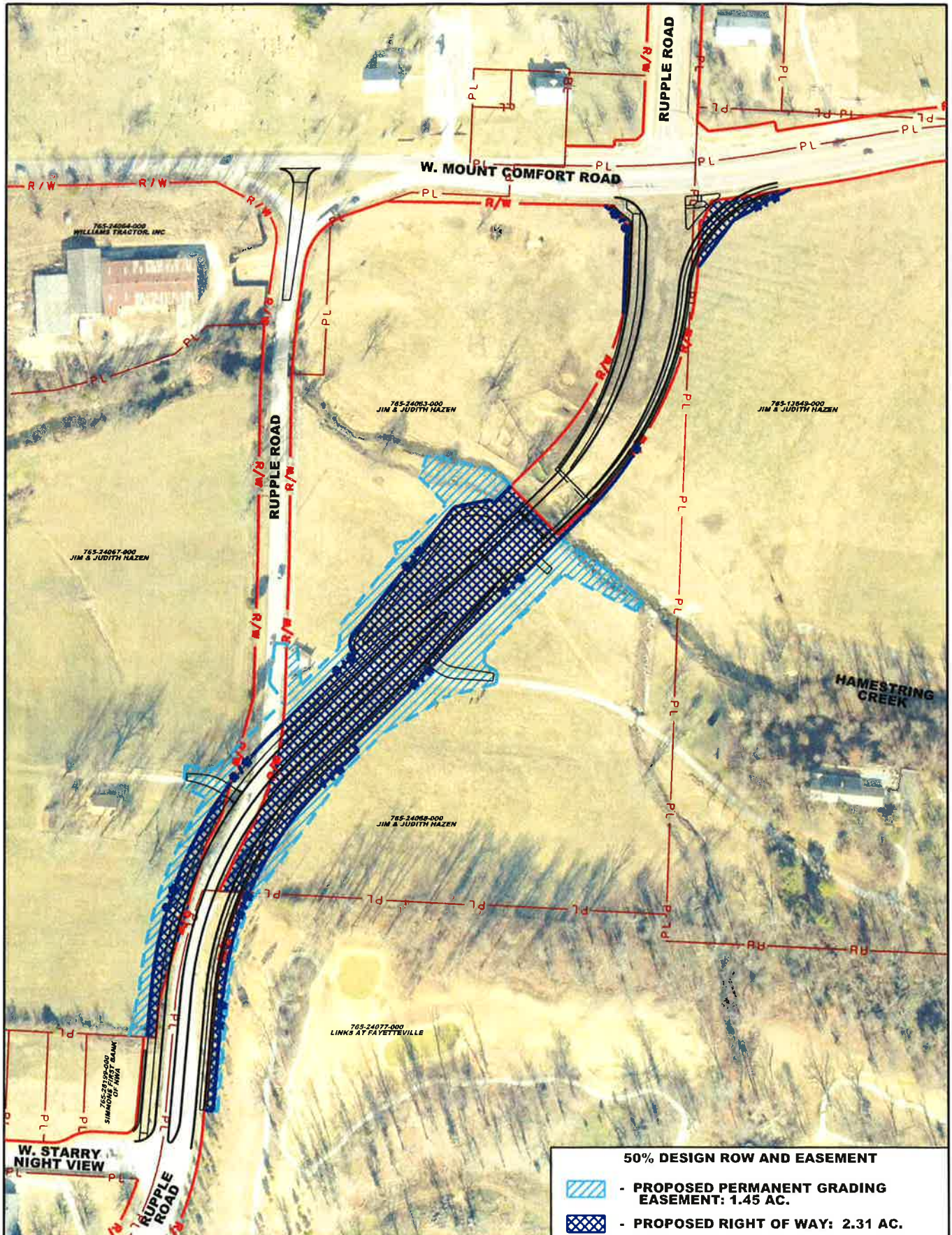
A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence 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.

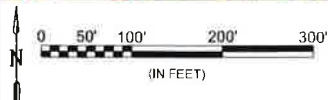
LEGAL DESCRIPTION: (RSF-4 TO RA)

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.



50% DESIGN ROW AND EASEMENT

-  - PROPOSED PERMANENT GRADING EASEMENT: 1.45 AC.
-  - PROPOSED RIGHT OF WAY: 2.31 AC.



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

RUPPEL ROAD WIDENING AND RELOCATION
W. STARRY NIGHT VIEW TO W. MOUNT COMFORT ROAD
AHTD JOB NO. 040657
WASHINGTON COUNTY, ARKANSAS



CityClerk

From: Longward4@gmail.com <longward4@gmail.com>
Sent: Thursday, October 20, 2016 8:20 AM
To: CityClerk; Smith, Sondra
Cc: Pate, Jeremy; Marr, Don
Subject: Fwd: Mt Comfort/Rupple rezoning ideas

Hi Sondra,

Can you forward this to the council members?

I think these are good, proactive ideas concerning the rezoning issue.

Sincerely,

Alan Long
City Council Member-Ward 4
City of Fayetteville, AR

Begin forwarded message:

From: Marilyn
Date: October 18, 2016 at 8:16:35 AM CDT
To: Alderman Long
Subject: Mt Comfort/Rupple rezoning ideas

I could not make it to City Council Meeting Tuesday because I had to work.
Thanks for your help understanding the rezoning issue.

I have 2 issues that I am the most concerned about:

I would feel better about it if there was some way to guarantee there would not be a huge 24 hour gas station with bright lights this close to homes in the neighborhood. Also the trees at the top of the hill will remain to block the view of all the Lindsey apartments. We know the apartments are there, but don't have to be confronted by the view all the time.

Thanks so much!
Marilyn



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0467

Agenda Date: 11/1/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

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

(LEFT ON THE FIRST READING)

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.

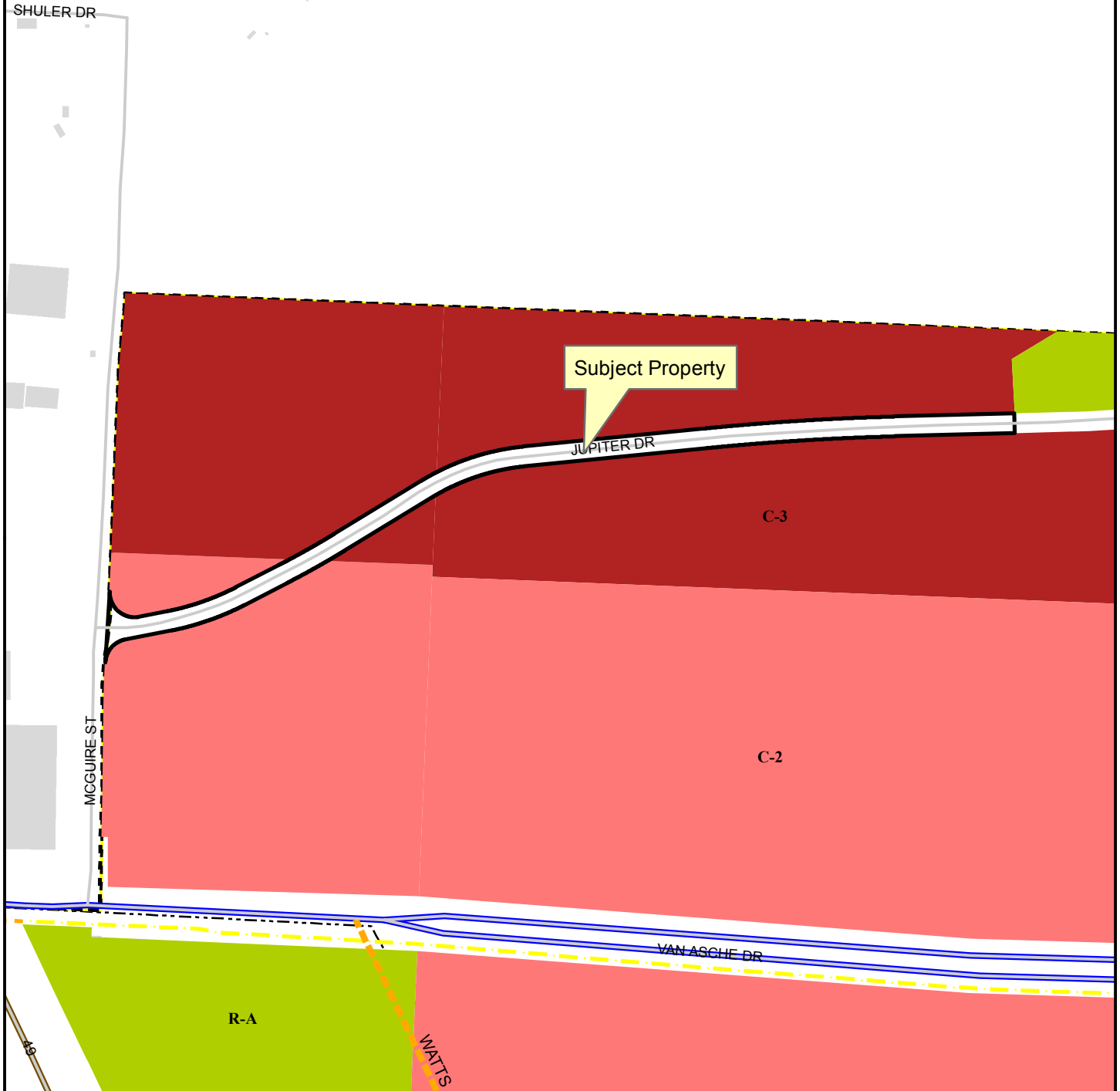
16-5571
EXHIBIT 'A'

VAC 16-5571

JUPITER STREET

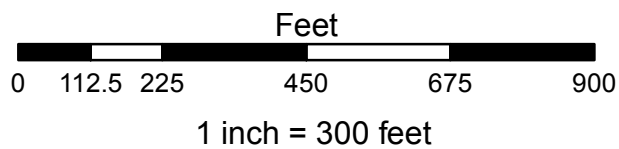


Close Up View



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.

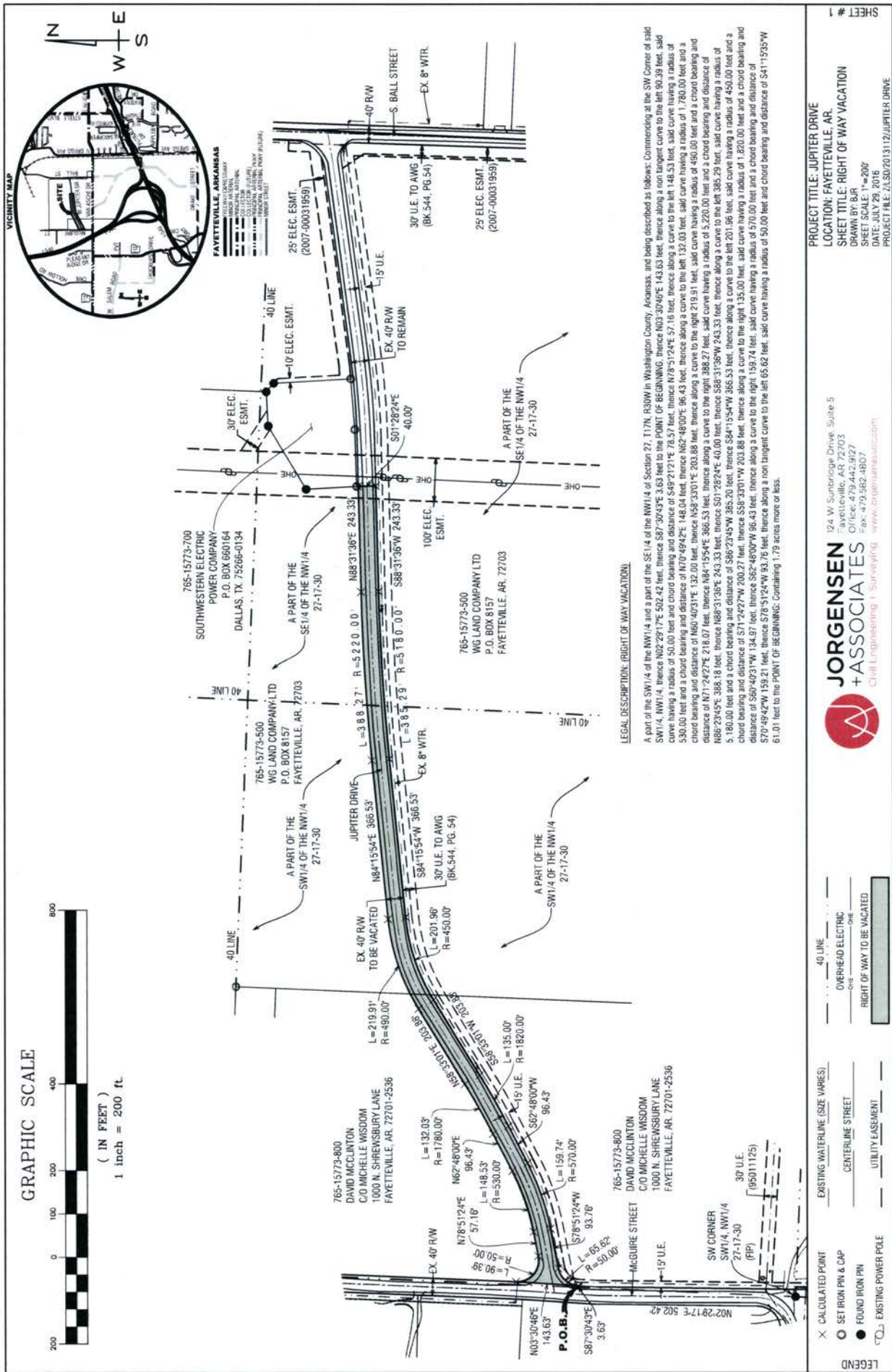
Dated this 9th day of August, 2016.

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]
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

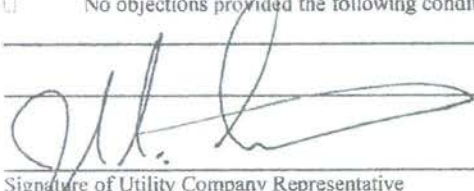
☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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

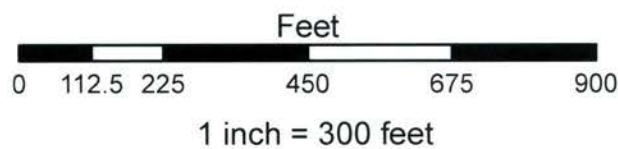
VAN ASCHIE DR

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

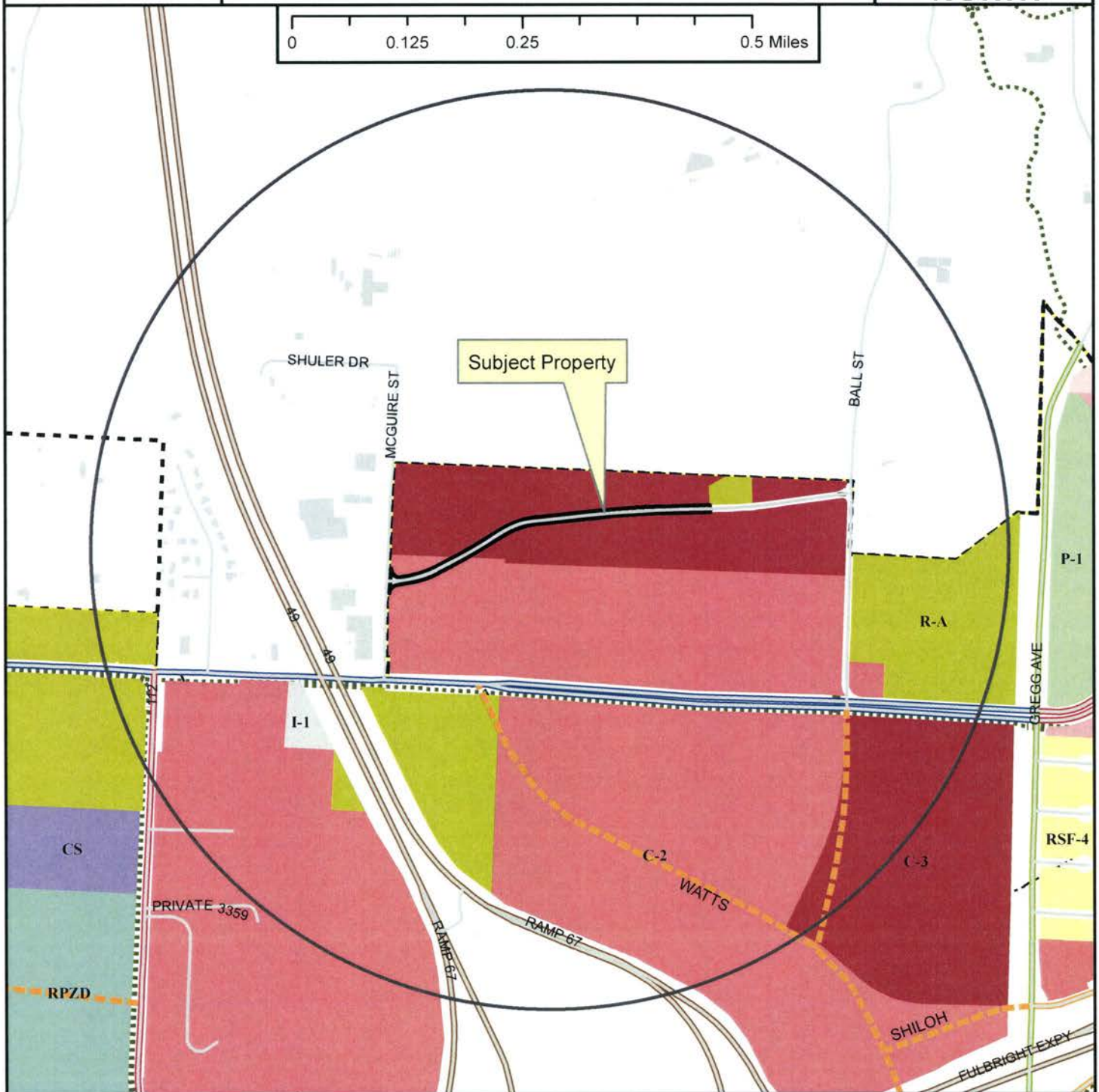
VAC 16-5571

One Mile View

JUPITER STREET



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

Planning Commission
September 26, 2016

Agenda Item 4
16-5571 Jupiter St.
Page 19 of 19



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0445

Agenda Date: 11/1/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 3

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

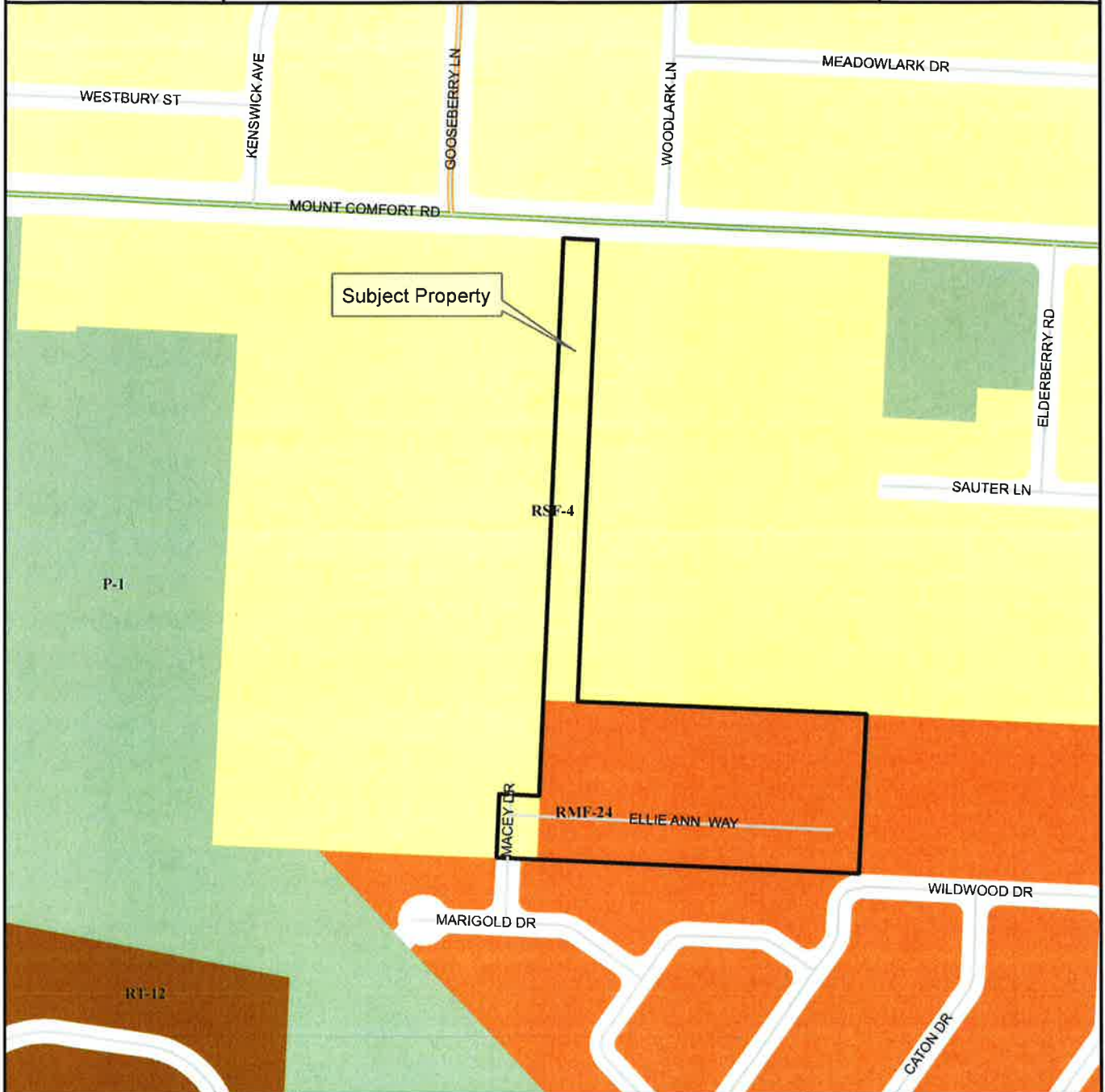
Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report
- Draft September 12, 2016 Planning Commission minutes

LSD 16-5488

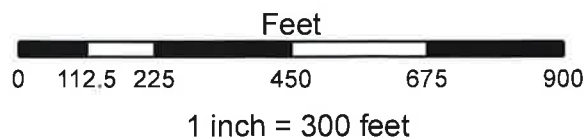
Close Up View

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

Date Application Submitted:
Date Accepted as Complete:
Project Number:
Public Hearing Date:

LSD FEE: \$200.00 - \$800.00
Sign FEE: \$5.00 per sign
Tech Plat Resubmittal FEE: \$200/resubmittal
Tree Preservation FEE: \$120.00

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: 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

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: _____

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 her/his behalf.)

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:

- | | | | |
|-----|---|--|--------------|
| (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: _____

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 her/his behalf.)

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:

- | | |
|-----|---|
| (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). |



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.

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.

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

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

Site Plan Notes:

- 1. North arrow (see legend, top right corner)
- 2. All dimensions are in feet unless otherwise noted
- 3. All dimensions are in feet unless otherwise noted
- 4. All dimensions are in feet unless otherwise noted
- 5. All dimensions are in feet unless otherwise noted
- 6. All dimensions are in feet unless otherwise noted
- 7. All dimensions are in feet unless otherwise noted
- 8. All dimensions are in feet unless otherwise noted
- 9. All dimensions are in feet unless otherwise noted
- 10. All dimensions are in feet unless otherwise noted
- 11. All dimensions are in feet unless otherwise noted
- 12. All dimensions are in feet unless otherwise noted

PROPERTY INFORMATION

PROPOSED SITE AREA: 204,465 S.F. OR 4.74 ACRES
 PROPOSED DEDICATED ROW: 10,877 S.F. OR 0.25 ACRES
 NET SITE AREA: 203,588 S.F. OR 4.69 ACRES
 ZONING: RMF/24.2.0 ACRES RSF: 4.176 ACRES

Public Street Information:

Street/Character	Local/Other
Main Drive	Local
Local ROW	20'
ROW to ROW / Parallel Parking	20'
Shoulder	5'

SITE INFORMATION	30 FT	AC	% OF SITE TOTAL
SITE AREA LESS DEDICATED RIGHT-OF-WAY	263,587 S.F.	6.07 ACRES	100%
STREET PAVED AREA	33,569 S.F.	0.77 ACRES	
SIDEWALK AREA	4,417 S.F.	0.10 ACRES	
BUILDING & DRIVEWAY AREA	59,000 S.F.	1.35 ACRES	
TOTAL HARDSCAPE AREA	137,007 S.F.	3.14 ACRES	46.4%
SOFTSCAPE AREA	146,581 S.F.	3.37 ACRES	51.0%

PARING INFORMATION

UNIT	37
TOTAL NUMBER OF UNITS	137
NUMBER OF BEDROOMS	137
REQUIRED PARKING SPACES PER PERSON	1.0
PROPOSED	137
REQUIRED ADA ACCESSIBLE SPACES	2
PROPOSED	2
REQUIRED ADA RAMPED 100 UNITS	2
PROPOSED	2
REQUIRED CIRCULAR 100 UNITS	2
PROPOSED	2

Existing Features:

Feature	Description
1. Existing 10' x 10' Pit	1. Existing 10' x 10' Pit
2. Existing 10' x 10' Pit	2. Existing 10' x 10' Pit
3. Existing 10' x 10' Pit	3. Existing 10' x 10' Pit
4. Existing 10' x 10' Pit	4. Existing 10' x 10' Pit
5. Existing 10' x 10' Pit	5. Existing 10' x 10' Pit
6. Existing 10' x 10' Pit	6. Existing 10' x 10' Pit
7. Existing 10' x 10' Pit	7. Existing 10' x 10' Pit
8. Existing 10' x 10' Pit	8. Existing 10' x 10' Pit
9. Existing 10' x 10' Pit	9. Existing 10' x 10' Pit
10. Existing 10' x 10' Pit	10. Existing 10' x 10' Pit

If you do the vicinity map with MSP sheets, see you go for the survey, that would be acceptable

Proposed Features:

Feature	Description
1. Proposed 10' x 10' Pit	1. Proposed 10' x 10' Pit
2. Proposed 10' x 10' Pit	2. Proposed 10' x 10' Pit
3. Proposed 10' x 10' Pit	3. Proposed 10' x 10' Pit
4. Proposed 10' x 10' Pit	4. Proposed 10' x 10' Pit
5. Proposed 10' x 10' Pit	5. Proposed 10' x 10' Pit
6. Proposed 10' x 10' Pit	6. Proposed 10' x 10' Pit
7. Proposed 10' x 10' Pit	7. Proposed 10' x 10' Pit
8. Proposed 10' x 10' Pit	8. Proposed 10' x 10' Pit
9. Proposed 10' x 10' Pit	9. Proposed 10' x 10' Pit
10. Proposed 10' x 10' Pit	10. Proposed 10' x 10' Pit

Street lights ?

Site Specific Notes:

- 1. Private driveway connecting Main Drive shall reference the L&P
- 2. All Street Lights to be placed directly behind sidewalk
- 3. Sidewalk adjacent to Main Drive are 5' in width
- 4. Sidewalk adjacent to parking lot are 5' in width
- 5. Submittal to building dept. 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

Site General Notes:

- 1. REMOVE ALL VEGETATION AND TOPSOIL FROM BUILDING FOOTPRINT AND STONE FOR LATER USE. REGRADE AND FURNISH ADDITIONAL TOPSOIL AS REQUIRED. SEED AND STRAW ALL AREAS DISTURBED BY CONSTRUCTION.
- 2. SLOPE FINISH GRADES SIDEWALKS AND PAVING AWAY FROM BUILDING FOR POSITIVE DRAINAGE.
- 3. CONFORM TO ALL CITY AND STATE REQUIREMENTS, GRADES, AND DIMENSIONS ON SITE AND REPORT ALL MAJOR DISCREPANCIES TO ENGINEER OF RECORD.
- 4. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FAYETTEVILLE REGULATIONS.
- 5. ALL UTILITIES SHOWN SHALL BE LOCATED IN BASES AND CONDUITS WITH LOCAL UTILITY COMPANY.
- 6. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE FACE OF CURB, FACE OF BUILDING OR CENTERLINE OF STRIPE.
- 7. REPAIR TO EXISTING DETAILS FOR REGULAR DUTY ASPHALT, URVITY ASPHALT, AND CURB SET PAVING DETAILS.
- 8. ALL PARKING SPACES INDICATED AS HANDICAPPED SPACES SHALL RECEIVE HANDICAP PAVEMENT MARKINGS AND SHALL BE IN ACCORDANCE WITH ADA STANDARDS OF THE CITY OF FAYETTEVILLE REGULATIONS. WHENEVER MORE RESTRICTIVE, REFER TO CITY STANDARDS.
- 9. ALL SIGNAGE, PAVEMENT MARKINGS, AND PARKING LOT STRIPING SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS AND REGULATIONS.
- 10. DIMENSIONS ARE MEASURED FROM THE FACE OF CURB, THE EDGE OF PAVEMENT, THE EDGE OF SIDEWALK, THE FACE OF CURB OF THE BUILDING OR THE CENTERLINE OF STRIPE.
- 11. ALL RADI SHALL BE 25' FOOT AT FACE OF CURB UNLESS OTHERWISE SPECIFIED.
- 12. LAYOUT OF SITE PLAN IS BASED ON AND LIMITED TO SURVEY INFORMATION.
- 13. ALL CURB & GUTTER SHALL BE 18" WIDE PER DETAIL SHEET.
- 14. ALL PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE MOST CURRENT EDITION OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD).
- 15. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL DRAWINGS FOR BUILDING FLOOR PLANS AND DIMENSIONS. WALL SECTIONS, DOOR OPENINGS, BUILDING UTILITY ENTRANCE POINTS, ETC. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ARCHITECT AND ENGINEER IN THE EVENT THAT THE CIVIL SITE PLANS BUILDING LAYOUT DOES NOT MATCH THE ARCHITECTURAL DRAWINGS.
- 16. ALL PAVEMENT INDICATED SHALL BE STANDARD DUTY BITUMINOUS PAVEMENT UNLESS OTHERWISE NOTED ON PLAN. THE PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PAVEMENT SECTION DETAIL.
- 17. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALCULATE CONSTRUCTION STAKING COORDINATES AND OBTAIN TO THE DIMENSIONS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF THE COORDINATES SHOWN ON THE PLANS AND NOTIFY THE ENGINEER OF ANY IRREGULARITIES BEFORE CONSTRUCTION STARTS.
- 18. ALL RAINWATER SHALL HAVE DRAINABLE, TRIM AND DRAIN PANELS PER A.D.A. AND CITY STANDARDS AND THE DETAIL SHEET.
- 19. ALL CURB NOT ADJACENT TO A PARKING SHALL BE PAINTED WITH RED REFLECTIVE REFLECTORS.
- 20. AT STREET CROSSINGS, ALL RAMPERS SHALL HAVE DETECTABLE TRIM; ATED DRAIN PANELS PER A.D.A. AND CITY STANDARDS AND THE DETAIL SHEET.
- 21. ANY DAMAGE TO EXISTING PUBLIC UTILITIES DUE TO CONSTRUCTION SHALL BE REPAIRED AT OWNERS RISK, UNLESS OTHERWISE NOTED.
- 22. ALL STURDING IN PUBLIC RIGHT-OF-WAY SHALL BE THIRDSIDE PLASTIC.

City of Fayetteville Notes:

- 1. All new utilities shall be placed underground, and all existing utilities under 12" V shall be relocated underground.
- 2. All mechanical and utility equipment located on the wall side on the ground shall be relocated. All roof-mounted utilities and mechanical equipment shall be relocated by incorporating screening into the structure building materials compatible with the existing building. Mechanical and utility equipment over 30 inches in height shall maintain building setbacks. Smaller ground-mounted equipment may be screened with tall privacy screens.
- 3. Truck enclosures shall be screened on three sides with materials complementary to and compatible with the principal structure, with access for vehicle inside the enclosure. All enclosures displaying the materials and colors of the screen will be required to be approved by Planning Division prior to building permit.
- 4. All signs by separate permit.



THIS DRAWING IS PRELIMINARY. NOT FOR CONSTRUCTION. UNITS ABOVE SEAL HOLDER ACKNOWLEDGES THE CANCELLATION OF THIS DISCLAIMER BELOW

DATE	BY	REVISION

Large Scale Development of
MACEY DR. TOWNHOMES
 Development for
 Legacy Ventures NW, CO Tim Briel
 PO Box 66 72712
 Fayetteville, AR
 PH: 479-409-0081

SLOPE CONSULTING
 16-205 1st St
 Suite 100
 Fayetteville, AR 72701
 PH: 479-409-0081
 8/9/2016
 Client Designation: **SITE PLAN**
 Sheet # **C1.0**



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.

1. A direction shall lead to the location of all utilities prior to starting any work.

10. $\mathbb{R}^2$ 上的向量场 $\mathbf{F}(x, y) = (x^2 - y^2, 2xy)$ 的旋度为 $\nabla \times \mathbf{F} = (0, 0, 2)$ 。

-

IRRIGATION SLEEVES

-
- BALL JOINT
 SOCKET JOINT

Item	Description
------	-------------

- Student: Tarek Benabdallah

Feature	Description
---------	-------------

- Landscaping Requirements



CD49H/5, ECALF



ISSN 0967-8267
CODEN JGASDH

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
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

Page 5



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
-----------	----	----	---------------------------------

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



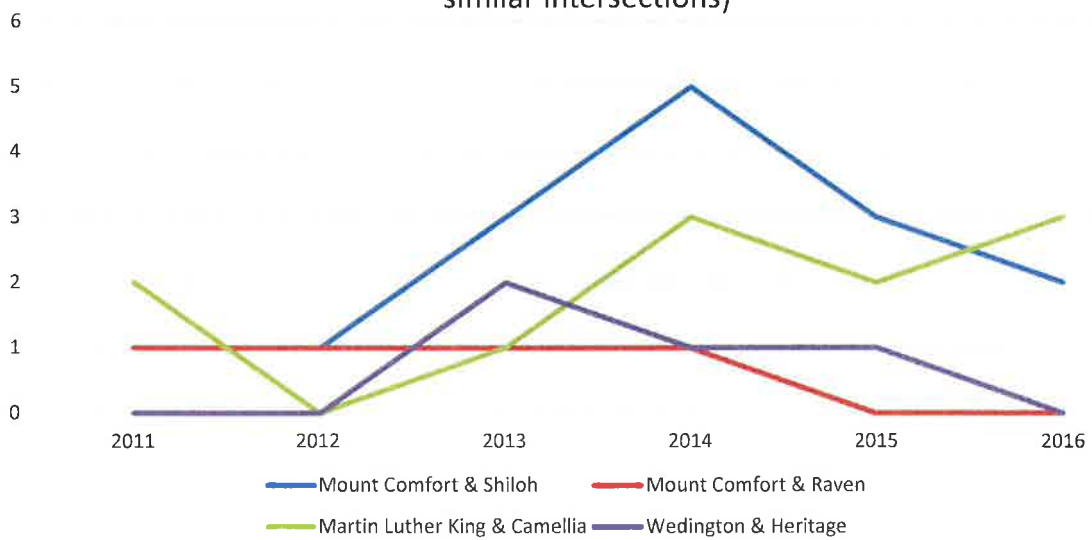
- Preliminary Address
- Street
- Project Area
- County Parcel

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

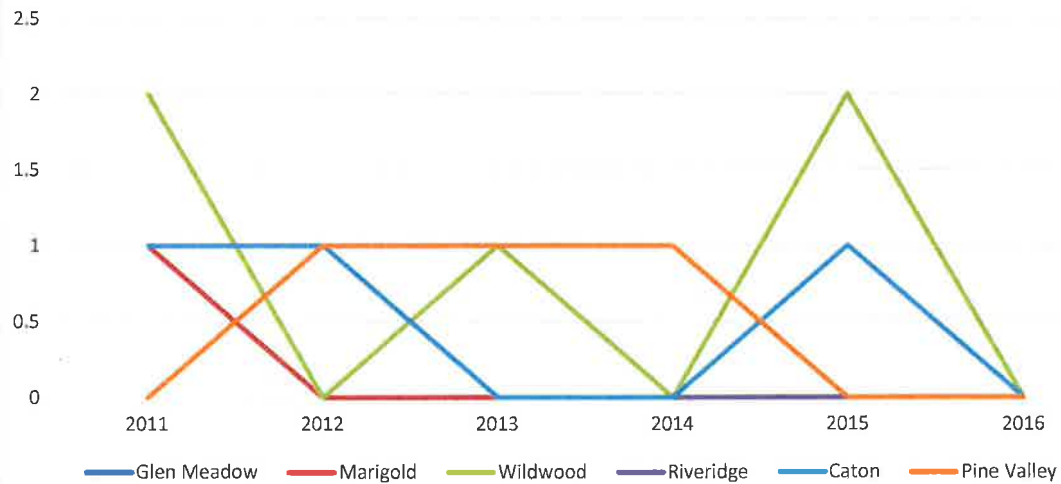
ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101894	20111003	75200	MOUNT COMFORT	RAVEN
201202027	20121012	143700	MOUNT COMFORT	RAVEN
201300191	20130201	161500	MOUNT COMFORT	RAVEN
201401856	20140915	75500	MOUNT COMFORT	RAVEN

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.

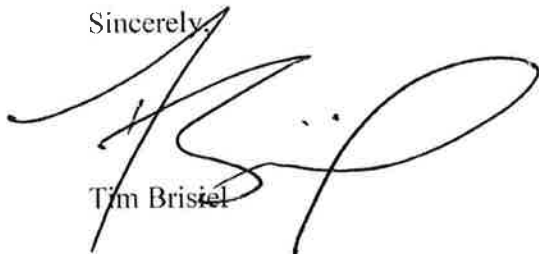
This development consists of 58 townhome units that will each be two bedrooms and two and a half baths and approximately 1300 square feet each. They will be traditional in style and design with the use of variations of James Hardie siding, brick, and stone. The objective is to make each unit look different 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



NA-01	Which country has the highest unemployment rate?
NA-02	Which country is the largest by population in Europe?
NA-03	Which country has the highest unemployment rate in the world?
NA-04	Which country has the highest unemployment rate in the world?
NA-05	Which country has the highest unemployment rate in the world?
NA-06	Which country has the highest unemployment rate in the world?
NA-07	Which country has the highest unemployment rate in the world?
NA-08	Which country has the highest unemployment rate in the world?
NA-09	Which country has the highest unemployment rate in the world?
NA-10	Which country has the highest unemployment rate in the world?
NA-11	Which country has the highest unemployment rate in the world?
NA-12	Which country has the highest unemployment rate in the world?

Macy Drive	
Street Classification	Local Street
Total ROW	50'
POC to POC w/ Parallel Parking	35'
Clearance	14'
Shoulder	5'

SITE INFORMATION	2021 SQUARE FEET	AC	% OF SITE TOTAL
SITE AREA LESS DEDICATED RIGHT-OF-WAY	20,545 S.F.	OR 0.51 ACRES	100%
STREET PAVED AREA	23,560 S.F.	OR 0.57 ACRES	
SIDEWALK AREA	4,447 S.F.	OR 0.10 ACRES	
BUILDING & DRIVEWAY AREA	89,600 S.F.	OR 2.27 ACRES	
TOTAL HARDSCAPE AREA	137,607 S.F.	OR 3.14 ACRES	48.4%
SOFTSCAPE AREA	146,581 S.F.	OR 3.37 ACRES	51.6%

GROSS SITE AREA	294 485 6 S F OR 6 75 ACRES
PROPOSED DEDICATED ROW	10 877 56 S F OR 0 25 ACRES
NET SITE AREA	283 587 95 S F OR 6 51 ACRES
ZONING	SVF 24 3 0 ACRES 837 4 17 ACRES

TOTAL NUMBER OF DWELLING UNITS	18
NUMBER OF BEDROOMS	18
REQUIRED PARKING SPACES 1 PER BEDROOM PROVIDED	18
REQUIRED ADA ACCESSIBLE SPACES PROVIDED	4
REQUIRED BIKE RACKS 1/30 UNIT PROVIDED	6
REQUIRED SCOOTER 125 UNIT PROVIDED	2

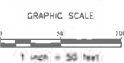
[illegible]

Feature	Description
	1. 2000-2001 2001 2001
	2. 2000-2001 2001 2001
	3. 2000-2001 2001 2001
	4. 2000-2001 2001 2001
	5. 2000-2001 2001 2001
	6. 2000-2001 2001 2001
	7. 2000-2001 2001 2001
	8. 2000-2001 2001 2001
	9. 2000-2001 2001 2001
	10. 2000-2001 2001 2001
	11. 2000-2001 2001 2001
	12. 2000-2001 2001 2001
	13. 2000-2001 2001 2001
	14. 2000-2001 2001 2001
	15. 2000-2001 2001 2001
	16. 2000-2001 2001 2001
	17. 2000-2001 2001 2001
	18. 2000-2001 2001 2001
	19. 2000-2001 2001 2001
	20. 2000-2001 2001 2001
	21. 2000-2001 2001 2001
	22. 2000-2001 2001 2001
	23. 2000-2001 2001 2001
	24. 2000-2001 2001 2001
	25. 2000-2001 2001 2001
	26. 2000-2001 2001 2001
	27. 2000-2001 2001 2001
	28. 2000-2001 2001 2001
	29. 2000-2001 2001 2001
	30. 2000-2001 2001 2001

Feature	Description
	Property Line
	Offset Property Line
	Right Of Way Line
	Street / Drive Centerline
	Curb And Gutter
	(See Side Plan For Side)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Pavement Striping
	Asphalt Pavement (See Detail
	Sheet Pile Perimeter Solution
	Concrete Pavement (See Detail
	Sheet Pile Perimeter Section
	Concrete Sidewalk
	(See Side Plan For Dimensions)
	Gate Valve
	Fire Hydrant & Assembly
	Sanitary Sewer Manhole



Know what's below.
Call before you dig.



THIS DRAWING IS "PRELIMINARY - NOT FOR CONSTRUCTION" UNTIL ABOVE SEAL HOLDER ACKNOWLEDGES THE CANCELLATION OF THIS DISCLAIMER BELOW.

[illegible]

- All new utilities shall be placed underground, and all existing utilities under 12 kV shall be re-routed underground.
- All mechanical and utility equipment located on the west end of the project shall be relocated to the east end of the project and mechanical equipment shall be screened by incorporating screening into the structure including materials compatible with the screening building. Machinery and utility equipment over 20 inches in height shall meet building setbacks.
- All existing ground-mounted equipment shall be screened with tall walls or shrubs.
- Trash enclosures shall be screened on three sides with materials complementary in and compatible with the principal structure, with none visible from the street. An elevation depicting the materials and color scheme will be required to be approved by Planning Division prior to construction permit.
- All signs by separate permit



MACEY DR. TOWNHOMES
Legacy Ventures NWA C/O Tim Bristol
PO Box 8216
Fayetteville, AR 72712
Ph. 479-408-4091



SWOPE CONSULTING
One Year Warranty
 2010 Office Suite 100
 10000 Highway 100
 Dallas, TX 75243

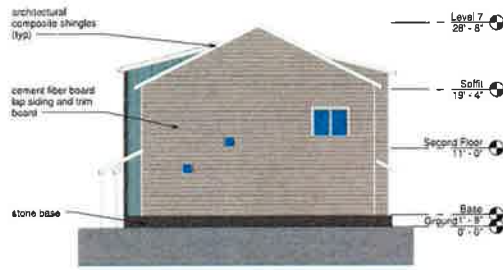
Project No.	16-205	Scale	1"=30'
Date	8/9/2016		
Sheet Description	SITE PLAN		
Sheet #	C1.0		



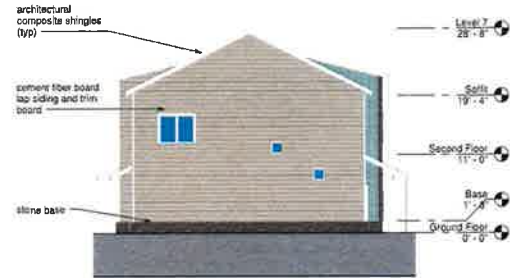
1 North Elevation
1/4" = 1'-0"



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: 479.534.9923 EMAIL: henry@henryarchitecture.com

DESIGNED BY: JH	CHECKED BY: JH
DRAWN BY: JH	CHECKED BY: JH
DATE: 8-30-2016	DATE: 8-30-2016
PROJECT: Macey Drive Townhomes	PROJECT: Macey Drive Townhomes
SHEET: 1 OF 1	SHEET: 1 OF 1

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

16-007

Fayetteville, AR





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





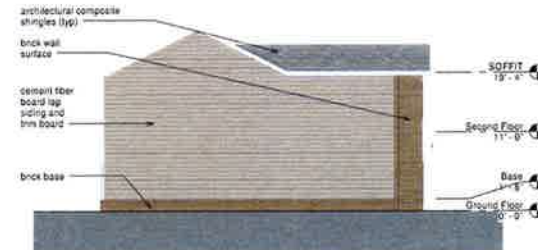
1 South Elevation
1/4" = 1'-0"



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: 479-550-9893 EMAIL: sherry@henryarchitect.com

DESIGNED BY
DRAWN BY
CHECKED BY



DATE	
BY	
CHECKED	
DATE	

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"



HENRY ARCHITECTURE
1722 N COLLEGE AVE. SUITE C - BOX 153
FAYETTEVILLE, AR 72703
PHONE - 479-330-9693 EMAIL - henry@henryarchitecture.com

DESIGNED BY: AC
CHECKED BY: G

16-007

Fayetteville, AR

Macey Drive Townhomes
GARAGE TOWNHOUSE ELEVATIONS-2

8-30-2016

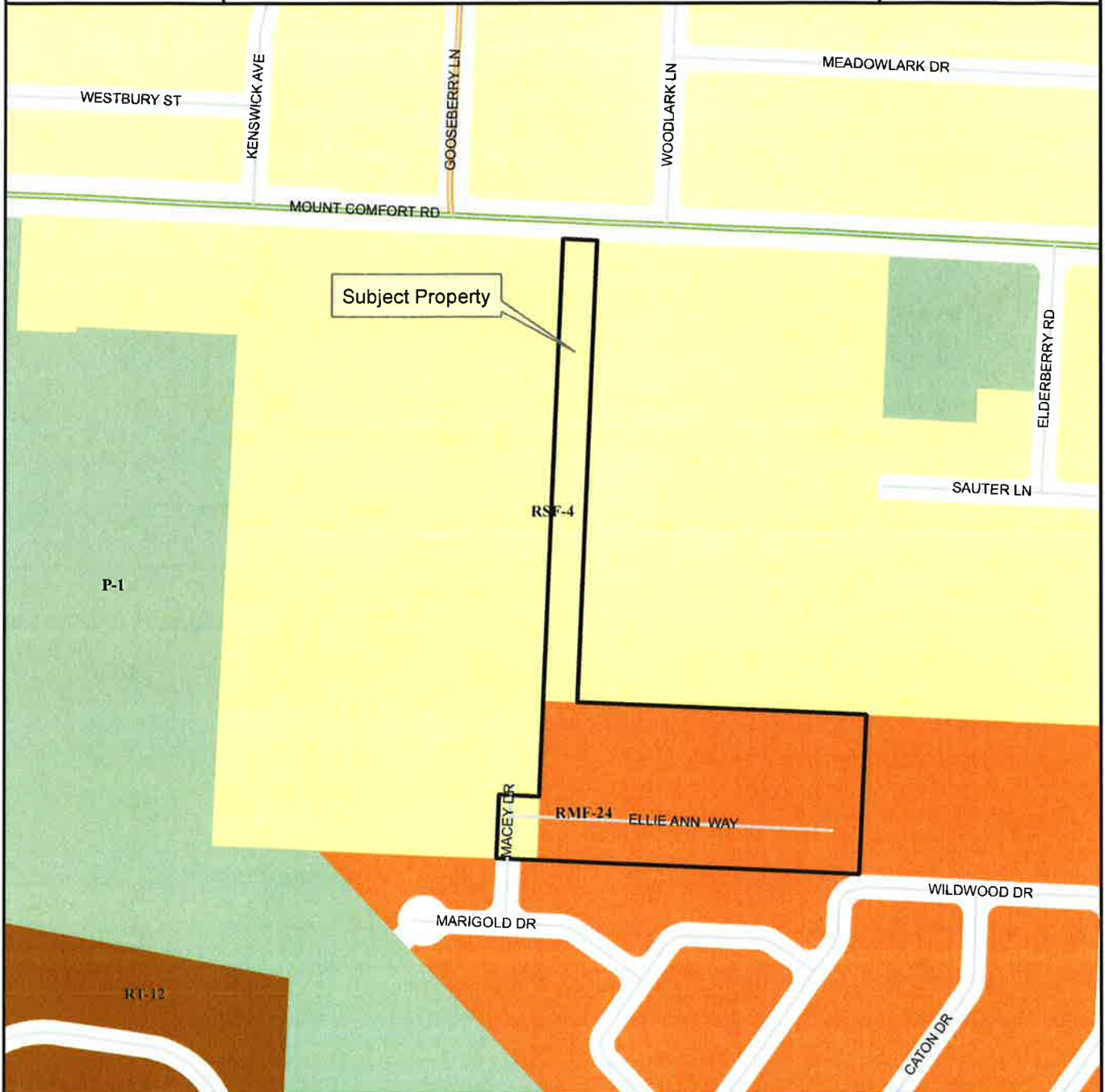
8-30-2016

EL-5

LSD 16-5488

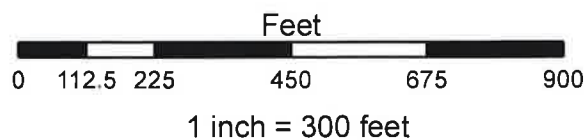
Close Up View

MACEY DR TOWNHOMES

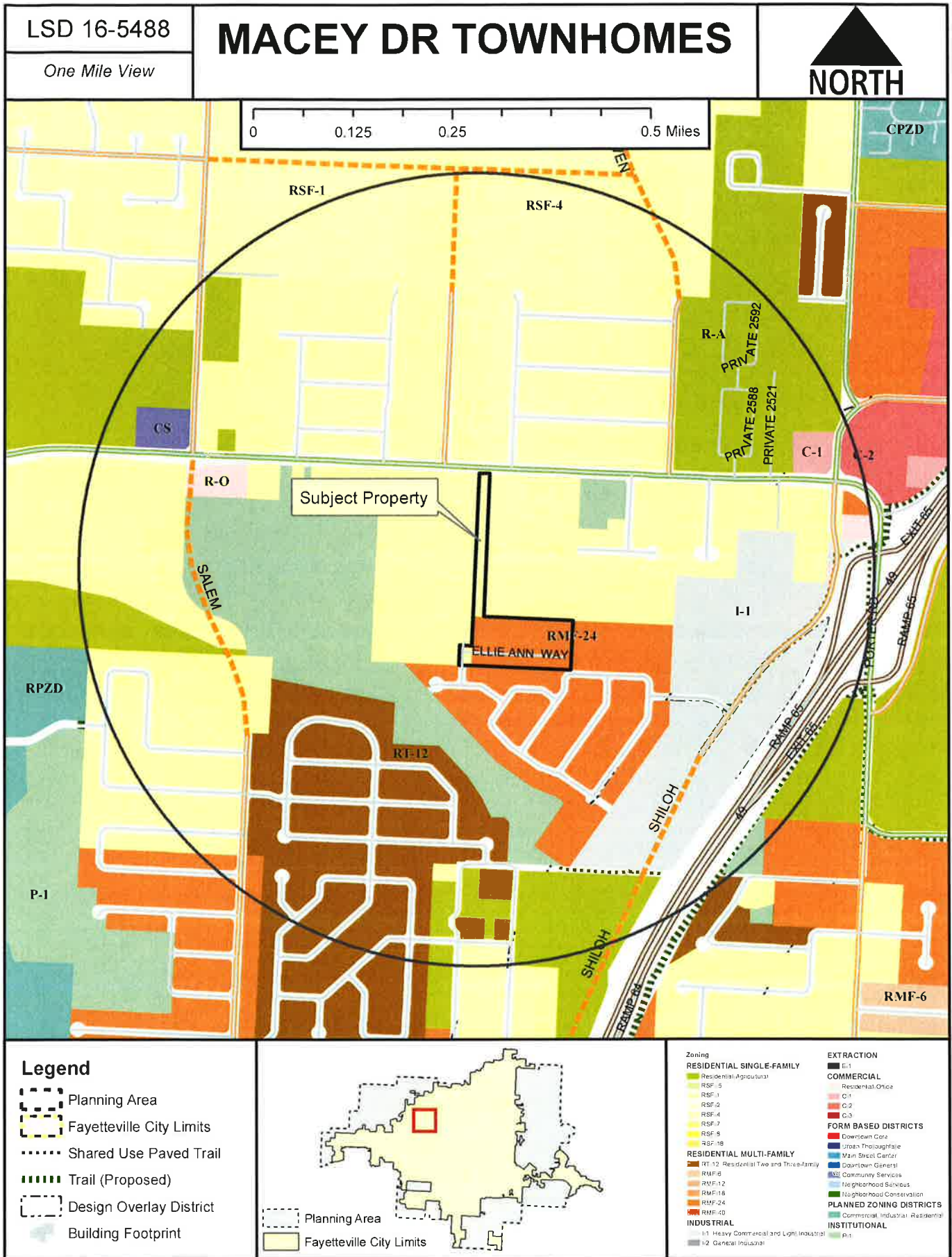


Legend

- 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

Branson, Lisa

From: Smith, Sondra
Sent: Wednesday, October 19, 2016 1:45 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Macey Drive Townhomes

FYI

From: Rosa Edwards [mailto:rosajedwards@gmail.com]
Sent: Wednesday, October 19, 2016 7:34 AM
To: Longward4@gmail.com; La Tour, John <ward4_pos1@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Macey Drive Townhomes

Good morning,

I read in the newspaper today that officials are seeking residents' voices on the Macey Drive Townhomes near Shiloh and Mt. Comfort Road. As a Ward 4 homeowner and resident, I wish to **oppose** this townhouse development for the following reasons:

- The limited access point (just through Point West Street) is clearly not designed for the heavy traffic load. The current townhouses/duplexes in the subdivisions off of Shiloh current have 2-4 vehicles per unit, so an additional 57 units would logically bring a MINIMUM of 114 additional vehicles through this area.
- There is a theft problem in the area. As I walk through the area to access the Hamestring Creek trail, I see signs that residents have placed warning individuals to lock their cars. Adding additional traffic and residents does not seem wise in light of this issue.
- The frequent on-street parking really limits the ability for two-way traffic flow.
- Generally, many homeowners - ourselves included - along Mt. Comfort Road purchased homes in that area due to its ease of access without the congestion of Wedington Drive. We want to maintain the uniqueness of that area and that requires it not becoming overdeveloped.
- Overall, Fayetteville needs more affordable family housing in the form of individual homes. Too many people are purchasing homes outside the city while the city develops more and more multi-family units. If a development is to be seriously considered, it needs to be single family housing, not multi-units.

Thank you for your time.

Rosa Edwards

--

Rosa Edwards
my blog: <http://surpassingglory.blogspot.com>

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

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0462

Agenda Date: 11/1/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 4

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

(LEFT ON THE FIRST READING)

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:

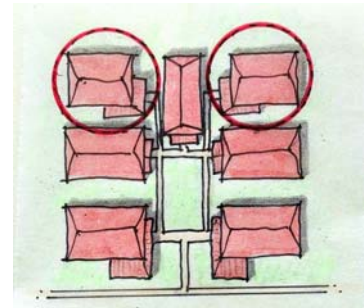
Despite no cottage courts yet constructed, the structure of the existing ordinance is generally sound. Its flexibility in allowing for the creation of fee-simple lots or entitlement as a single site improvement is an innovation that should be replicated in other cities. However, the current code contains 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)



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0489

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5588 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 407 NORTH MOUNTAIN RANCH BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY TO NC, NEIGHBORHOOD CONSERVATION

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 to NC, Neighborhood Conservation.

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

2016-0489

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5588: Rezone (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT, 479): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 407 N. MTN. RANCH BLVD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION.

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 NOVEMBER 1, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: October 14, 2016

SUBJECT: **RZN 16-5588: Rezone (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT, 479):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 407 N. MTN. RANCH BLVD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff and the Planning Commission recommend approval rezoning the property from RSF-4 to the NC zoning district as proposed according to exhibits A and B.

BACKGROUND:

The subject property contains portions of phase I and II-a of the large master-planned Mountain Ranch development and contains 3.65 acres. Mountain Ranch Phase I was approved in 2005 and contains 117 single-family lots. Phase II was approved in 2009, and contains 30 single-family lots, 3 multi-family lots, and 2 commercial out-lots. The subject rezone request will affect 5 of the single-family lots.

Request The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation. The applicant has indicated the rezoning is needed to allow for development of homes on smaller lots similar to the Park Hill at Mountain Ranch R-PZD adjacent to the north.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of residential uses. The immediate area contains a range of single-family and multi-family development types with low to moderate densities. The NC zone allows a density of 10 units per acre, which would provide an appropriate transition from the 24 units per acre allowed to the east, 6 units per acre single family to the north, and the 4 units per acre single-family to the west.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map designation of this site as a Residential Area, which anticipates a mixture of residential densities and units types in this area.

DISCUSSION:

On October 10, 2016 the Planning Commission forwarded the applicant's request for a rezoning to NC, Neighborhood Conservation. A motion by Commissioner Hoffman 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:

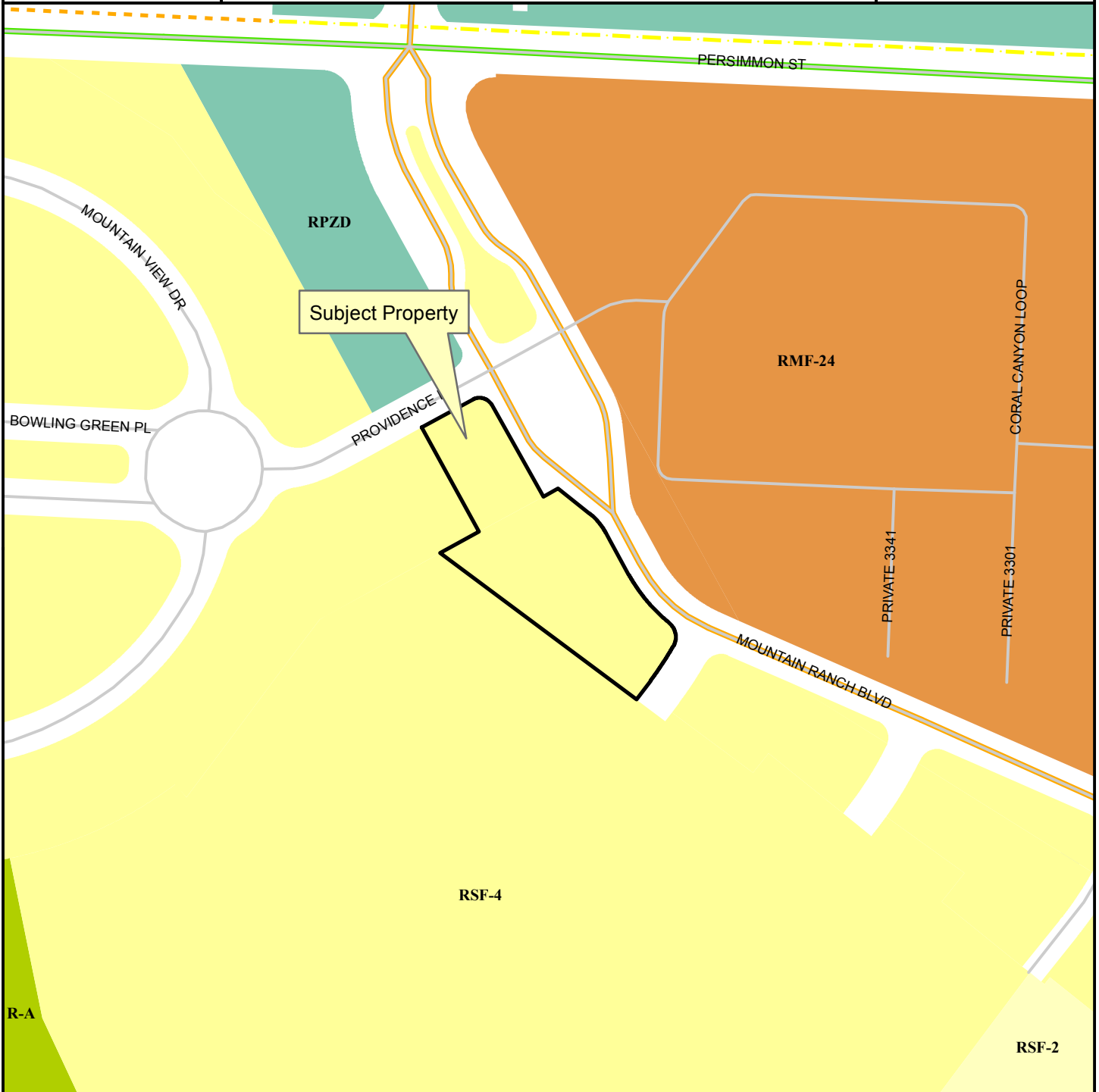
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5588
EXHIBIT 'A'

RZN 16-5588

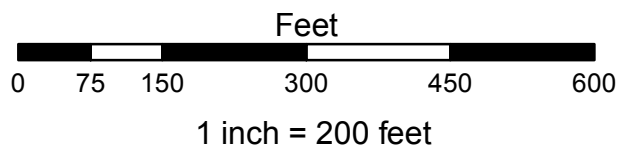
Close Up View

STRIKER DEVELOPMENT



Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4
- RMF-24
- Commercial, Industrial, Residential

16-5588
EXHIBIT 'B'

LEGAL DESCRIPTION: (PARK HILL II @ MOUNTAIN RANCH)

All of Lot 98 of Mountain Ranch Subdivision Phase I and all of Lots 1, 2, and 3 of Mountain Ranch Subdivision Phase II as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Beginning at the NW Corner of Lot 98, thence N61°15'54"E 79.47 feet, thence along a curve to the right 31.42 feet, said curve having a radius of 20.00 feet and a chord bearing and distance of S73°44'06"E 28.28 feet, thence S29°12'25"E 143.70 feet, thence N61°21'48"E 23.37 feet, thence S51°14'06"E 55.32 feet, thence along a curve to the right 34.95 feet, said curve having a radius of 89.00 feet and a chord bearing and distance of S39°59'06"E 34.73 feet, thence S28°44'06"E 11.62 feet; thence S28°44'06"E 53.39 feet, thence along a curve to the left 87.46 feet, said curve having a radius of 225.00 feet and a chord bearing and distance of S39°52'17"E 86.92 feet, thence along a curve to the right 35.28 feet, said curve having a radius of 25.00 feet and a chord bearing and distance of S10°34'49"E 32.42 feet, thence along a curve to the right 57.47 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of S33°18'47"W 57.43 feet, thence S36°46'45"W 31.76 feet, thence N53°13'15"W 336.97 feet, thence N61°21'48"E 60.65 feet, thence N28°44'06"W 163.52 feet to the POINT OF BEGINNING: Containing 1.35 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:

FEE: \$325.00
Sign Fee: \$5.00

S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: Striker, Dev. Inc.

Address: PO Box 180428
Fr. Smith Ar 72915

E-mail: _____

Phone:

()

()

Fax:

()

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

Name: Jorgensen & Assoc

Address: 124 W. Sunbridge
Fayetteville, Ar 72703

E-mail: dave@jorgensenassoc.com

Phone:

()

()

Fax:

()

Site Address / Location: _____

Current Zoning District: RSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: _____

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): TC. Aaron Curtis Date: 8/24/16

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, 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): G. Owner Address: _____
Signature: _____ Phone: _____
Date: _____ ()

Name (printed): _____ Address: _____
Signature: _____ Phone: _____
Date: _____ ()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~October 10, 2016~~ **UPDATED 10-13-2016**

SUBJECT: **RZN 16-5588: Rezone (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT, 479):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 407 N. MTN. RANCH BLVD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5588** to the City Council with a recommendation for approval of NC as proposed.

BACKGROUND:

The subject property contains portions of phase I and II-a of the large master-planned Mountain Ranch development and contains 3.65 acres. Mountain Ranch Phase I was approved in 2005 and contained 117 single-family lots. Phase II was approved in 2009, and contains 30 single-family lots, 3 multi-family lots, and 2 commercial out-lots. The subject rezone request will affect 5 of the single-family lots. 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 and Multi-family Residential	R-PZD, Park Hill at Mountain Ranch
South	Single-family Residential	RSF-4, Residential Single-Family
East	Multi-family Residential	RMF-24, Residential Multi-family
West	Single-family Residential	RSF-4, Residential Single-Family

Request: The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation. The applicant has indicated the rezoning is needed to allow for development of homes on smaller lots similar to the Park Hill at Mountain Ranch R-PZD adjacent to the north.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Mountain Ranch Boulevard and Providence Drive, both fully improved with curb/gutter and storm drainage. Any street improvements (including sidewalk construction) would be determined at time of development.

Water: Public water is available to the subject parcel. An 8" water main exists in the Mountain Ranch Boulevard right-of-way.

Sewer: Public sewer is available to the subject parcel. An 8" sewer main exists in the Mountain Ranch Boulevard right-of-way.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. No portions of these parcels lie within the HHOD.

Fire: The Fire Department did not express any concerns with the request.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone 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*

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 residential uses. The immediate area contains a range of single-family and multi-family development types with low to moderate densities. The NC zone allows a density of 10 units per acre, which would provide an appropriate transition from the 24 units per acre allowed to the east, 6 units per acre single family to the north, and the 4 units per acre single-family to the west.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map, which anticipates a mixture of residential densities and units types in this area.

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 higher density of single-family residences. The proposed zoning district would beneficially increase residential densities above those allowed under the current four unit per acre limit. The City as a whole benefits from higher residential densities in areas with existing infrastructure such as the subject property. This allows a greater number of residents to share the same amount of City maintained infrastructure, such as water and sewer service and streets and sidewalks.

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

Finding: The site has access to Mountain Ranch Boulevard, a fully improved 'Collector' street. The rezone encourages development that would increase traffic on this property slightly, however, development of the area is not expected to have significant negative impact on safety and congestion 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 the property from RSF-4 to NC would more than double potential future population density, but should not undesirably affect 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

RECOMMENDATION: Staff recommends forwarding RZN 16-5588 to the City Council with a recommendation for approval of NC as proposed.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>October 10, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOFFMAN			
Second: AUTRY			
Vote: 8-0-0			
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>November 1, 2016</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07 & 161.27
- 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
-------------------------	---------

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)

161.27 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

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

Rear, from center line of an alley	12 feet
--	---------

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

August 24, 2016

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Att: Planning Dept
Re: Rezoning for Cobblestone Homes

Attached please find information pertaining to a rezoning for four lots in Mountain Ranch. These four lots face Mountain Ranch Apartments and the owner would like to rezone this from RSF-4 to Neighborhood Conservation. This would allow for single family houses to be built similar to those in Parkhill. There is a demand for this product. Water and sewer presently exists for this.

Please review and contact me concerning any questions you may have.

Thank you.

Sincerely;


David L. Jorgensen, P.E.

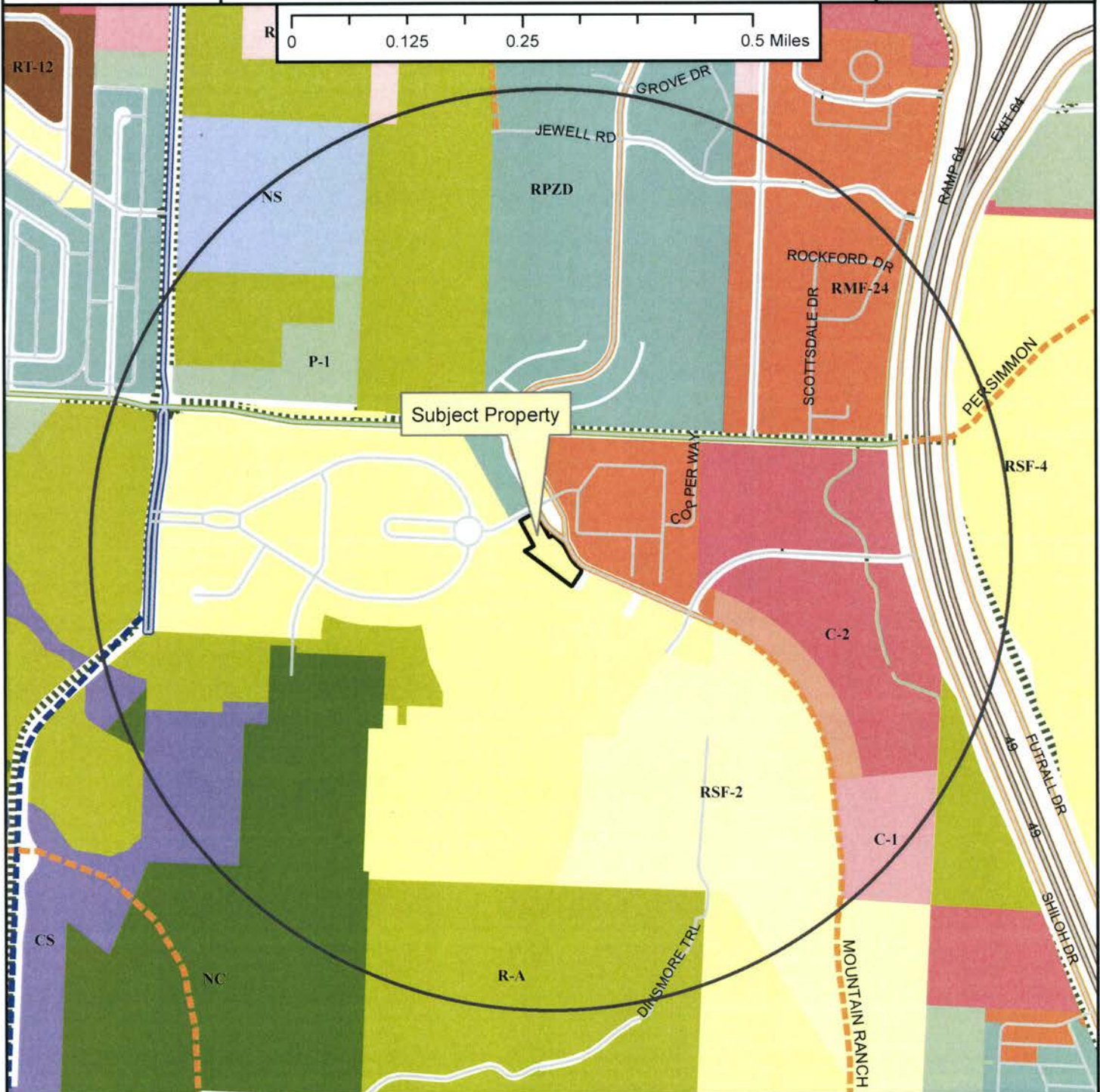
RZN 16-5588

STRIKER DEVELOPMENT

One Mile View



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



- | | |
|---|---|
| <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"> 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 |
|---|---|

RZN 16-5588

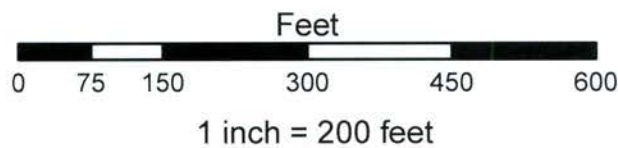
Close Up View

STRIKER DEVELOPMENT



Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4
- RMF-24
- Commercial, Industrial, Residential

RZN 16-5588

Current Land Use

STRIKER DEVELOPMENT



Legend

— Street

Streets Existing

MSP Class

— COLLECTOR

— MINOR ARTERIAL

.... Shared Use Paved Trail

--- Trail (Proposed)

▭ RZN16-5588

▭ Planning Area

▭ Fayetteville City Limits

Feet

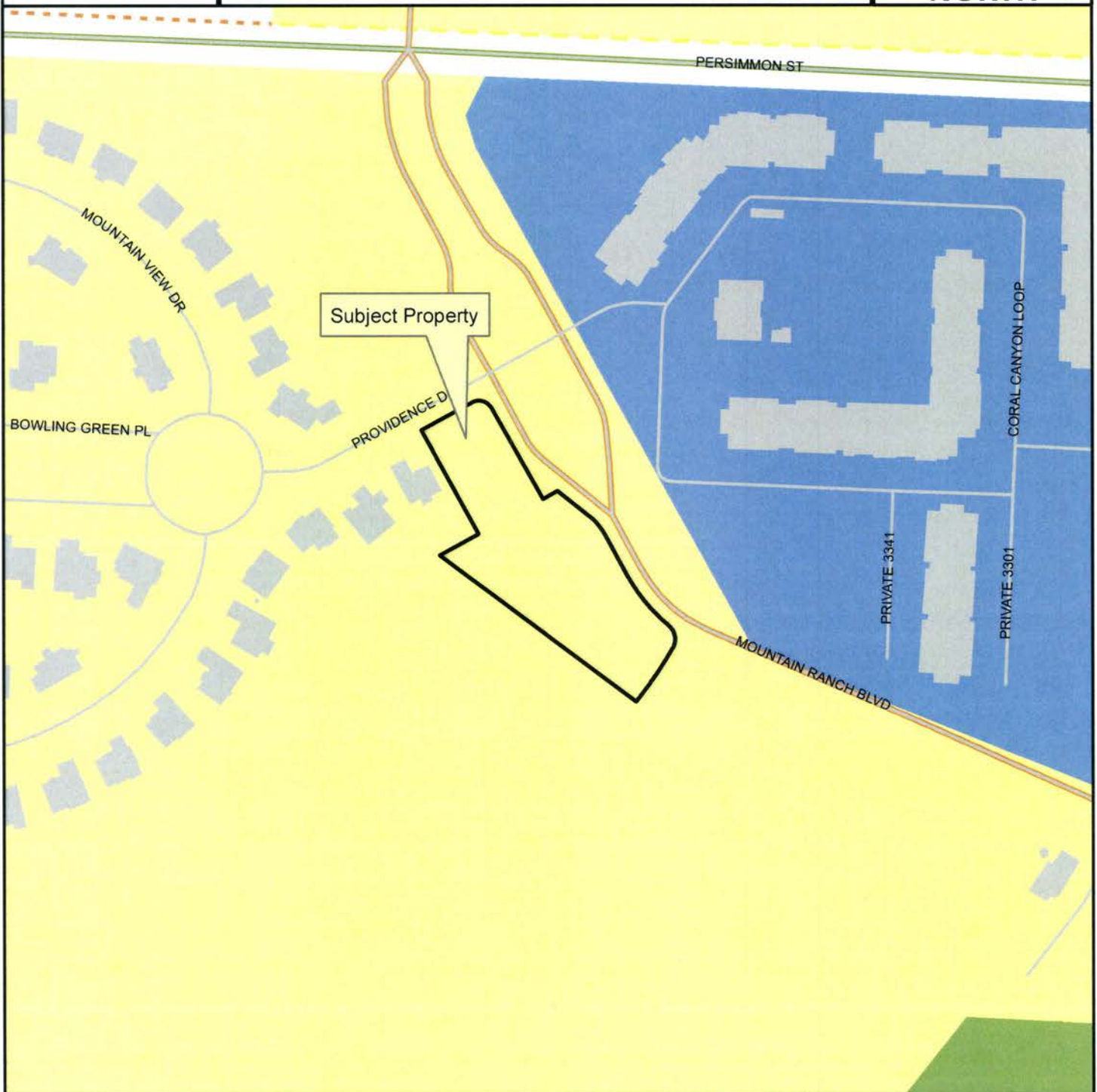


2015 Imagery

RZN 16-5588

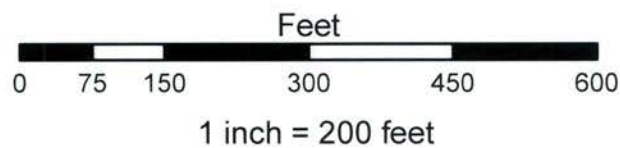
Future Land Use

STRIKER DEVELOPMENT



Legend

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



FUTURE LAND USE 2030

- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0460

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 16-5594 (15 S. WEST/KOLBERG):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5594 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 15 SOUTH WEST AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO MSC, MAIN STREET/CENTER

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 NC, Neighborhood Conservation to MSC, Main Street/Center.

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

2016-0460

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5594: Rezone (15 S. WEST AVE./KOLBERG, 523): Submitted by MARK KOLBERG for property at 15 S. WEST AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.37 acres. The request is to rezone the property to MSC, MAIN STREET/CENTER.

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 NOVEMBER 1, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: October 14, 2016

SUBJECT: **RZN 16-5594: Rezone (15 S. WEST AVE./KOLBERG, 523):** Submitted by MARK KOLBERG for property at 15 S. WEST AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.37 acres. The request is to rezone the property to MSC, MAIN STREET/CENTER.

RECOMMENDATION:

The City Planning staff recommend approval of an ordinance to rezone the subject properties to MSC, Main Street/Center, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property includes approximately 0.37 acres located on the west side of West Avenue, between Center and Mountain Streets. The property is zoned NC, Neighborhood Conservation, and represents a portion of Block 22 of the original Fayetteville town plat. There is currently one single-family dwelling on site, built in 1885 and served by a paved driveway off of West Avenue. To the south of the property is City of Fayetteville right-of-way that includes pedestrian and bicycle access from West Avenue to the Frisco Trail. Although no portion of this property is identified as Hillside/Hilltop Overlay District, the terrain beginning at West Avenue descends rapidly, decreasing by approximately 30 feet from east to the west.

The subject property is within the Downtown Master Plan Boundary. This document was adopted in 2004 and included the recommendation that a series of new zoning districts be created to both preserve those characteristics that participants in the planning process deemed desirable, and to facilitate new development with appropriate physical context. The resulting zoning districts were subsequently developed and modified with public input before ultimately being put in place. The current NC zoning of the subject property is the result of this process and replaced the existing R-O, Residential Office zoning.

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to MSC, Main Street/Center. The applicant indicated the rezoning is needed to enhance development opportunities.

Land Use Compatibility: A rezoning to MSC will allow for residential and commercial development that is generally comparable to other housing and businesses in the vicinity. While the MSC

zoning district allows for commercial activities of greater intensity than would generally be appropriate at this location, the size and terrain of the property can limit the scale of any new development.

On the other hand, the Fayetteville Downtown Master Plan and its associated rezoning were deliberately enacted to preserve pockets of single-family housing that have existed for decades, and in some cases over a century. In addition to the Mount Nord area adjacent to Lafayette Street, the block of single-family homes that range southward from the subject property along West Avenue were deliberately zoned NC, Neighborhood Conservation. A rezoning to MSC comes with no density requirements, no side setbacks, and a higher building height maximum than the requirements in an NC district. Coupled with multi-family dwellings and numerous commercial uses being permitted in the DG zoning district, the requested rezoning has the potential to dramatically change the character of this portion of downtown.

There are numerous properties in close proximity to the subject address that are not single-family in use or appearance. While to the north and west there are single-family homes, to the east there is a jewelry business operating out of a residential structure. Along Mountain Street further to the east is the Fayetteville Public Library and KUAF radio station. Other uses in the area vary, including many residential structures that have been modified to house multiple tenants or businesses. Given the variety of surrounding land uses, staff finds the MSC zoning would be compatible.

Land Use Plan Analysis: As noted, the Downtown Master Plan led to the subject property's current zoning and was approved by City Council with the support of many Downtown residents. The Neighborhood Conservation zoning seeks to preserve the existing single-family housing stock in pockets of the downtown area.

At the same time, the Downtown Master Plan identifies the goal of pursuing redevelopment opportunities along West Avenue. Classified in the Plan as a "signature connection" in downtown, West Avenue is called-out as important to the area's pedestrian network with redevelopment needed to fully leverage amenities like the Frisco Trail and the library. The Plan goes even further by outlining an implementation strategy that involves a policy to "target properties along West Avenue for infill development." Rezoning the subject property to the proposed Main Street/Center district can support this goal by allowing for increased housing opportunities through redevelopment to a greater density or, alternatively, permitting a greater spectrum of retail and service uses that can serve the neighborhood or greater downtown.

While the goals of infill redevelopment and preservation may often seem at odds, in this instance they are complementary. Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, so to can the Main Street/Center zoning district preserve the character of the Fayetteville downtown. Both are designed with build-to-zones that complement the area's historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District's architectural standards. The proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan.

DISCUSSION:

On October 10, 2016 the Planning Commission forwarded the applicant's request for a rezoning to MSC, Main Street/Center. A motion by Commissioner Selby 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 dissenting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

16-5594
EXHIBIT 'A'

RZN 16-5594

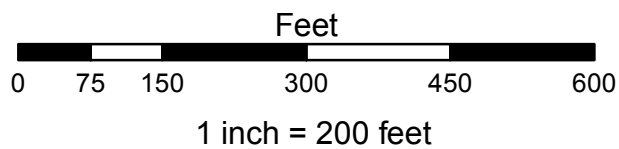
Close Up View

KOLBERG



Legend

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



- RSF-4
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

16-5594
EXHIBIT 'B'

(2)

Legal Description of the Property to be Rezoned:

A PART OF BLOCK 22, IN THE ORIGINAL PLAT OF THE TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT OF RECORD, IN PLAT BOOK 4, AT PAGE 4, AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 110 FEET SOUTH OF THE NE CORNER OF SAID BLOCK, AND RUNNING THENCE SOUTH 104 FEET TO THE SE CORNER OF SAID BLOCK, THENCE WEST 156 FEET, THENCE NORTH 104 FEET, THENCE EAST 156 FEET TO THE POINT OF BEGINNING.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

597A

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

527

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: Mark Kolberg

Name:

Address: 2484 N Surtees Place

Address:

Fayetteville, AR 72704

E-mail: marktkolberg@gmail.com

E-mail:

Phone:

(360) 433-1090

Phone:

()

()

()

Fax:

()

Fax:

()

Site Address / Location: 15 S. West Avenue

Fayetteville, AR 72701

Current Zoning District: NC

Requested Zoning District: MSC

Assessor's Parcel Number(s) for subject property: 765-01891-000

0.371 ac

FINANCIAL INTERESTS

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

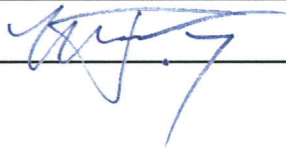
Mark and Doug Kolberg

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): Mark Kolberg

Date: 8/26/2016

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): Billy Wayne and Lena Sue
Batson Revocable Trust

Address: 611 Mundale Road
Eureka Springs, AR 72631

Signature: *Billy W. Batson* Executor

Phone:
(479) 981-1791

Date: 8/26/2016 1:00 PM CDT

Name (printed):

Address:

Signature:

Phone:

Date:

()

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 10, 2016 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 16-5594: Rezone (15 S. WEST AVE./KOLBERG, 523):** Submitted by MARK KOLBERG for property at 15 S. WEST AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.37 acres. The request is to rezone the property to MSC, MAIN STREET/CENTER.

RECOMMENDATION:

Staff recommends forwarding of **RZN 16-5594** to the City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject property includes approximately 0.37 acres located on the west side of West Avenue, between Center and Mountain Streets. The property is zoned NC, Neighborhood Conservation, and represents a portion of Block 22 of the original Fayetteville town plat. There is currently one single-family dwelling on site, built in 1885 and served by a paved driveway off of West Avenue. To the south of the property is City of Fayetteville right-of-way that includes pedestrian and bicycle access from West Avenue to the Frisco Trail. Although no portion of this property is identified as Hillside/Hilltop Overlay District, the terrain beginning at West Avenue descends rapidly, decreasing by approximately 30 feet from east to the west.

The subject property is within the Downtown Master Plan Boundary. This document was adopted in 2004 and included the recommendation that a series of new zoning districts be created to both preserve those characteristics that participants in the planning process deemed desirable, and to facilitate new development with appropriate physical context. The resulting zoning districts were subsequently developed and modified with public input before ultimately being put in place. The current NC zoning of the subject property is the result of this process and replaced the existing R-O, Residential Office zoning. 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 Single-family	MSC, Main Street/Center
South	Frisco Trail Access	NC, Neighborhood Conservation
East	Residential Single-family; Business in a Single-family Structure	MSC, Main Street/Center
West	Residential Single-family	NC, Neighborhood Conservation

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to MSC, Main Street/Center. The applicant indicated the rezoning is needed to enhance development opportunities.

Public Comment: Staff has received public comment from neighboring property owners that are both opposed and concerned with the requested rezoning. They have cited the appropriately contextual character of the existing structure, along with the investment made in their property and the adverse effects that may result from reduced setbacks and increasing the density on the subject property to the levels permitted under the Main Street/Center zoning district. As evidence, one property owner notes other housing in the area that has resulted in suspected non-compliant occupation levels and non-compliant parking on lawns and sidewalks.

INFRASTRUCTURE:

Streets: The subject parcel has access to West Avenue, a two-lane city street with existing poor-condition sidewalks at the back of curb. Any street improvements would be determined at time of development.

Water: Public water is available to the site. There is an existing 4-inch water along the parcel frontage of West Avenue.

Sewer: Sanitary Sewer is available to the site. There is an existing 8-inch sewer main in the West Avenue right-of-way on the uphill side of this parcel.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. No portion of this parcel lies within the HHOD, however slopes greater than 15% exist on much of this parcel which would require a residential grading permit to accompany any residential building permits.

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 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map* designates the properties as part of a **Complete Neighborhood Plan** Area associated with the Fayetteville Downtown Master Plan.

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 requested rezoning is generally consistent and compatible with both current land use and City land use plans.

Land Use Compatibility: A rezoning to MSC will allow for residential and commercial development that is generally comparable to other housing and businesses in the vicinity. Furthermore, while the MSC zoning district allows for commercial activities of greater intensity than would generally be

appropriate at this location, the size and terrain of the property can limit the scale of any new development.

On the other hand, the Fayetteville Downtown Master Plan and its associated rezoning were deliberately enacted to preserve pockets of single-family housing that have existed for decades, and in some cases over a century. In addition to the Mount Nord area along Lafayette Street, the block of single-family homes that range southward from the subject property along West Avenue were deliberately zoned NC, Neighborhood Conservation. The Illustrative Master Plan (attached) indicated preservation of the property for a single-family dwelling. A rezoning to MSC comes with no density requirements, no side setbacks, and a higher building height maximum than the requirements in an NC district. Coupled with multi-family dwellings and numerous commercial uses being permitted in the DG zoning district, the requested rezoning has the potential to dramatically change the character of this portion of downtown.

There are numerous properties in close proximity to the subject address that are not single-family in use or appearance. To the north and west there are single-family homes, and to the east is a jewelry business operating out of a residential structure. Along Mountain Street to the east is the Fayetteville Public Library and KUAF radio station. Other uses in the area vary, including many residential structures that have been modified to house multiple tenants or businesses. Given the variety of surrounding land uses, staff finds the MSC zoning would be compatible.

Land Use Plan Analysis: The Downtown Master Plan led to the current zoning that was approved by City Council with the support of many Downtown residents. This zoning seeks to preserve the existing single-family housing stock in pockets of the downtown area. The Neighborhood Conservation zoning currently applied to the subject property and those south of it are evidence of that objective.

The Downtown Master Plan also identified the goal of pursuing redevelopment opportunities along West Avenue. Classified in the Plan as a “signature connection” in downtown, West Avenue is called-out as important to the area’s pedestrian network with redevelopment needed to fully leverage amenities like the Frisco Trail and the library. The Plan goes even further by outlining an implementation strategy that involves a policy to “target properties along West Avenue for infill development.” Rezoning the subject property to the proposed Main Street/Center district can support this goal by allowing for increased housing opportunities through redevelopment to a greater density or, alternatively, permitting a greater spectrum of retail and service uses that can serve the neighborhood or greater downtown.

While the goals of infill redevelopment and preservation may often seem at odds, in this instance they are complementary. Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, so to can the Main Street/Center zoning district preserve the character of the Fayetteville downtown. Both are designed with

build-to-zones that complement the area's historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District's architectural standards. The proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan.

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

Finding: Based on the applicants' submittal, the rezoning is justified and needed to enhance the development opportunities for the subject property. The existing Neighborhood Conservation zoning only permits development of the property to single-family dwellings, accessory dwellings, and City-wide uses by right. All other uses allowed in the district, including but not limited to 2- and 3-family dwellings, offices, and limited businesses are only permitted with the approval of a conditional use permit. The applicant feels that a rezoning to Main Street/Center will positively address the goals of City Plan 2030.

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

Finding: The subject property has access to West Avenue, which was classified during the Downtown Master Plan process as ST 45. This classification includes two lanes for traffic movement and one for on-street parking in addition to tree wells and sidewalks. Given this, a rezoning of the property to Main Street/Center, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. However, given the small size of the property, any increase in vehicular trips in the area will likely not appreciably increase traffic danger or 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: The overall size of the property will limit the density of future development, thereby also limiting undesirable increases of the burden on schools or City services.

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 16-5594 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>October 10, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Selby	Second: Autry	Vote: 7-1-0 (Brown Dissented)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code §161.25 (MSC zoning)
- Unified Development Code §161.27 (NC zoning)
- Request Letter
- Letter from the Public
- Downtown Master Plan Illustrative Map
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.25 - Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
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 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments

Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum*.

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum*. None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage*. 75% of lot width.

(G) *Building Height Regulations*.

Building Height Maximum	56/84 feet*
-------------------------	-------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; 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)

161.27 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

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

Rear, from center line of an alley	12 feet
--	---------

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

Request Letter

(5)

- a. The property is currently owned by the Billy Wayne and Lena Sue Batson Revocable Trust. The property has a pending sale to Doug Kolberg.
- b. The zone change is being requested to enhance the development opportunities in the future.
- c. The proposed zoning is compatible with the surrounding properties. The properties to the north and east are already zoned MSC. The properties south and west are still single family residential NC, but when time comes for their development, they will likely change to MSC also. Other nearby properties are also MSC. This relatively small tract has an existing residence in need of structural and cosmetic repairs that may not be economically feasible. Any future land use will improve the property in appearance, and any change in traffic or signage would be insignificant.
- d. There is an existing 4" water line on West Street. There is an existing 8" sewer line on West Street.
- e. The MSC zone change is complementary with the existing MSC existing zoning north and east and with other MSC zoned properties in the immediate area. The change to MSC also addresses the City planning objectives, principles, and policies for increased housing density and infill development in a positive manner.
- f. The MSC zone change is justified as it positively addresses the goals of the long term comprehensive plan.
- g. The MSC zone change will not create or appreciably increase traffic danger and congestion.
- h. This relatively small tract will not alter the population density and will not increase the load on public services including schools, water, and sewage facilities.
- i. It is impractical to use the land under it's existing zoning classification NC because this zone stresses single family residential development and does not support the City goal for infill development with increased housing density.

RZN 16-5594

Public Comment

Bob and Patty Besom
15 N. West Avenue
Fayetteville, Arkansas 72701

Planning Commission
City of Fayetteville
125 W. Mountain
Fayetteville, Arkansas 72701

Dear Commissioners,

We wonder if it is a good idea to change the zoning at 15 S. West Avenue in Fayetteville from Neighborhood Conservation to Main Street/Center (RZN 16-5594).

The home that has been at 15 S. West Avenue for decades was designed for the site, is architecturally interesting, and contributes in a positive way to the neighborhood. The changes allowed by Main Street/Center could encourage development that detracts from the character of the neighborhood. As a home owner one block north of the site under consideration, we prefer that a developer be required to request a variance for changes not allowed by Neighborhood Conservation so that we all might judge whether a plan is compatible with the rest of the neighborhood.

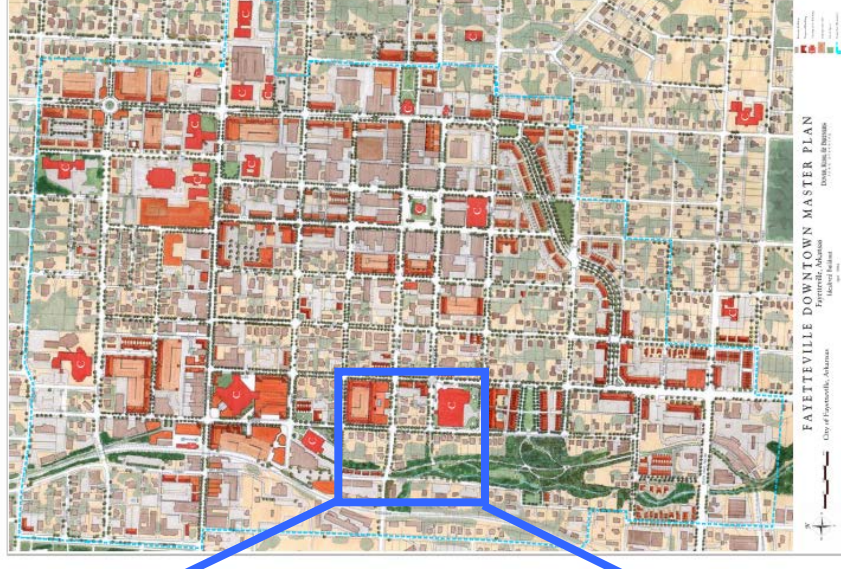
Thank you.

Sincerely,

Handwritten signatures of Patty Besom and Bob Besom in blue ink. The signatures are written in a cursive style, with 'Patty Besom' on the top line and 'Bob Besom' on the bottom line.

Illustrative Fayetteville Downtown Master Plan

As Related to 15 S. West Avenue



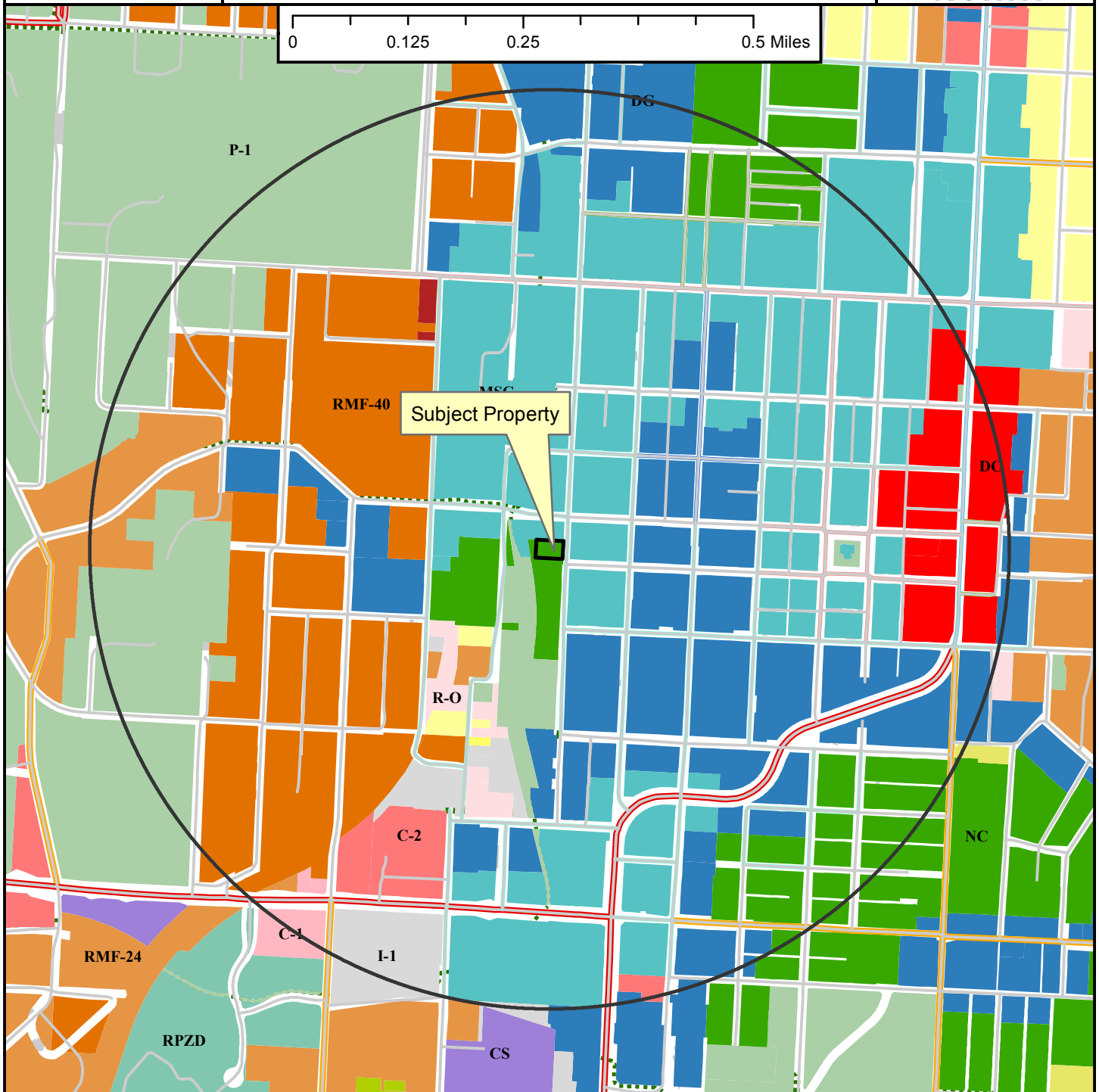
RZN 16-5594

One Mile View

KOLBERG

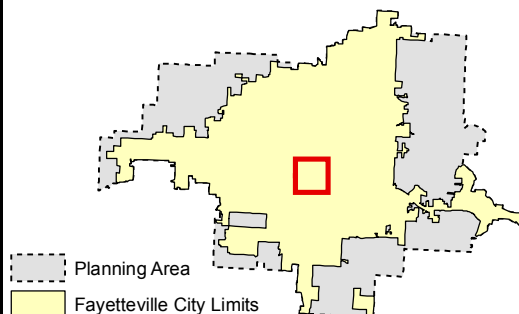


0 0.125 0.25 0.5 Miles



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-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

RZN 16-5594

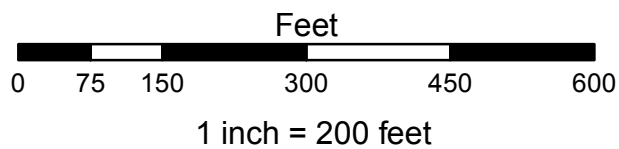
Close Up View

KOLBERG



Legend

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



- RSF-4
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

RZN 16-5594

Current Land Use

KOLBERG



Legend

— Street

Downtown Master Plan

MSP Class

— STREET 40 ONE WAY

— STREET 45

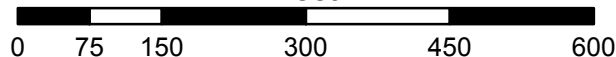
--- Shared Use Paved Trail

□ RZN16-5594

□ Planning Area

□ Fayetteville City Limits

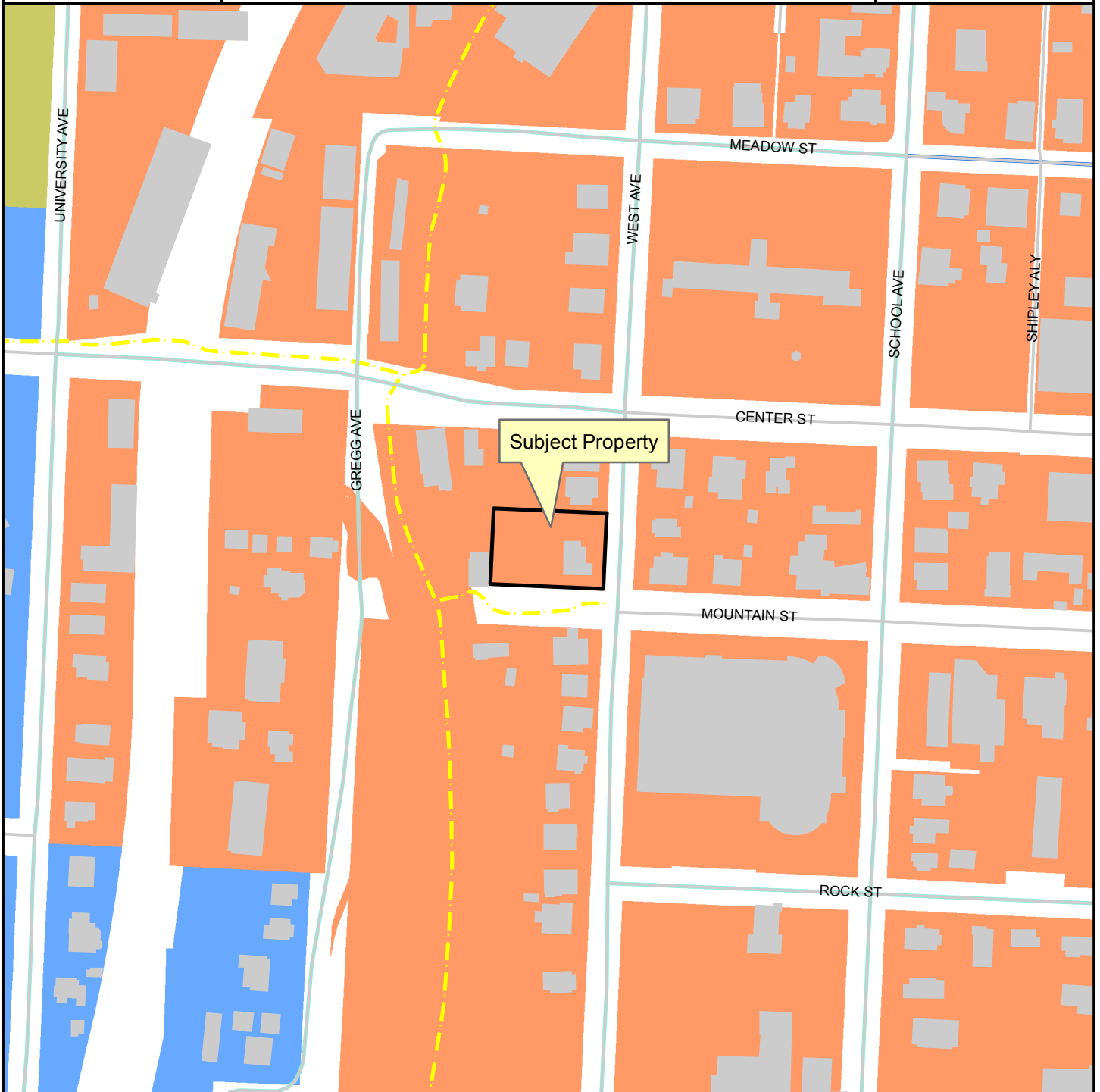
Feet



RZN 16-5594

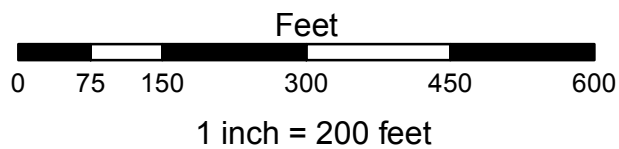
Future Land Use

KOLBERG



Legend

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



FUTURE LAND USE 2030

- City Neighborhood Area
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0494

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

AMENDMENT TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):

AN ORDINANCE TO AMEND ORDINANCE NO. 5897 BY MODIFYING THE BILL OF ASSURANCE TO PERMIT THE REALIGNMENT OF A PROTECTED STREAM

WHEREAS, Ordinance No. 5897 was passed on August 16, 2016, in reliance upon and subject to the offered Bill of Assurance which provided for the protection and enhancement of two stream channels, including a 60-foot streamside protection zone centered on each stream channel; and

WHEREAS, the owner/developer wishes to realign a portion of the westernmost stream.

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 Ordinance No. 5897 by modifying the Bill of Assurance, attached to the Planning Department's Agenda Memo as Exhibit A, only to the extent that the owner/developer may realign a portion of the westernmost stream in accordance with the letters, maps, and drawings attached to the Planning Department's Agenda Memo as Exhibit B. All other terms and conditions of the Bill of Assurance and Ordinance No. 5897, including the 60-foot streamside protection zone centered on the westernmost stream channel as realigned, remain in full force and effect.

City of Fayetteville Staff Review Form

2016-0494

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Amendment to a Bill of Assurance: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564): Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 1, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

DATE: October 14, 2016

SUBJECT: **Amendment to a Bill of Assurance: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564):** Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

RECOMMENDATION:

Planning staff recommend approval of an ordinance to amend the existing Bill of Assurance as described by exhibits A and B.

BACKGROUND:

On August 16, 2016 the City Council approved rezoning this property from RSF-4 to NC, subject to a Bill of Assurance, with a recommendation for approval by a vote of 6-0-0. -

The subject property is a 36 acre parcel located on the northeast corner of Morningside Drive and 15th Street. A small portion of the parcel extends to the south side of 15th Street. The property is undeveloped pasture, and remains in agricultural use. The parcel contains some flood plain, and a string of ponds that become a protected stream immediately to the south. These valuable natural resources are classified as 'Natural Area' on the 2030 Future Land Use Plan, and were protected from development according to the terms of a Bill of Assurance.

Request: The request is to amend the approved Bill of Assurance, as shown in the attached Exhibits 'A' and 'B', in order to allow the applicant to re-align the existing protected drainage.

The proposed zoning, as limited by the proposed Bill of Assurance, is also consistent with that portion of the property designated as Natural Area.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Ordinance 5897

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

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Charles P. Rose Testamentary Trust, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____

The uses permitted within the requested Neighborhood Conservation zone, with the exception that the stream channels on the property will be enhanced and preserved, as described in the attached letter and exhibits.

2. Other restrictions including number and type of structures upon the property are limited to Once the western stream channel has been realigned in conformance with Army Corp of

Engineer's regulations and as described in the attached letter, a 60' Streamside Protection Zone shall be centered on each stream channel and recorded with the final plat(s) of the subdivision. The easement and channels shall thereafter be regulated according to the standards of 168.12 Streamside Protection Zones.

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

4. (Any other terms or conditions) _____

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

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

October 17, 2016
Date

75 N. East Ave, Ste 402
Address
Fayetteville, AR 72701

Curtis E. Hogue, Trustee
Printed Name Charles P. Rose Test Trust

Curtis E. Hogue, Trustee
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 17 day of October, 2016, appeared before me, Curtis E. Hogue and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

ANN M. HOBIN
Notary Public-Arkansas
Benton County
My Commission Expires 05-29-2019
Commission # 12371412
My Commission Expires 5-29-19

Ann M. Hobin
NOTARY PUBLIC

2016-0494
EXHIBIT B

October 13, 2016

Mayor and City Council

RE: Huntsville Road Bill of Assurance
Ordinance No. 5897

Please accept this request to be placed on the agenda for the November 1, 2016 City Council meeting. The intent of this request is for an amendment to the Bill of Assurance that was submitted and approved with Ordinance No. 5897, for approximately 36 acres located at the northeast corner of Morningside and 15th Street.

In the Bill of Assurance, Rausch Coleman Homes made a commitment to protect and preserve two stream channels on the subject property. Since the meeting in August, our engineers have developed a comprehensive development plan for the overall 68-acre property, and through this exercise we have preserved all of the waterways on the property, with the exception of one small section. The areas preserved include the pond and pools on the north end of the property.

The channel that exits the farm pond at the southwest corner runs directly adjacent to an old fence-row and makes two 90 degree turns before it enters a culvert that runs under 15th Street. Based on the pattern of the channel, the location adjacent to a fence row, and some indications from historic aerial photographs, we have concluded that this channel was hand-dug in order to maximum the land that could be farmed. Regardless, however, this drainage channel provides a positive environmental benefit. Additionally, this small channel continues south where it eventually connects to the Town Branch Creek and then the West Fork of the White River, making it a jurisdictional waterway, regulated by the Army Corp of Engineers.

The challenge we are facing is not the fact that the channel exists, but rather the two 90-degree bends that were created. As the volume of water increases through this channel, which will occur as part of the overall drainage plan for the project, the water will not be able to remain within the banks as it approaches these two 90 degree turns. Our proposal and the reason for this request is to straighten out this channel, so that drainage will stay within the banks and continue through the existing culvert and on to the West Fork of the White River.

In addition to our engineering team, we have a Soil Scientist that conducted a wetland study, and we've meet on several occasions with Scott Kelly from the US Army Corp of Engineers. Our soil scientist will be designing a new stream corridor (something like a streambank restoration project), that will include new vegetation, pools and riffles, so the channel will function more like a stream than a hand-dug channel. The Corp Office has evaluated our preliminary proposal and approval appears likely as long as there is no net loss of stream and the overall project improves the quality of the stream channel.

This project will modify approximately 300 feet of the existing channel, but the end result will be an improved water system that will also convey water within the banks.

Regards,

A handwritten signature in blue ink, appearing to read 'Jesse Fulcher', with a stylized, cursive script.

Jesse Fulcher
Director of Land Planning
Rausch Coleman Homes



Herron
Soil
Interpretations, LLC

Post Office Box 1086 Phone 479•267•3991
Farmington, Arkansas 72730 Fax 479•267•0079

October 17, 2016

City of Fayetteville

RE: Huntsville/Morningside Rd Proposed Development, Fayetteville

To Whom It May Concern,

We are an environmental consulting firm, contracted with Rausch Coleman to conduct wetland delineations based on the US Army Corps of Engineers (USACE) guidelines.

In conducting the wetland delineation on the subject property, we determined that the intermittent stream on the west side of the property, and planned to be preserved as part of a conservation area, requires redesigning in order to properly transmit water during heavy rainfall periods. In its current state, during flood events the stream will overflow its banks. If left in this condition, there is the potential for the stream to erode the adjacent soil and flood adjacent properties. We have met with Scott Kelly with USACE to discuss this concept. He verbally supported our plan and has indicated that he will approve a design that improves the stream and adjacent vegetation.

We are proposing to deepen and widen the stream, and increase its length by expanding its meanders. As part of the design, we will add riffle pools to slow flow, and establish and maintain for five years suitable vegetation adjacent to the stream.

Sincerely,

Sheri Herron
Principal Soil Scientist

Channel Depth Approximately 12 Inches



Channel Width Approximately 15 Inches



Channel Bottom

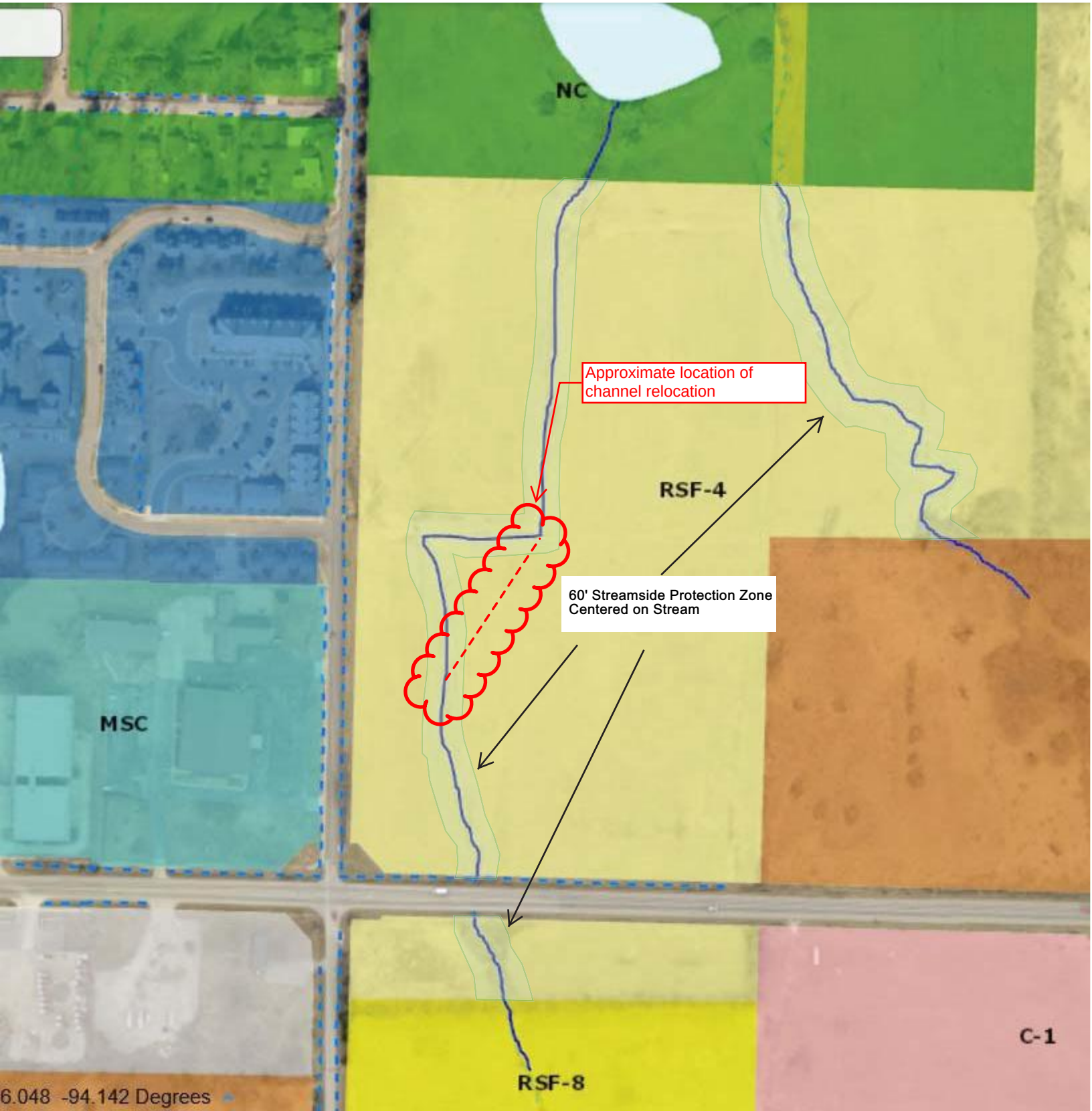


Fence Row - Channel Within Vegetation.



Aerial of Channel with Realignment







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

Ordinance: 5897

File Number: 2016-0367

RZN 16-5483: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5483 FOR APPROXIMATELY 36 ACRES LOCATED AT THE NORTHEAST CORNER OF MORNINGSIDE AND FIFTEENTH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION, SUBJECT TO A BILL OF ASSURANCE

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

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

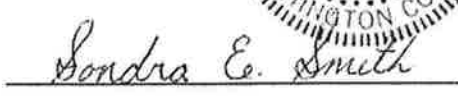
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED on 8/16/2016

Approved:


Lioneld Jordan, Mayor

Attest:



Sondra E. Smith, City Clerk Treasurer



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0367

Agenda Date: 8/16/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 16-5483: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5483 FOR APPROXIMATELY 36 ACRES LOCATED AT THE NORTHEAST CORNER OF MORNINGSIDE AND FIFTEENTH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION, SUBJECT TO A BILL OF ASSURANCE

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

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

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

2016-0367

Legistar File ID

8/16/2016

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

Jeremy Pate

7/29/2016

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

RZN 16-5483: Rezone (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564): Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 36.00 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$

Funds Obligated \$

Current Balance

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 16, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

DATE: July 29, 2016

SUBJECT: **RZN 16-5483: Rezone (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564):** Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 36.00 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to NC, Neighborhood Conservation as shown in the attached Exhibits 'A' and 'B' and subject to a Bill of Assurance, Exhibit 'C'.

BACKGROUND:

The subject property is a 36 acre parcel located on the northeast corner of Morningside Drive and 15th Street. A small portion of the parcel extends to the south side of 15th Street. The parcel is currently zoned RSF-4. The property is undeveloped pasture, and remains in agricultural use. The parcel contains some flood plain, and a string of ponds that become a protected stream immediately to the south. These valuable natural resources are classified as Natural Area on the 2030 Future Land Use Plan, the remainder of the site is classified as City Neighborhood Area.

Request: The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation, subject to a Bill of Assurance placing land classified as Natural Area within a Conservation Easement approximately as shown in the attached Exhibit 'C', in order to allow development of higher density single-family housing. The proposed Bill of Assurance allows a maximum of 5 road/utility crossings and trail construction over the area conserved.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture primarily of residential uses. The immediate area contains a range of single-family and multi-family development types, and all share a low to moderate densities, a residential development pattern that would be continued in the NC zone.

Land Use Plan Analysis: A majority of the site is classified as City Neighborhood Area. The proposed zoning for higher density single family development (NC permits 10 units per acre) is

generally compatible with the City Neighborhood designation that encourages higher density and a wide spectrum of housing types. The proposed NC zoning is possibly too low of a density with a lack of permitted uses other than single family. However, given the setting of this site adjacent to the Walker Park Neighborhood with similar development patterns the zoning is appropriate. The proposed zoning, as limited by the proposed Bill of Assurance, is also consistent with that portion of the property designated as Natural Area.

DISCUSSION:

On July 25, 2016 the Planning Commission forwarded the applicant's request rezoning with a recommendation for approval by a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

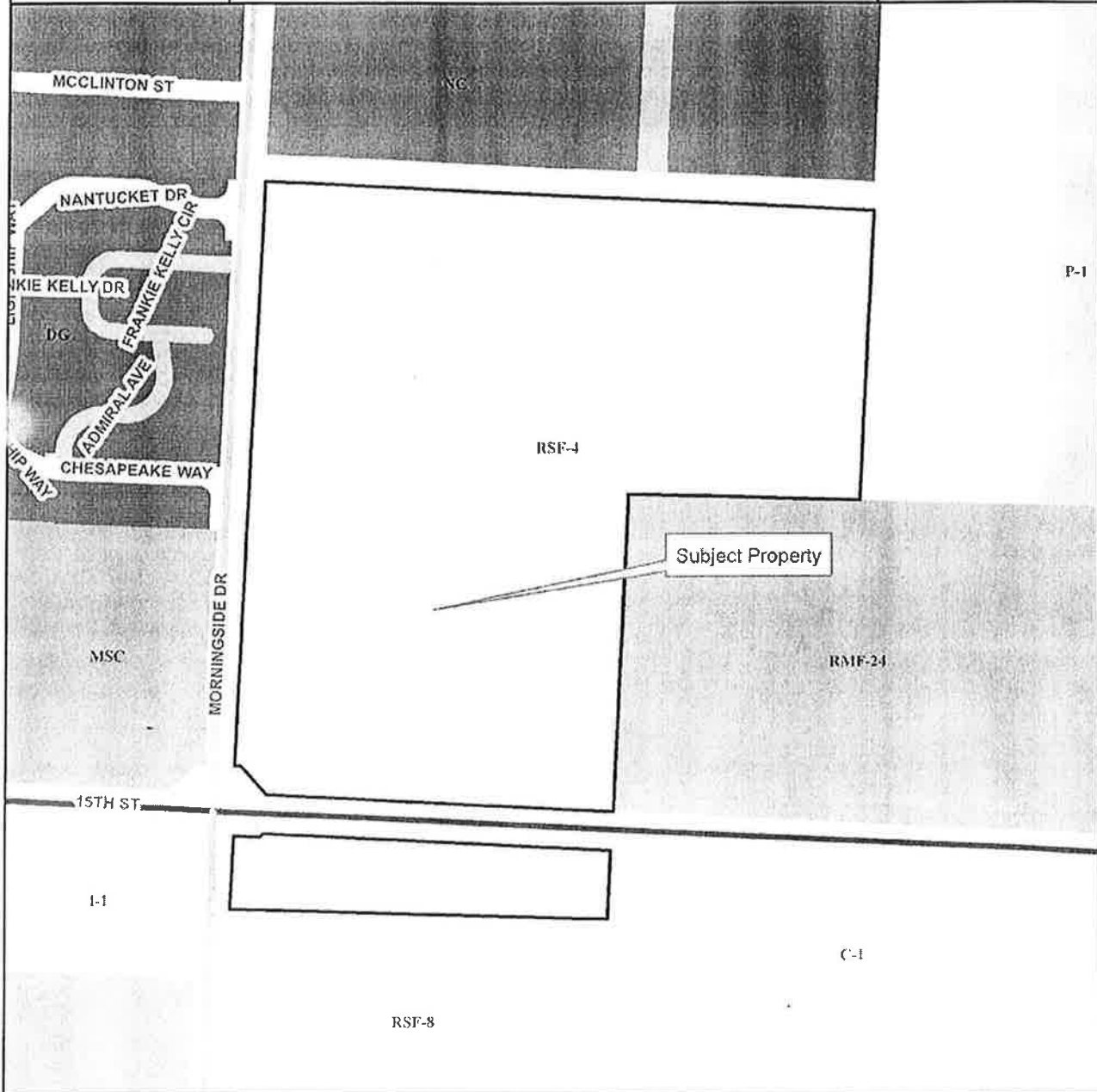
- Exhibit A
- Exhibit B
- Exhibit C
- Application
- Planning Commission Staff Report

RZN 16-5483
EXHIBIT 'A'

RZN 16-5483

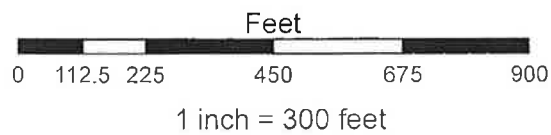
Close Up View

RAUSCH COLEMAN



Legend

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



- Residential-Agricultural
- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-1
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

RZN 16-5483
EXHIBIT 'B'
page 1 of 2

TRACT "A"

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, THAT LAYS NORTH OF THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY #16, ALSO KNOWN AS 15TH STREET AND EAST OF THE EAST RIGHT OF WAY OF MORNINGSIDE DRIVE. LESS AND EXCEPT THE FOLLOWING: COMMENCING AT THE NORTH EAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 02°47'36" WEST A DISTANCE OF 582.75 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°44'15" WEST A DISTANCE OF 663.92 FEET; THENCE NORTH 87°15'49" WEST A DISTANCE OF 470.22 FEET; THENCE NORTH 02°44'15" EAST A DISTANCE OF 654.87 FEET; THENCE SOUTH 88°21'58" EAST A DISTANCE OF 470.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.6 ACRES MORE OR LESS.

SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

RZN 16-5483
EXHIBIT 'B'
page 2 of 2

TRACT "B"

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS.

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 02°52'58" WEST A DISTANCE OF 27.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°03'55" EAST A DISTANCE OF 849.45 FEET; THENCE SOUTH 02°46'10" WEST A DISTANCE OF 152.24 FEET; THENCE NORTH 87°15'33" WEST A DISTANCE OF 849.75 FEET; THENCE NORTH 02°52'58" EAST A DISTANCE OF 155.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.99 ACRES MORE OR LESS.

SUBJECT TO HWY #16 ALONG THE NORTH SIDE AND MORNINGSIDE DRIVE ALONG THE WEST SIDE AND ANY EASEMENTS OF RECORD OR FACT.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Charles P Rose 1234567890 71631, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____

No restrictions are being placed on this property, with the exception of a 60-foot wide conservation easement centered on the two stream channels, as generally shown on the attached exhibit.

2. Other restrictions including number and type of structures upon the property are limited to Development within the conservation easements shall be limited to a maximum of 5 road/utility crossings and trail construction. The Planning Commission may approve 1 additional crossing at the time of preliminary lot. Minor grading along the edge of the easement may be allowed to tie in grading lines.

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

4. (Any other terms or conditions) _____

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

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

July 21, 2016
Date

Curtis E. Hague, Trustee
Printed Name Charles P. Rose Test Trust

75 W. East Ave, St. 462
Address
Fayetteville, AR 72704

Curtis E. Hague, Trustee
Signature

NOTARY OATH

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this the 21st day of July, 2016, appeared before me, Curtis E. Hague, Trustee Charles P. Rose Test. Trust and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Robin K. Matlock
NOTARY PUBLIC

My Commission Expires:
Feb. 13, 2024

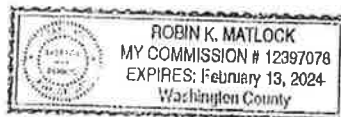
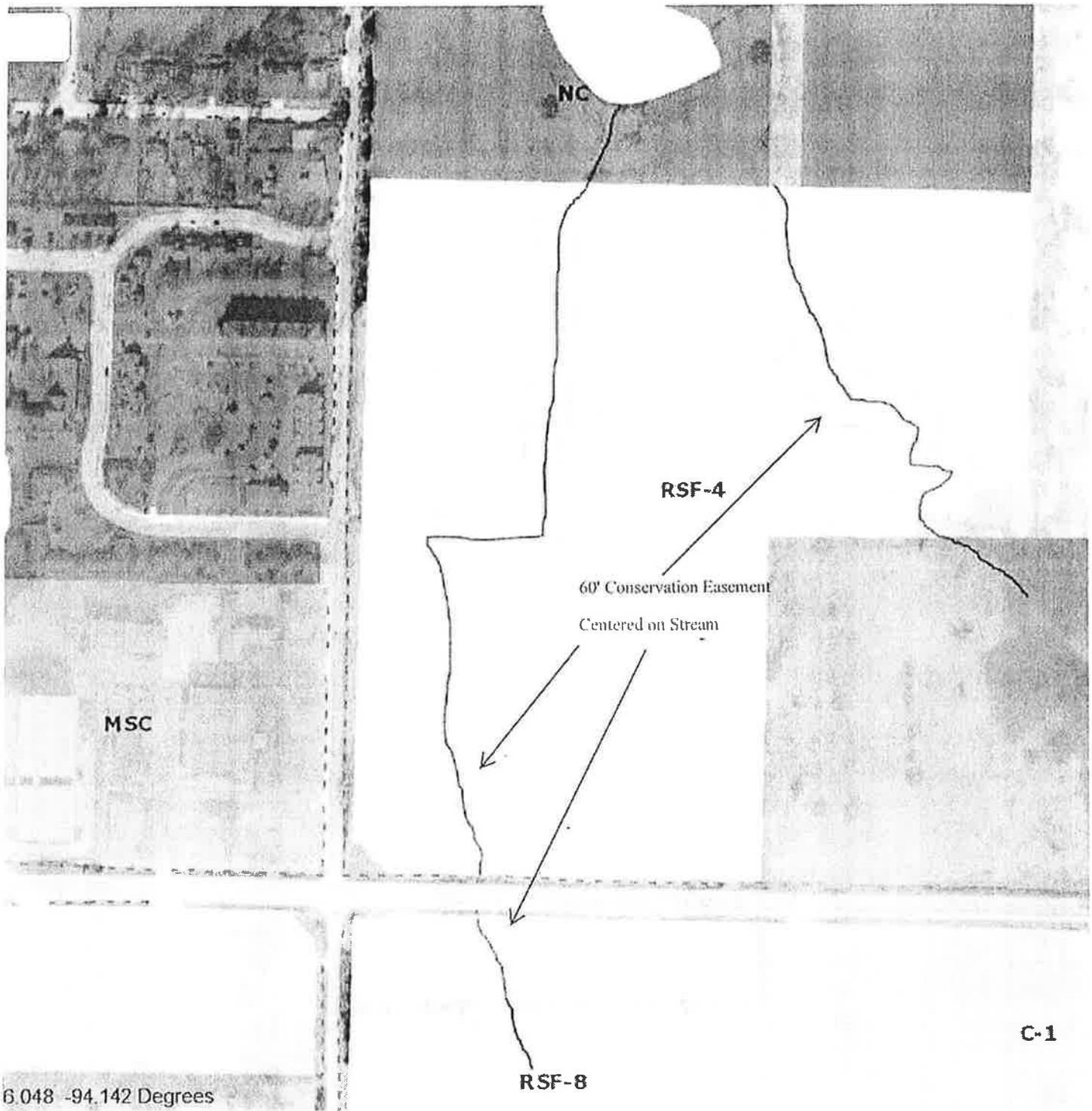


EXHIBIT FOR BILL OF ASSURANCE



CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY	FEE: \$325.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

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

Application:

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

Applicant (person making request):

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

Name: Jesse Fulcher

Name:

Address: 4058 N. College Avenue
Fayetteville, AR 72701

Address:

E-mail: jesse.fulcher@nuschenleunn.com

E-mail:

Phone: () 479-301-6639

Phone: ()

Fax:

Fax:

Site Address / Location: Northeast corner of 15th Street and Morningside Parcel #765-15088-000

Current Zoning District: RSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 36 Acres

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) Josse Fulcher Date: 6/10/14
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, 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) Charles E. Hager, Jr. Address: 25 N. 3rd Ave, Suite 200
Charleston, WV 25301
Signature: [Signature] Phone: (479) 473-5000
Date: 6/10/14

Name (printed): _____ Address: _____
Signature: _____
Date: _____ Phone: _____

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: July 25, 2016 (*Updated with Planning Commission results*)

SUBJECT: **RZN 16-5483: Rezone (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564):** Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 36.00 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5483** to the City Council with a recommendation for approval of NC as proposed, subject to a Bill of Assurance.

BACKGROUND:

The subject property is a 36 acre parcel located on the northeast corner of Morningside Drive and 15th Street. A small portion of the parcel extends to the south side of 15th Street. The parcel is currently zoned RSF-4. The property is undeveloped pasture, and remains in agricultural use. The parcel contains some flood plain, and a string of ponds that become a protected stream immediately to the south. These valuable natural resources are classified as Natural Area on the 2030 Future Land Use Plan.

On March 1, 2016 the City Council approved a rezone for the northern 34 acre portion of this property. The property was rezoned from RSF-4 to a mixture of Commercial Services (CS), Neighborhood Conservation (NC), and Residential-Agricultural (R-A). The R-A portion was created in an effort to encourage conservation of the connected ponds that cross the property and to provide a green belt connection between natural areas to the north and south of the property. The rezoning configuration was intended to concentrate development more densely onto portions of land away from sensitive environmental resources. The zoning of CS and NC allows for a residential density of more than double that permitted in a typical single family (RSF-4) zoning. This provides the opportunity to preserve remaining land zoned R-A for conservation, public and neighborhood use. Although not required under the R-A zoning, one of the benefits of this type of zoning pattern is that it allows a significant amount of greenways and linkages through a neighborhood and access to these amenities for a large number of residents. The R-A zoning is a low density zoning that will reduce impacts to sensitive environmental resources compared to standard zoning districts. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Agricultural	NC, Neighborhood Conservation
South	Undeveloped	RSF-8, Residential Single-Family/RMF-24, Residential Multi-family
East	City of Fayetteville/Undeveloped	RSF-4, Residential Single-Family/RMF-12, Residential Multi-family
West	Residential/Senior Housing	NC, Neighborhood Conservation/DG, Downtown General

Request: The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation, subject to a Bill of Assurance placing land classified as Natural Area within a Conservation Easement approximately as shown in the attached exhibit, in order to allow development of higher density single-family housing. The proposed Bill of Assurance allows a maximum of 5 road/utility crossings and trail construction over the area conserved.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to both Morningside Drive, and 15th Street (Hwy 16). Morningside Drive is a partially improved two lane road with curb/gutter and sidewalk along the west side, as well as open ditches along the east. 15th Street is also State Highway 16, and is an unimproved two lane roadway with open ditches on both sides. Any further street improvements would be determined at time of development.
- Water:** Public water is available to the site. A 24" water main exists along the property frontage of Morningside Drive on the east. In addition, a 12" water main exists along the property frontage of 15th Street on the south.
- Sewer:** Public sewer is not available to the site. GIS indicates the nearest accessible sanitary sewer main to be located approximately 400 feet south of the property on Morningside Drive. An off-site sanitary sewer extension would be required to service the property at the time of development.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. Portions of this parcel lie within the FEMA designated 100-yr floodplain. No protected streams are present on this parcel. No portions of this parcel lie within the HHOD.
- Fire:** The Fire Department did not express any concerns with the request.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area** and **Natural Area**.*

- **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.

- **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.

The portion of this site designated on the Future Land Use Map as 'Natural Area' has been identified as having high environmental value by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. As a result of the FNHA work and other City staff research, this study area was included on the Enduring Green Network (EGN) map. The EGN map resulted in designation of portions of this area as Natural Area on the Future Land Use Map. Due to the environmental sensitivity of the study area, Staff recommends in favor of the applicant's proposal that portions of the land identified as **Natural Area** be placed within a 60 foot wide conservation easement that will be centered on the drainage/stream. This easement should result in conservation along these greenway corridors in exchange for higher density in other areas.

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 residential and institutional uses. The immediate area contains a range of single-family and multi-family development types, and all share a low to moderate densities, a residential development pattern that would be continued in the NC zone.

Land Use Plan Analysis: The proposed zoning with the Bill of Assurance for a conservation easement over land classified as Natural Area is generally compatible with the Future Land Use Map for the portion of property designated as City Neighborhood Area. The proposed zoning, as limited by the proposed Bill of Assurance, is also consistent with that portion of the property designated as Natural Area.

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 moderately dense single-residential neighborhood. The proposed zoning district would beneficially increase residential densities above those allowed under the current 4 unit per acre limit, a goal of the City Plan 2030 for infill in the core of the City. The property is located less than one mile from the city center, and in staff opinion, the pattern of development should reflect that with increased density and traditional town form as indicated by the goals of City Plan 2030.

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

Finding: The site has access to 15th Street and Morningside Drive. Morningside Drive is a partially improved 'Collector' street. 15th Street is an unimproved 'Principal Arterial' Street. The rezone encourages development that would increase traffic on this property, however, development of the area is unlikely to have significant negative impact on safety and congestion 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 the property from RSF-4 to NC would certainly alter future population density, but should not undesirably affect load on public services. The Police and Fire Departments have expressed no objections to the proposal. A significant amount of street improvement would likely be required to fully develop this site, and would be reviewed in detail at the time of development.

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 16-5483** to the City Council with a recommendation for approval of NC as proposed, subject to a Bill of Assurance.

PLANNING COMMISSION ACTION: Required YES

Date: July 25, 2016 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Hoskins

Second: Hoffman

Vote: 6-0-0 Note: recommend approval

CITY COUNCIL ACTION: Required YES

Date: August 16, 2016 ☐ Approved ☐ Denied

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03, 161.07 & 161.27
- Request letter
- Bill of Assurance
- Proposed Conservation Easement Area
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

161.03 - District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2 City-wide uses by conditional use permit

Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
----------------	--------------

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres

Lot area per dwelling unit	2 acres
----------------------------	---------

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

Unit 41	Accessory dwellings
---------	---------------------

(2) *Conditional Uses.*

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

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

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)

161.27 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.* Ten (10) Units Per Acre.(D) *Bulk and Area Regulations.*(1) *Lot Width Minimum.*

Single Family

40 feet

Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)



410 205 0 410 Feet

To the Fayetteville Planning Commission:

- a. The property is currently owned by the Testamentary Trust A. Rausch Coleman Homes has the property under contract.
- b. We are requesting the rezoning to allow for single-family home development. The increased density allowed under Neighborhood Conservation is more appropriate than RSF-4, given the properties close proximity to schools, parks and downtown Fayetteville, which is less than 1 mile to the west.
- c. The Neighborhood Conservation zoning district will be very compatible with surrounding land uses, which are primarily residential. Land uses to the west include a church, multi-family housing and single-family housing. Property to the south and east are primarily undeveloped, with the exception of the 7-Hills development adjacent to the east property line. There is a large, single-family residence to the north that was approved for educational services. A small business occupies land at the corner of Huntsville and Morningside.
- d. There is adequate water and sewer capacity adjacent to this site to serve future development. This includes 6-inch, 8-inch, 12-inch and 24-inch water lines; and 6-inch and 8-inch sewer lines.
- e. The proposed zoning of Neighborhood Conservation is very consistent with land use planning objectives and policies and with the Future Land Use Plan. Specifically, the Neighborhood Conservation district is intended to promote and protect neighborhood character. Although much of the adjacent land is undeveloped, the subject property is within reach of the Walker Park Neighborhood Plan and the overall downtown area of Fayetteville. There are many established neighborhoods, primarily consisting of small lot, single-family residences, to the west of this land. The Neighborhood Conservation district allows for smaller, single-family lots that are consistent with the historical context of surrounding neighborhoods.

Further, the Future Land Use Plan designates the site as a City Neighborhood Area, which are more densely developed areas, providing for a spectrum of uses and densities in all housing types. The Neighborhood Conservation zoning district allows for a more-dense, single-family development pattern than the existing RSF-4 zoning district, which typically averages less than 3 units per acre.

In addition to compliance with the Future Land Use Map and surrounding land uses, the Neighborhood Conservation zoning district will also allow the site to be developed in accordance with all of the goals of City Plan 2030.

- Goal 1: The subject property is adjacent to the Walker Park Neighborhood, and in close proximity to downtown Fayetteville. While being a greenfield site, the location most certainly qualifies it for infill development and certainly not suburban sprawl.
- Goal 2: As noted above, the proximity of the site to existing public infrastructure, established neighborhoods and downtown make this an infill location.
- Goal 3: The neighborhood conservation zoning district provides a build-to zone, which requires a more traditional building placement along the street and sidewalk edge. In addition to building placement, this neighborhood is within walking distance of small-scale commercial uses, churches, parks and jobs.

- Goal 4: The subject property is located along and adjacent to Ozark Regional Transit Services and the Fayetteville Trail System. Additionally, interior streets will be designed with short block lengths, narrow travel ways and an eye for slow traffic speeds.
 - Goal 5: Approximately 2.2 acres of waterways and pools within the overall 73-acre property have already been set aside as preserved greenspace. Additionally, areas within the subject 36-acre property will also be set aside as a riparian buffer and neighborhood park. An overall goal of this development is to preserve and enhance natural drainage features.
 - Goal 6: Housing within close proximity to downtown Fayetteville is primarily unaffordable for the average family. There is an opportunity with this property to provide new housing, at a price point that is attainable for small families, young professionals, single-parent households, or even baby boomers looking to downsize and who want to live in a location that is close to schools, parks, and jobs, and all of the amenities offered on the Square and Dickson Street.
- f. Rezoning the property to allow for increased residential density is justified at this time. The property provides an opportunity to create new housing that is compatible with surrounding land uses and place homes in close proximity to jobs and amenities.
 - g. Any development on this property will increase traffic on surrounding streets. However, the site has direct access to Huntsville Road, which is primary collector street that connects into downtown Fayetteville and east to Crossover Road; and 15th Street which is a primary east/west corridor. There is sufficient infrastructure in place to support development of this property.
 - h. Development of the property will increase the population of the area. However, this property is in close proximity to all of these services: Fire Station, Police Station, Happy Hollow Elementary, Commerce Park, Downtown Fayetteville, University of Arkansas, Walker Park and Fayetteville High School, to name a few.
 - i. The land is currently zoned for residential development. However, as has been seen, the RSF-4 zoning district is very inefficient, provided less than 3 units per acre of land. The Neighborhood Conservation zoning district will likely permit approximately 6 units per acre, which is much more in line with traditional development patterns found in Walker Park. Further, increasing the density of this property will allow for an appropriate infill development that will support and be supported by schools, parks, jobs and services that are all within close proximity of the property.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Charles P. Rose Testamentary Trust, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____

No restrictions are being placed on this property, with the exception of a 60-foot wide conservation easement centered on the two stream channels, as generally shown on the attached exhibit.

2. Other restrictions including number and type of structures upon the property are limited to Development within the conservation easements shall be limited to a maximum of 5 road/utility crossings and trail construction. The Planning Commission may approve 1 additional crossing at the time of preliminary lot. Minor grading along the edge of the easement may be allowed to tie in grading lines.

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

4. (Any other terms or conditions) _____

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

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

July 21, 2016
Date

Curtis E. Hogue, Trustee
Printed Name Charles P. Rose Test Trust

75 N. East Ave, Ste 402
Address
Fayetteville, AR 72701

Curtis E. Hogue, Trustee
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 21st day of July, 2016, appeared before me, Curtis E. Hogue, Trustee Charles P. Rose Test. Trust and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Robin K. Matlock
NOTARY PUBLIC

My Commission Expires:
Feb. 13, 2024

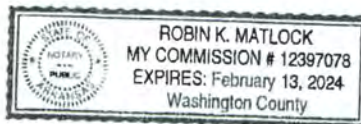
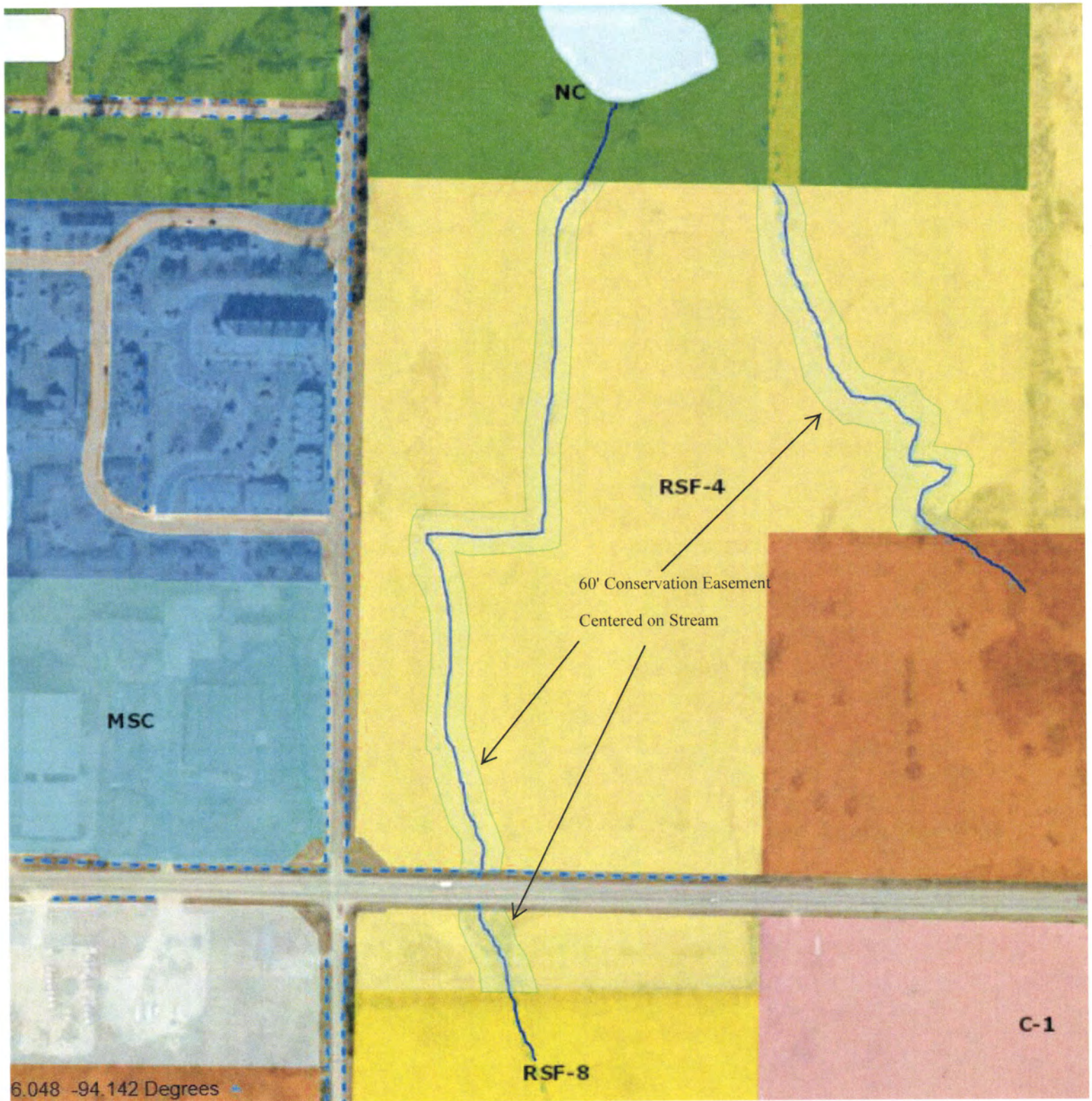


EXHIBIT FOR BILL OF ASSURANCE



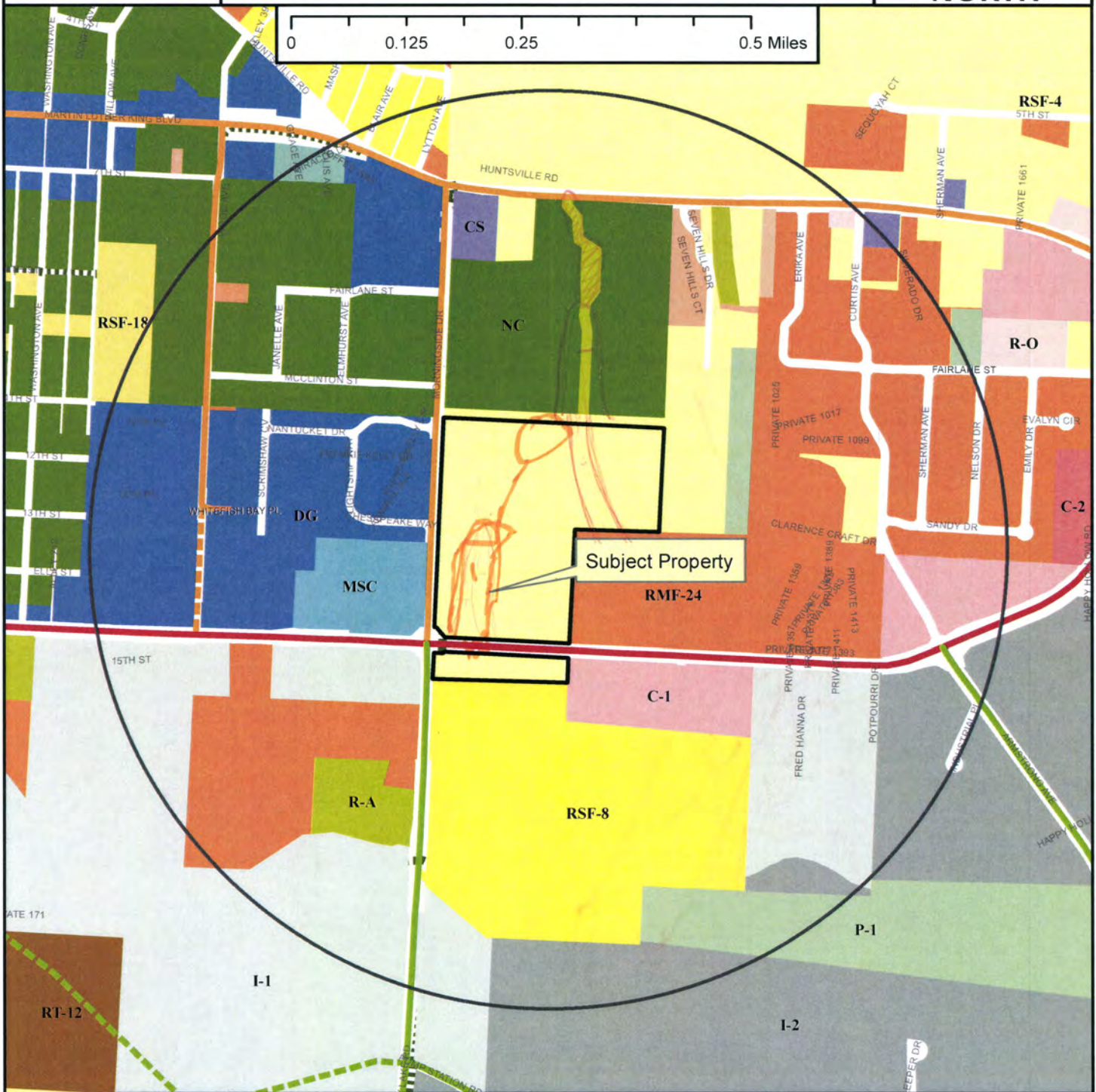
RZN 16-5483

One Mile View

RAUSCH COLEMAN



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"> RMF-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

July 25, 2016

Agenda Item 5

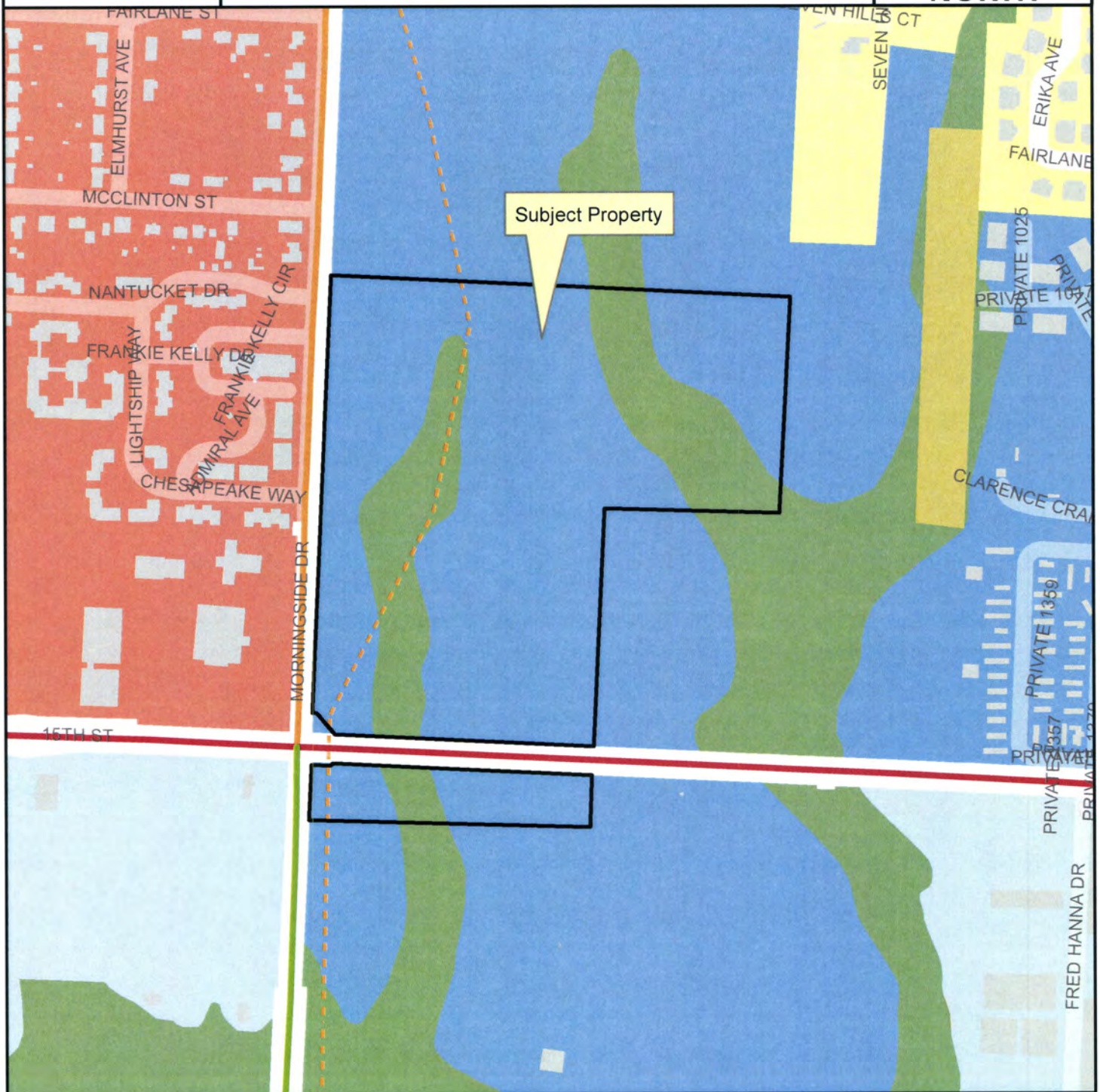
16-5483 Rausch Coleman

Page 20 of 23

RZN 16-5483

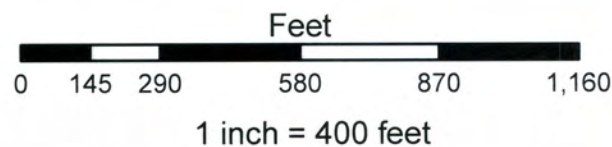
Future Land Use

RAUSCH COLEMAN



Legend

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



FUTURE LAND USE 2030

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

Planning Commission

July 25, 2016

Agenda Item 5

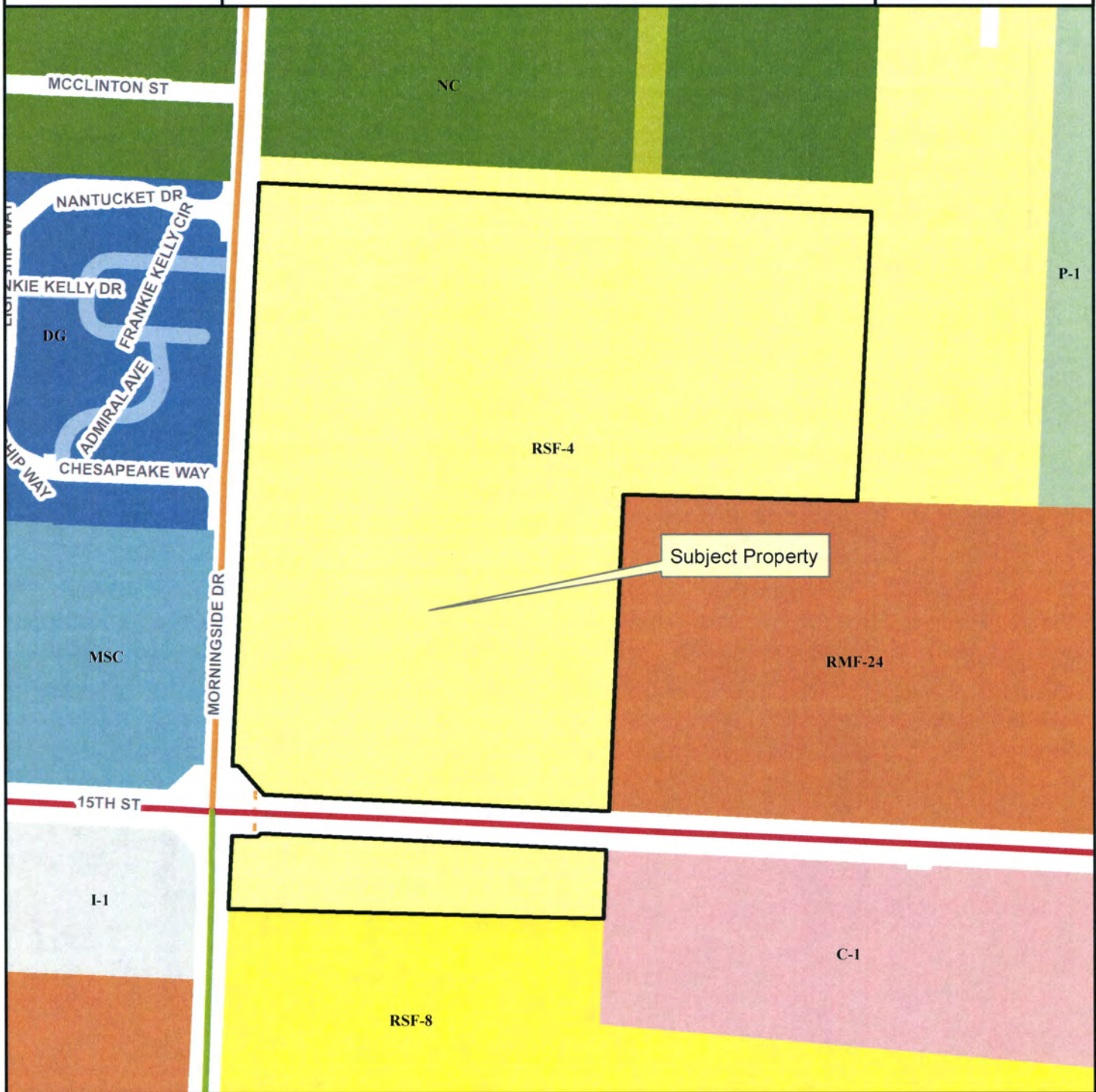
16-5483 Rausch Coleman

Page 21 of 23

RZN 16-5483

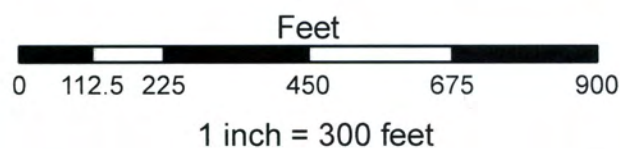
Close Up View

RAUSCH COLEMAN



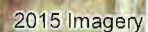
Legend

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



- Residential-Agricultural
- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-1
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

Current Land Use



Page 23 of 23



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0488

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

UARK CREDIT UNION REZONING APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

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 RMF-40, Residential Multi Family, 40 Units Per Acre to C-1, Neighborhood Commercial.

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.



**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

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED
OCT 11 2016
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Re: UARK Credit Union Rezoning

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5589.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0488

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/13/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

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 NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 13, 2016

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-1, Neighborhood Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-1 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop.

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is

appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' the larger undeveloped existing C-1 property on the corner into a more feasible development site, staff recommends that the proposal is appropriate.

DISCUSSION:

On September 26, 2016 the Planning Commission discussed and tabled the rezoning request as they requested the applicant discuss with the developer potential to rezone the property to a form-based zoning district. On October 10, 2016 the applicant indicated to the Commission the owner/developer's continued desire for C-1 zoning. A member of the public spoke against the C-1 request citing a preference for a form-based zoning. Commissioners that voted against the C-1 request generally discussed a desire for a form-based zoning district that would be more in line with adopted City policy for traditional development patterns. A motion to forward the request to City Council failed by a vote of 3-4-1 (Commissioners Hoffman, Quinlan, Selby and Brown voted 'no', Commissioner Cook recused).

BUDGET/STAFF IMPACT:

N/A

Attachments:

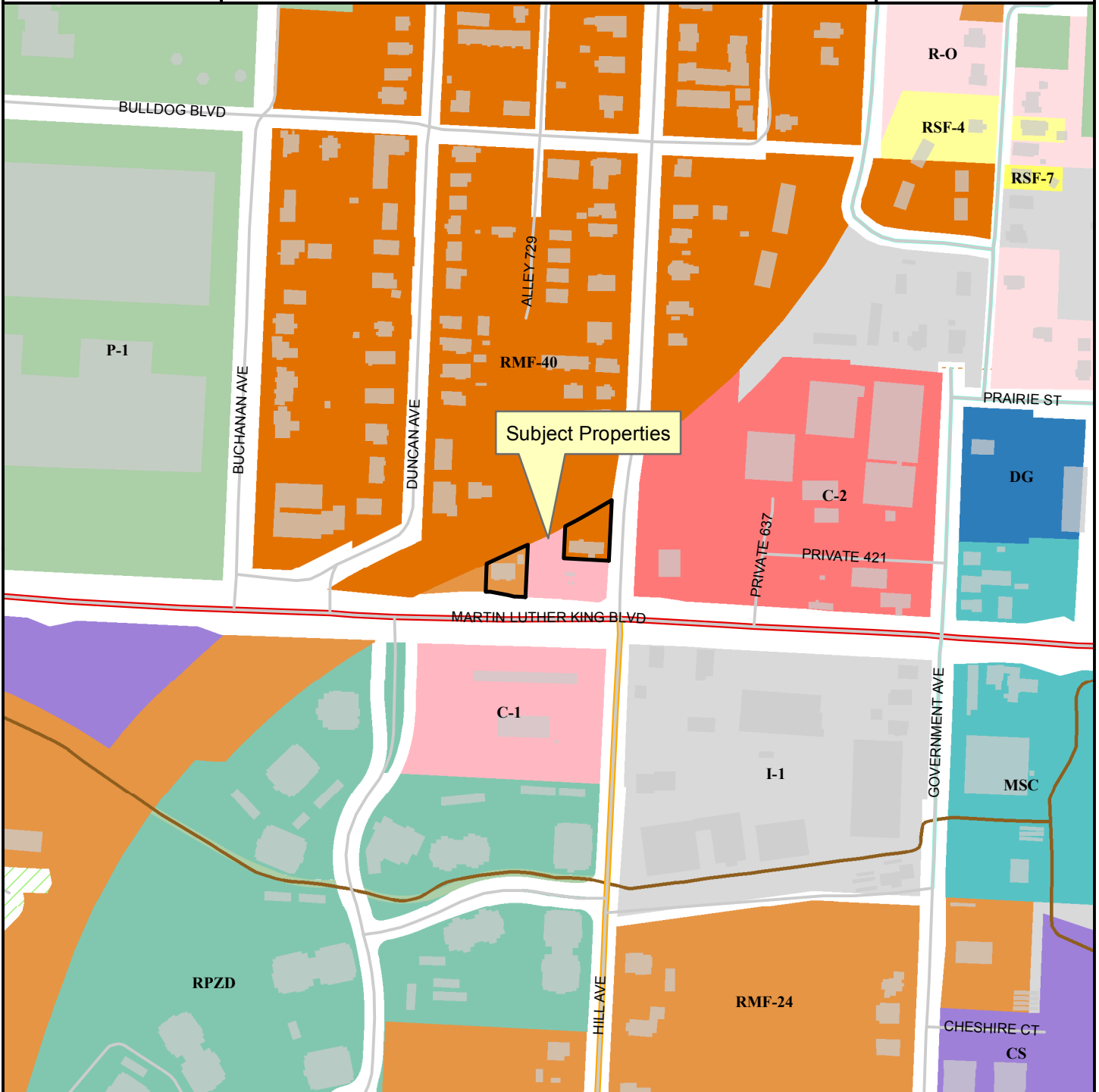
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5589
EXHIBIT 'A'

RZN 16-5589

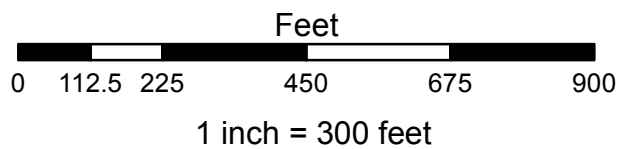
Close Up View

UARK CREDIT UNION



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

16-5588
EXHIBIT 'B'

Legal Description (Parcel No. 765-12988-001):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet, thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 feet and chord bearing N66°21'53"E 92.05 feet, thence S02°28'52"E 8.22 feet to the Point of Beginning; thence N61°45'07"E 52.97 feet, thence N60°09'30"E 21.09 feet, thence N59°00'01"E 30.74 feet, thence S02°28'52"W 121.67 feet, thence N86°54'19"W 89.19 feet, thence N02°38'39"E 65.42 feet to the Point of Beginning, Containing 0.19 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

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

FEE: \$325.00
Sign Fee: \$5.00

S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: UARK Credit

Address: 50 W. Van Hise
Fayetteville AR 72703

E-mail: gina@uarkfcu.com

Phone: () 521-1107

Fax: () 521-1130

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

Name: Jorgensen & Assoc

Address: 124 W. Suburban Ave
FAYETTEVILLE, AR 72703

E-mail: dave@jorgensenassoc.com

Phone: () 442-9127

Fax: ()

Site Address / Location: _____

Current Zoning District: C-1, RMF-24
& RMF-40

Requested Zoning District: C-1

Assessor's Parcel Number(s) for subject property: 765-12988-001 & 765-12987-000

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): MARK CREDIT

Date: 8/31/16

Signature: _____

Jim M. Williams

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): Karen Beaton

Address: 930 Rush Dr.

Signature: [Signature]

Fayetteville AR
72701

Date: 8-31-16

Phone: (479) 422-6902

Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: ()

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: October 10, 2016 (Updated with Planning Commission results)

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

Staff recommends **RZN 16-5589** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

September 26, 2016 Planning Commission: This item was discussed and tabled at the September 26, 2016 Planning Commission meeting. At the time of publication of this report no additional information has been submitted by the applicant.

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Arkansas Missouri Railroad; Single and multi-family residential	RMF-40, Residential Multi-family 40 units per acre
South	Kum and Go gas station	C-1, Neighborhood Commercial
East	Insurance office; Walmart	C-2, Thoroughfare Commercial
West	AHTD right-of-way; railroad	RMF-24, Residential Multi-family 24 units per acre

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Public Comment: Staff has received no written public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue at a signalized intersection. Martin Luther King Boulevard is a Principal Arterial street with five lanes and sidewalk at the back of curb. Hill Avenue is a two lane road with a turn lane near the intersection and sidewalk. Any required improvements to these streets will be determined at time of development.

Water: Public water is available to the subject parcel. A 12-inch water main exists in the College Avenue right-of-way and a 6-inch main exists in the Hill Avenue right-of-way.

Sewer: Public sewer is available to the subject parcel. An 8-inch sanitary sewer line exists in the Hill Avenue and College Avenue right-of-way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-year floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.

Fire: The Fire Department did not express any concerns with the request.

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

RECOMMENDATION: Staff recommends RZN 16-5589 be forwarded to City Council with a recommendation for approval based on the findings discussed herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 26, 2016</u>	☒ Tabled (until 10/10/16)	☐ Forwarded	☐ Denied
Motion: <u>Hoffman</u>	Second: <u>Hoskins</u>	Vote: 8-0-1 (<u>Noble recused</u>)	
Date: <u>October 10, 2016</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: <u>Hoskins</u>	Second: <u>Noble</u>	Vote: <u>3-4-1</u> (Commissioners Hoffman, Quinlan, Selby, Brown voted 'no', Cook recused)	

Note: Motion to forward the item to City Council with a recommendation for approval failed by a vote of 3-4-1 as noted above.

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 commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' an existing C-1 property into a more feasible development site, staff recommends that the proposal is appropriate.

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 assemble a large enough site with C-1 zoning for commercial development. The northwest corner of Martin Luther King and Hill Avenue contains four parcels under one ownership, a majority of which (approximately 0.44 acre) are zoned C-1, however the subject property for the rezoning would provide a more logical boundary for the applicant's intended development. The subject properties are justified to be rezoned for non-residential use given their busy corner location and surrounding commercial development pattern and railway corridor.

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

Finding: The site has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue, a partially improved local street. The rezone would allow uses likely to increase traffic, however, a traffic signal with turn lanes and pedestrian crossings is located at the subject property, which combined with the existing street infrastructure will safely handle traffic generated by development of this site under the proposed C-1 zoning.

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 RMF-24 and RMF-40 to C-1 would reduce potential population density and would not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

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

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

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.15 (RMF-24); 161.16 (RMF-40); 161.19 (C-1)
- Request Letter
- Rezoning Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.15 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 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 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
-------------------------	----------------

*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, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 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(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.16 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Forty (40) or less
----------------	--------------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(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 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60* feet
-------------------------	----------------

*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, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 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(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; 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, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.19 - District C-1, Neighborhood Commercial

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
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 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 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	10 feet

Rear	20 feet
------	------------

(F) *Building Height Regulations.*

Building Height Maximum	56 feet*
-------------------------	----------

*Any building which exceeds the height of 20 feet shall be setback from any 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 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 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. 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

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

August 30, 2016

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Att: Planning Dept
Re: Rezoning at NW Corner of MLK & Hill Str.

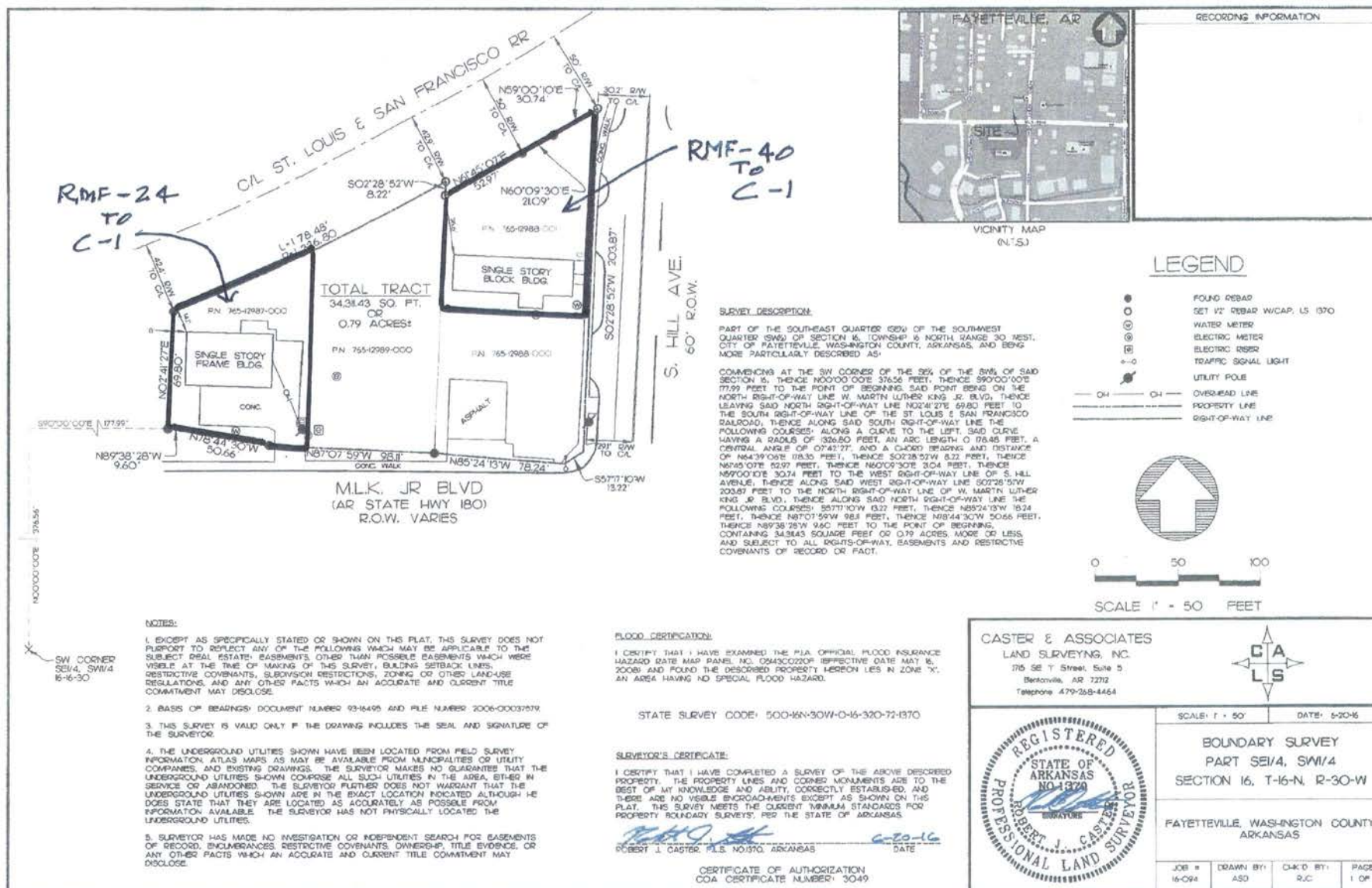
Attached please find information pertaining to a rezoning request at the NW Corner of MLK & Hill Street. This is for parcel # 765-12989-000 (RSF-24) and 765-12988-001 (RSF-40). The request is for C-1 for both parcels. This is for a bank with parking. Access will mainly be off of Hill Street with a possible access off of MLK (Right only). Sewer service will be off of Hill Street and water will be off of MLK (North side).

Please review and contact us concerning any questions you may have

Thank you.

Sincerely;


David L. Jorgensen, P.E.



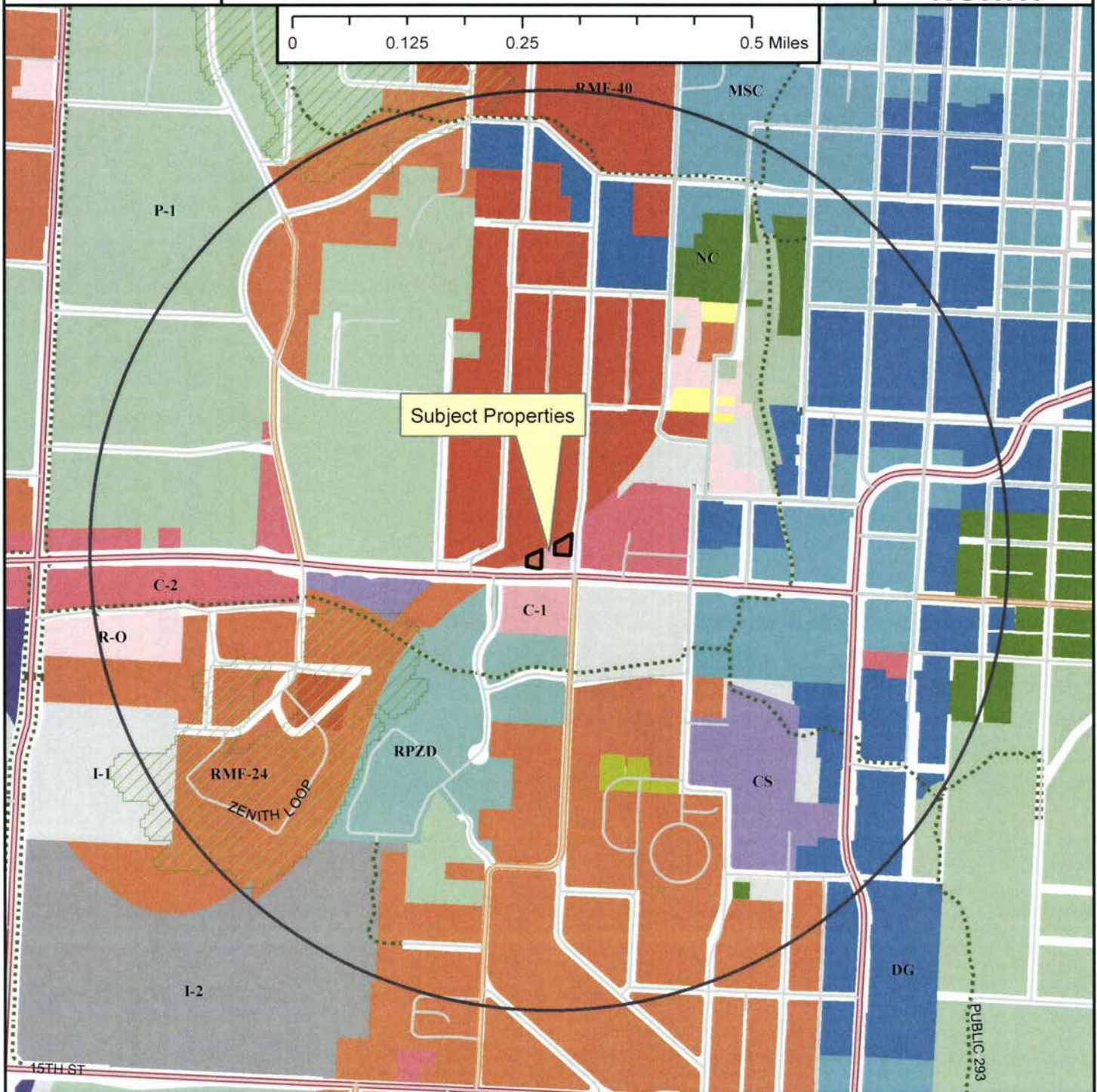
RZN 16-5589

One Mile View

UARK CREDIT UNION



0 0.125 0.25 0.5 Miles



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- 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
 - P-1

RZN 16-5589

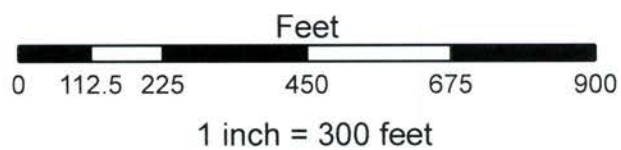
Close Up View

UARK CREDIT UNION



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

RZN 16-5589

Current Land Use

UARK CREDIT UNION



Legend

- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Downtown Master Plan
- MSP Class
- STREET 45
- Streets Existing
- MSP Class
- COLLECTOR
- RZN16-5589
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail

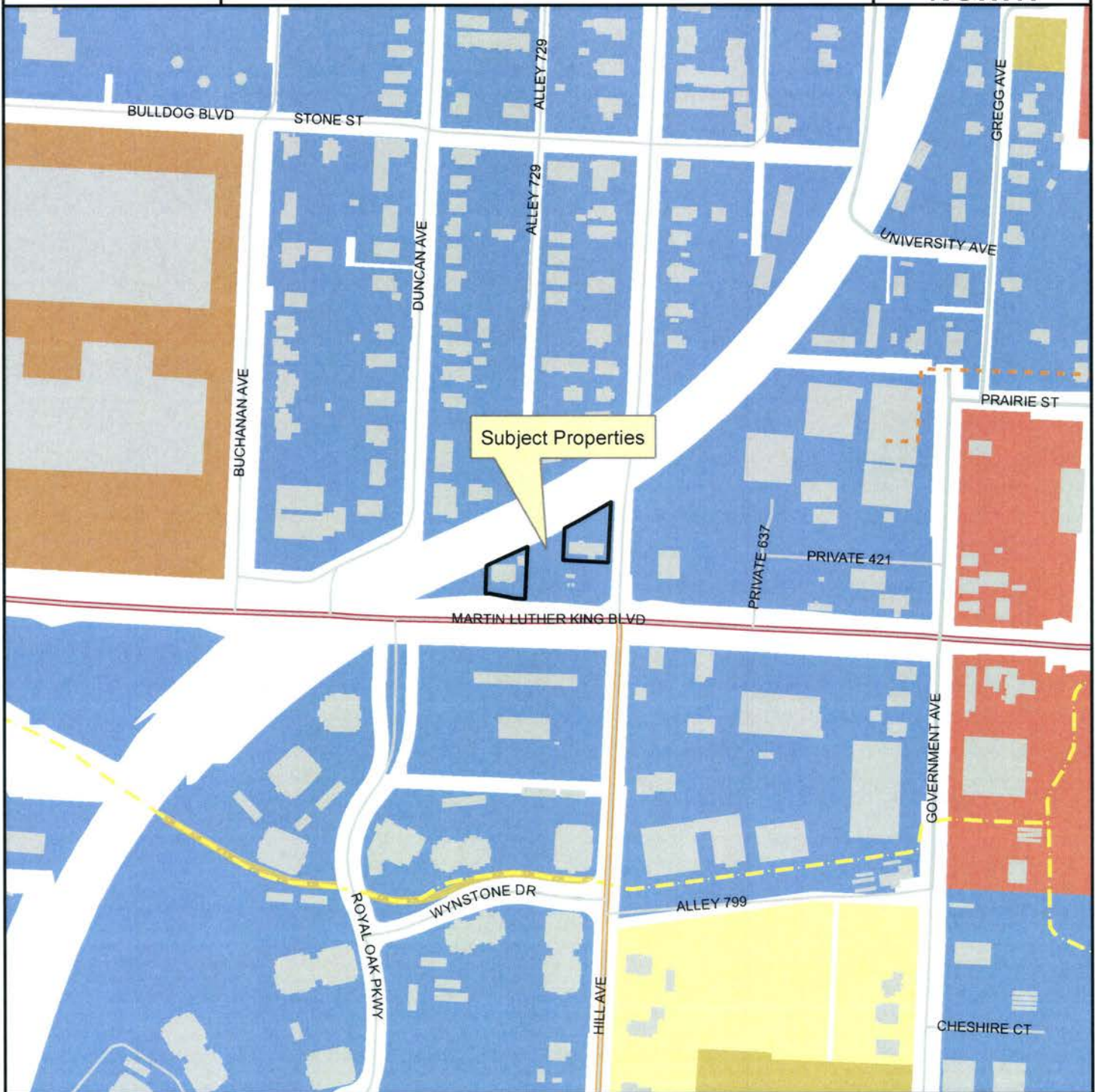
Feet



RZN 16-5589

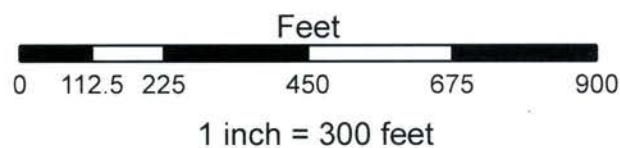
Future Land Use

UARK CREDIT UNION



Legend

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



FUTURE LAND USE 2030

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0490

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

WG LAND COMPANY APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

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 C-3, Central Commercial To C-3, Central Commercial.

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.



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

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED

OCT 11 2016

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Re: RZN16-5590 (WG Land Company)

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5590.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0490

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

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 NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 14, 2016

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-3, Central Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-3 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare.

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The request would extend the existing C-3 zoning district boundary approximately 400 feet to the south of its current location. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Surrounding Land Use Compatibility: The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that the rezoning request is generally consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district provides a broader array of uses than C-2 including multi-family residential as a permitted use. Staff finds that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

DISCUSSION:

On October 13, 2016 the Planning Commission denied the applicant's request for a rezoning to C-3, Central Commerical. A motion to forward the request to City Council with a recommendation for approval failed by a vote of 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, and Cook voted 'no'). Several commissioners discussed concerns that C-3 zoning was not consistent with the City's goals for traditional development patterns under a form-based zoning district.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

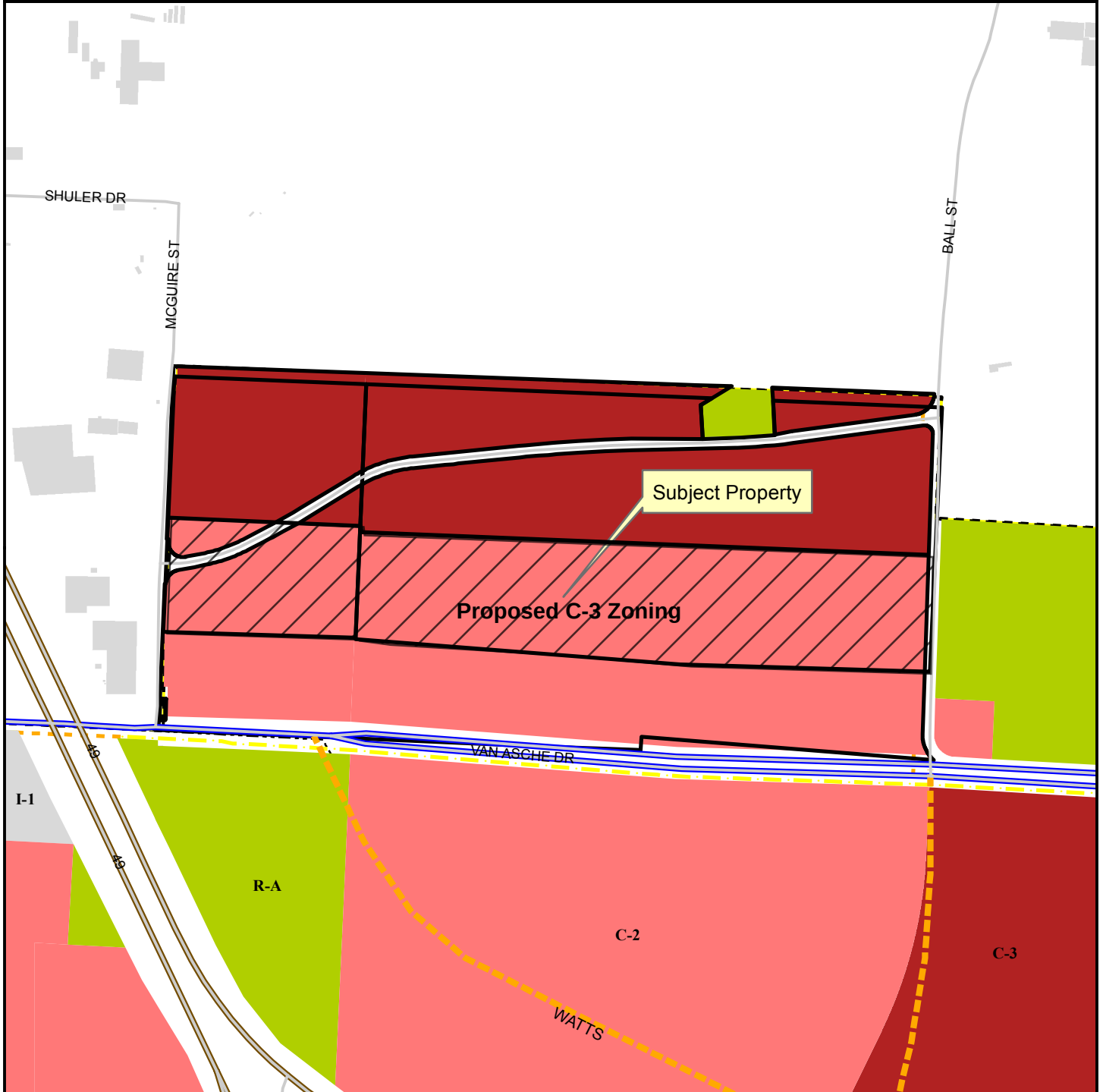
16-5590
EXHIBIT 'A'

RZN 16-5590

WG Land Co.

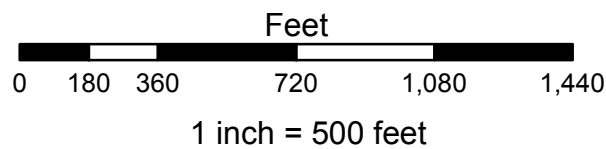


Close Up View



Legend

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



- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

16-5590
EXHIBIT 'B'

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 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 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING; thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 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:

5590

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

171

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 E. Meadow Street

E-mail: tterminella@aol.com

Phone:

(479) 841-1621

()

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: East of S. McGuire Street, North of Van Asche Drive
and West of S. Ball Street

Current Zoning District: C-2 : C-3

Requested Zoning District: C-3

Assessor's Parcel Number(s) for subject property: 765-15773-500

53.18

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): W.H. LAND CO. INC.

Address: P.O. Box 8157

Signature: [Signature]

Phone: 474-251-7626

Date: 8/30/16

()

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: October 10, 2016 (Updated with Planning Commissioner results)

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

BACKGROUND:

Property Description: This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped hillside (City of Johnson)	A-1, Agriculture
South	Rural residential; farmland	R-A
East	Concrete plant; undeveloped hillside; farmland	City of Johnson (I, Industrial); R-A
West	Industrial (City of Johnson)	City of Johnson (I, Industrial)

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

DISCUSSION:

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Public Comment: No public comment has been received at this time.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to McGuire Street, Jupiter Drive and Roosevelt Avenue. All immediately surrounding streets are unimproved two-lane roads. The site does not have direct access to Van Asche Drive which is off-site to the south. Any street improvements would be determined at time of development.
- Water:** Public water is available to the subject parcel. 8-inch water mains exist in the McGuire Street, Jupiter Drive, and Roosevelt Avenue rights of way.
- Sewer:** Public sewer is not available in the immediate vicinity of this parcel. At time of future development, a professional engineer should be retained to propose offsite improvements to bring sewer service to this area.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. The north central portion of this parcel (north of Jupiter Drive) lies within the HHOD, and slopes greater than 15% exist in a few isolated areas on this parcel. The south-central, and southeastern portions of this parcel are identified as having "hydric" soil types and should be evaluated at the time of development for the existence of any wetlands.
- Fire:** The Fire Department has not expressed any concerns with this request.
- Police:** The Police Department has not expressed any concerns with this request.

PLANNING COMMISSION ACTION: Required

Date: October 10, 2016

☐ Tabled

☐ Forwarded

☒ Denied

Motion: Hoskins

Second: Noble

Vote: 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, Cook voted 'no')

Note: Motion to forward the item to City Council with a recommendation for approval failed by the 3-5-0 vote as listed above.

RECOMMENDATION: Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area **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, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to

churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

FINDINGS OF THE STAFF

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

Finding: **Surrounding Land Use Compatibility:** The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that most portions of the rezoning request are consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district is intended to serve a regional population and permit the highest levels of commercial intensity with residential uses. Additionally, staff agrees that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

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

Finding: The City has somewhat recently completed construction of the Van Asche Drive project adjacent to the south. A rezoning is needed because of the development pressure that will result from this project, in addition to the FLUM designating this land for future development.

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

Finding: This rezoning would not significantly increase traffic over the existing C-2 zoning district. However, as mentioned earlier in this report, the City's Van Asche Drive project has recently been completed facilitating planned growth in the area. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended.

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 will permit a potential increase in population density as the C-3 district allows multi-family residential along with non-residential uses. However, these impacts were evaluated by various City divisions in review of this rezoning and determined that it should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal. Substantial improvements to public services will be required at the time of development.**

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

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Request letter
- Rezone exhibit
- Current land use map
- Close up map
- Future land use map
- One mile map

PLANNING COMMISSION MEMO

- **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*
-------------------------	----------

*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.

• **161.23 - District C-3, Central Commercial**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
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 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None

(E) *Setback Regulations.*

	Central Business District	Shopping Center
Front	5 feet	25 feet
Front, if parking is allowed between the right-of-way and the building	50 feet	50 feet
Side	None	None
Side, when contiguous to a residential district	10 feet	25 feet
Rear, without easement or alley	15 feet	25 feet
Rear, from center line of a public alley	10 feet	10 feet

(F) *Building Height Regulations.*

Building Height Maximum	56/84 feet*
-------------------------	-------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.



**JORGENSEN
+ ASSOCIATES**

Civil Engineering + Surveying

124 W Sunbridge Drive, Suite
5 Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 1, 2016

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Development Services

Re: McClinton 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: David Clark McClinton
- B. Currently this property is zoned R-A. The reason for the requested rezoning is to convert the existing agricultural land, to allow for development to occur around the newly constructed Van Asche corridor.
- C. To the west of I-49 is C-2, to the north is a mix of vacant land along with industrial. To the east is a mix of P-1, C-1, and RSF-4. To the south side of Fulbright Expressway is mostly vacant land with R-O and R-A.
- D. Existing water and sewer are already at this site.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and that development in the future in this area will to be consistent with growth patterns in this area.
- F. This rezoning is needed at this time to allow this property to develop and coincides with the construction of Van Asche.
- G. This development will not adversely affect the existing or proposed streets in the area (it will support it).
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase the load on public services.
- I. The current agricultural zoning does not allow development along the newly constructed Van Asche.

Public Hearings: Planning Commission; 5:30 PM; October 26th; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

Review Location: The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

If you have any questions, please don't hesitate to contact us.

Sincerely;



**JORGENSEN
+ASSOCIATES**

Civil Engineering + Surveying

124 W Sunbridge Drive, Suite
5 Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

Jorgensen + Associates

LINE TABLE		
LINE	LENGTH	BEARING
L1	47.32'	N02°29'17"E
L2	21.51'	S88°20'38"E
L3	71.11'	N00°25'06"E
L4	18.94'	N87°39'29"W
L5	228.70'	N02°29'17"E

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 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 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING, thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 acres more or less subject to easements and right of way of record.

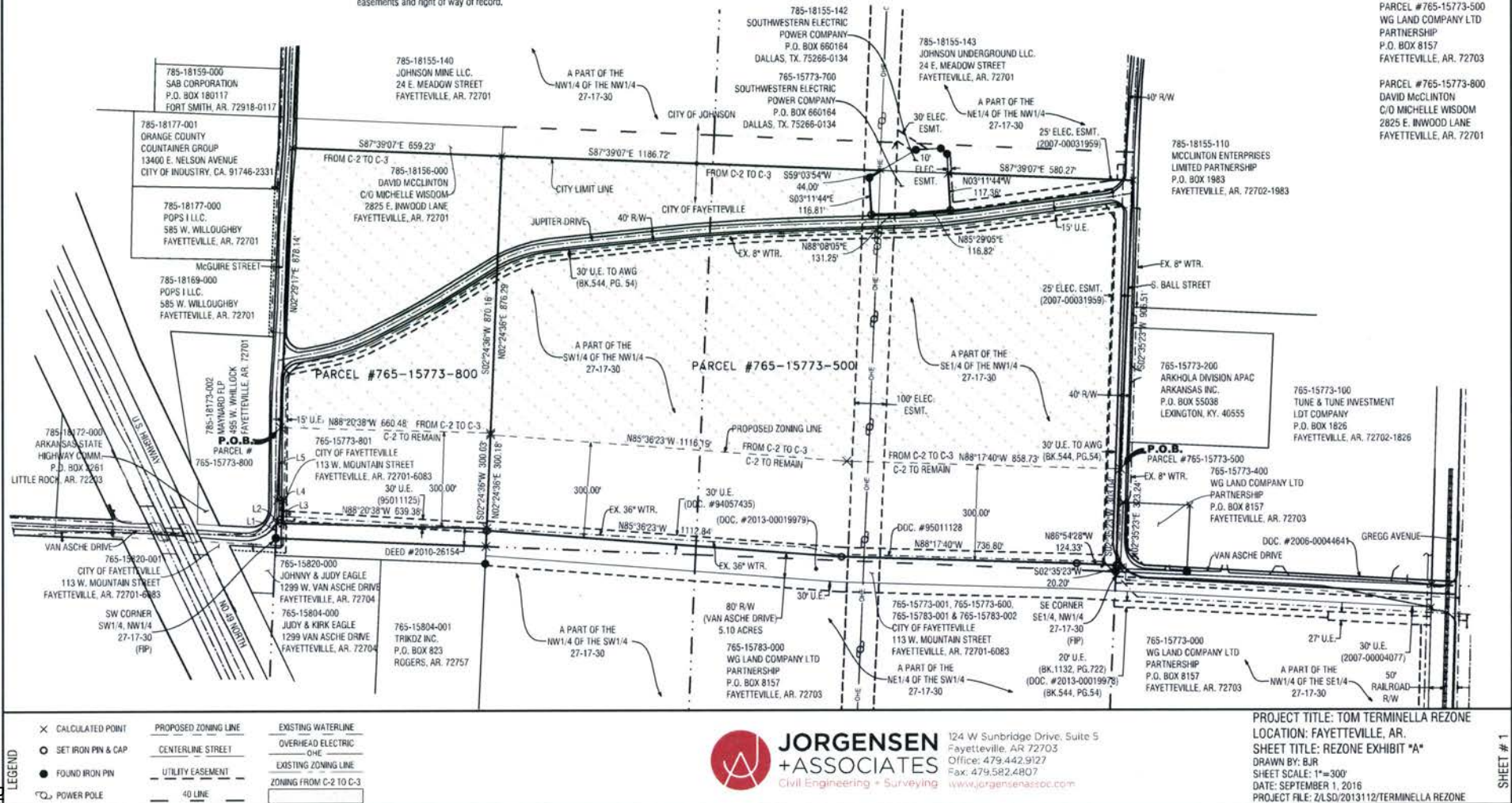
NOTES:

1. PARCEL #765-15773-500 & 765-15773-800.
2. CURRENT ZONING = C-2
3. PROPOSED ZONING = C-3

OWNERS:

PARCEL #765-15773-500
WG LAND COMPANY LTD
PARTNERSHIP
P.O. BOX 8157
FAYETTEVILLE, AR, 72703

PARCEL #765-15773-800
DAVID MCCLINTON
C/O MICHELLE WISDOM
2825 E. INWOOD LANE
FAYETTEVILLE, AR, 72701



**JORGENSEN
+ ASSOCIATES**
Civil Engineering + Surveying
www.jorgensenassoc.com

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9123
Fax: 479.582.4807

PROJECT TITLE: TOM TERMINELLA REZONE
LOCATION: FAYETTEVILLE, AR.
SHEET TITLE: REZONE EXHIBIT "A"
DRAWN BY: BUR
SHEET SCALE: 1"=300'
DATE: SEPTEMBER 1, 2016
PROJECT FILE: ZLS/2013112/TERMINELLA REZONE

SHEET # 1

RZN 16-5590

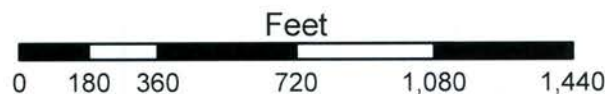
Current Land Use

WG Land Co.



Legend

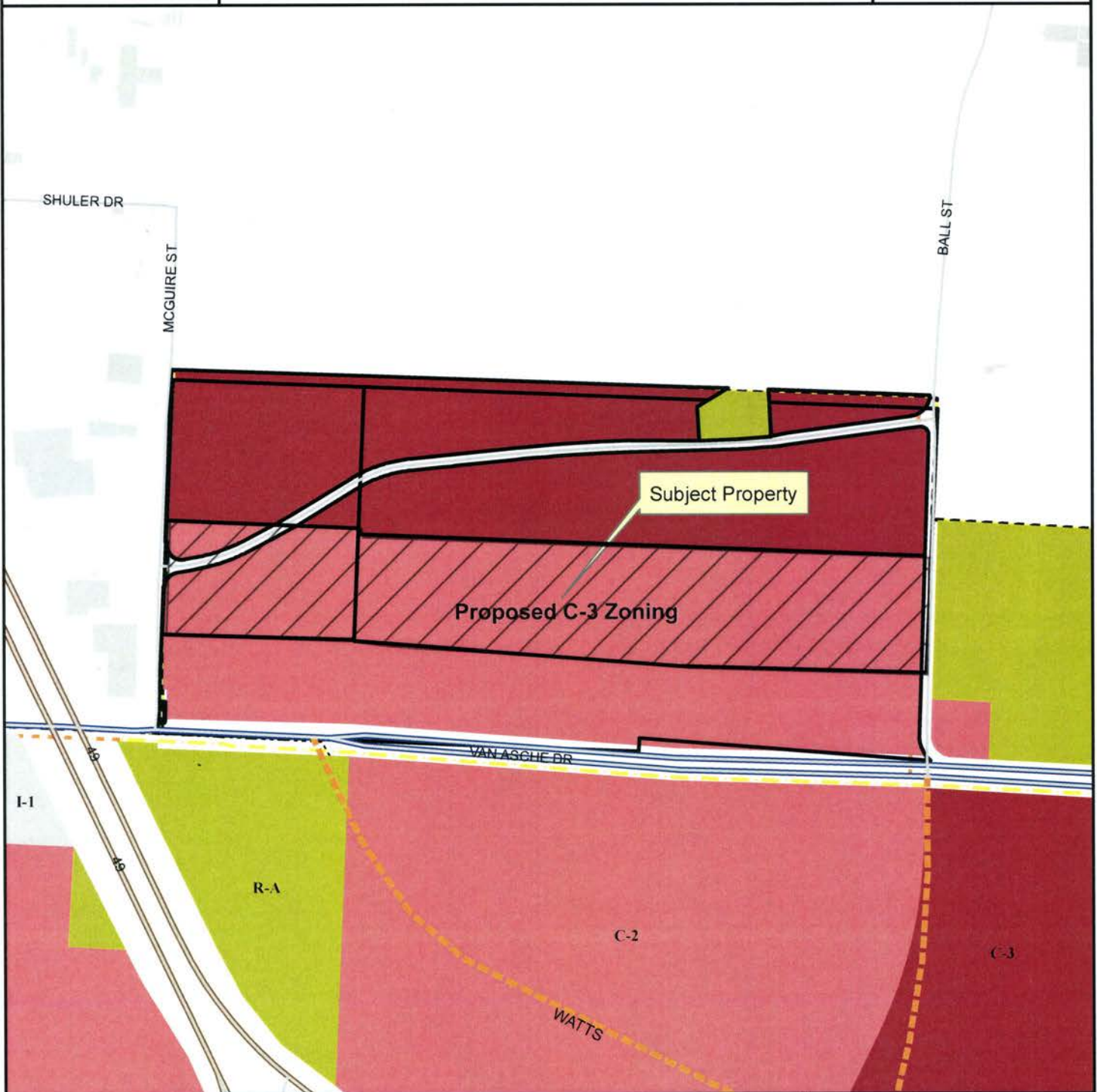
- Street
- Streets Planned
- MSP Class
- COLLECTOR
- Streets Existing
- MSP Class
- FREWAY/EXPRESSWAY
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- RZN16-5590
- Planning Area



RZN 16-5590

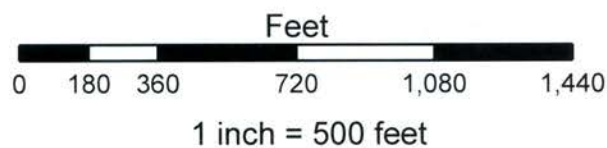
Close Up View

WG Land Co.



Legend

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

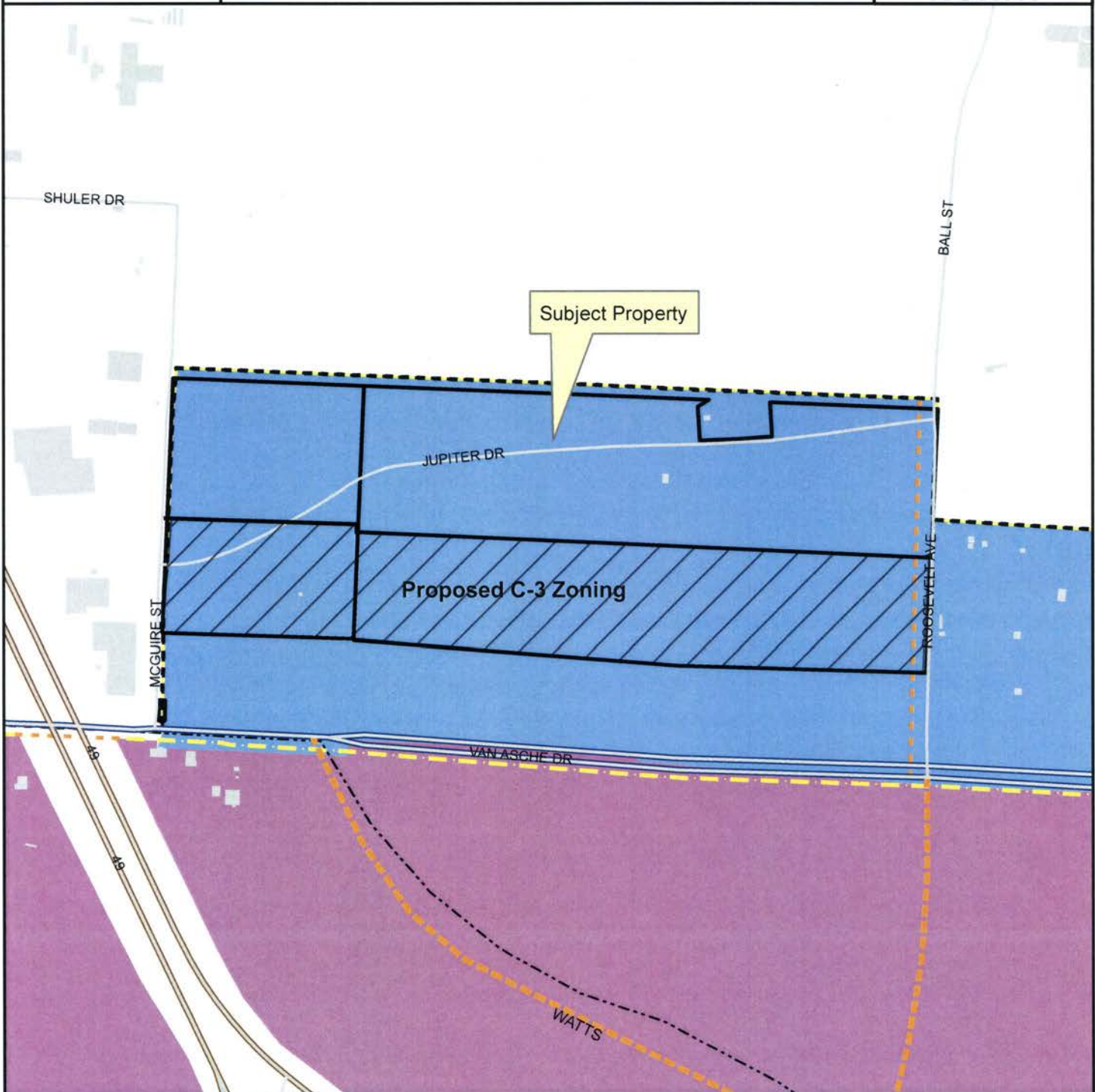


- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

RZN 16-5590

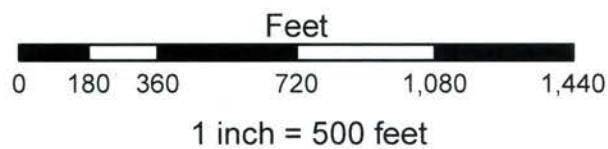
Future Land Use

WG Land Co.



Legend

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



FUTURE LAND USE 2030

- City Neighborhood Area
- Urban Center Area

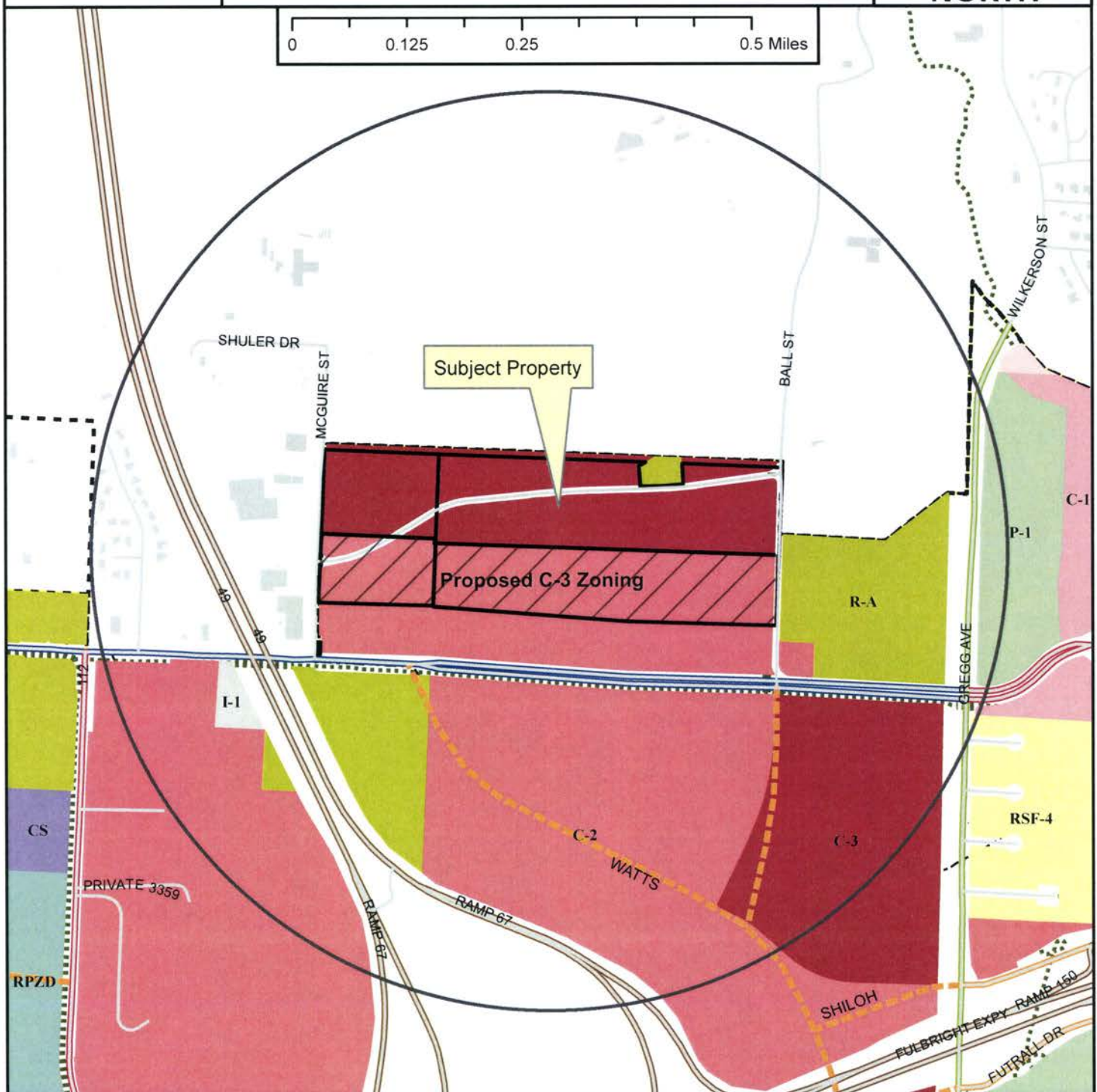
RZN 16-5590

One Mile View

WG Land Co.



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
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
C-1
C-2
C-3
FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential
INSTITUTIONAL
P-1 |
|--|---|



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0475

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Agenda Session

File Type: Presentation

Agenda Number: D. 1

AGENDA SESSION PRESENTATION - UPDATE ON THE FAYETTEVILLE MOBILITY PLAN
BY THE CITY'S CONSULTANT, NELSON/NYGAARD

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.

Mayor Jordan called the meeting to order.

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

Alderman Petty arrived at 5:35 p.m.

Alderman Kinion, Tennant, and Schoppmeyer were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Agenda Additions: None

Consent:

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

Approved

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.

Resolution 186-16 as recorded in the office of the City Clerk

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.

Resolution 187-16 as recorded in the office of the City Clerk

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.

Resolution 188-16 as recorded in the office of the City Clerk

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.

Resolution 189-16 as recorded in the office of the City Clerk

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.

Resolution 190-16 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 5-0. Alderman Kinion, Petty, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

Unfinished Business:

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

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

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

Elizabeth Link, Representing Foster Development: We are proposing the senior living community with the assisted living. Your city staff have been very helpful to us. I hope you will consider this tonight.

Don Marr, Chief of Staff stated Alderman Tennant was in Little Rock on business and would not be able to make it to the meeting. Alderman Tennant sent an email stating he did not wish to hold it any longer and would rather it be voted on tonight.

City Attorney Kit Williams: What would happen if you didn't get this approved tonight?

Elizabeth Link: I would have to reapply and it is a three month process. We have already missed the next application date. It would delay us six months.

Lisa Riley stated her parents live on Par Court and they requested for the item to not be rezoned. She voiced concerns about traffic and property values.

Elizabeth Link: The traffic number of peak hour trips for the assisted living and memory care is below 30 in the morning. It is below 20 in the peak hour in the evening. The impact from our project will be negligible on Crossover. From a use of utilities, our project is one of the lowest possible creations of demand that there is.

Alderman Gray: We need to keep in mind that this is an assisted living facility. There probably won't be a lot of congestion at the peak hours of traffic.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Kinion, Tennant, and Schoppmeyer were absent.

Ordinance 5915 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 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. *At the October 4, 2016 City Council Meeting this ordinance was left on the first reading.*

Alderman La Tour moved to suspend the rules and go to the second reading. **Alderman Gray** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Kinion, Tennant, and Schoppmeyer** were absent. **Mayor Jordan** voting yes.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission and staff are supportive of the request.

Alderman Long: I am getting a lot of public input on this. I would like for it to go for the full three readings to give the public enough time for their input.

Meredith Hornburger, 3653 Country Meadow Street voiced her concerns about safety and traffic. She stated more livable conveniences are not needed in the area. She spoke in opposition of the ordinance.

Amanda Quin, 2388 Waterway Drive believes that if it is not managed appropriately it will become another Wedington Drive. She stated if the property gets rezoned, regulations should be made to attract the right businesses. She voiced her concerns about water runoff and safety.

This ordinance was left on the Second Reading

New Business:

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.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. He stated the Water & Sewer Committee unanimously recommended forwarding it to the City Council for approval.

Alderman La Tour: We are locating this system east of Township. Will it monitor the entire system or just that area?

Tim Nyander: It will monitor just that area within the system as a pilot study to see how well it works.

Alderman La Tour: Did we select that area because we suspect a great number of leaks there?

Tim Nyander: It is an older system. We suspect we will find some leaks.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Kinion, Tennant, and Schoppmeyer were absent.

Ordinance 5916 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

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

Alderman Marsh: I have not received any negative comments about this from constituents. Overall there has been great support for increasing community services in this area.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Kinion, Tennant, and Schoppmeyer were absent.

Ordinance 5917 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

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

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

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 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Kinion, Tennant, and Schoppmeyer were absent.

Ordinance 5918 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

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

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

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 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Kinion, Tennant, and Schoppmeyer were absent.

Ordinance 5919 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-1 in favor of the request. Staff recommends approval.

Justin Jorgensen, Jorgensen and Associates, Inc. requested for City Attorney Williams to give an overview.

City Attorney Kit Williams: We don't have a firm agreement with the applicant at this point about the conditions of approval. They might require some additional work. In the interim since we have done this we've spoken with the Fayetteville Water Department. The main that is currently in operation is part of a loop system. The new main will have to be constructed by the applicant and be ready to go and probably hooked up to our system before the other main is taken out of service. Therefore, it would be unlikely the vacation could go forward until that has happened. There is some intent to do some grading there that might possibly damage the water main. We want to make sure that would not happen until the replacement main has been done. I don't think we should advance this tonight. There is more work to be done.

Alderman Long: I would like to hold this on the first reading.

This ordinance was left on the First Reading

Appeal of LSD 16-5488 the Macey Drive Townhomes: A resolution to grant the appeal of Tim Brisiel of Legacy Ventures and to approve Large Scale Development 16-5488 Macey Drive townhomes.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He stated the item was denied by the Planning Commission 3-5 and the applicant is appealing. He stated it was denied at the Planning Commission due to concerns about traffic safety. He

recommended traffic be the primary point of conversation. He stated he included 14 conditions of approval for the project. Staff recommends approval.

Alderman La Tour: If there is an emergency and we only have one way in and out and the road is blocked, I would like to have two ways in and out. Why is the Planning Department not concerned with that?

Jeremy Pate: Ideally, we would have two ways or even more ways in and out. There are a number of neighborhoods that only have one way in and out in our city. Our policy now, as adopted by City Council, is to have a high degree of connectivity. We want streets to connect to one another as another means of access. In this particular case you have a property that doesn't lend itself to a lot of those access points. It is at an end of a neighborhood that was already fully developed and essentially has one access point to Shiloh Drive. As a city we are bound to only require infrastructure improvements that are relative in terms of impact and influence to the development being proposed. In an ideal world we would ask for another street connection to have another point of access to Mount Comfort Road. The expense and the burden of placing that upon the applicant is too much for the size of the development being proposed.

Alderman La Tour: When I look at the map there is no development between this proposed development and Mount Comfort. It looks like it would be a straight shot up to Mount Comfort to the north to put in a road and bridge. It may be cost prohibitive. I'm an advocate of evaluating cost and benefits. It concerns me we don't have and aren't requiring another way out. It looks like we could have another way out.

City Attorney Kit Williams: That is probably a good question for the applicant.

Alderman Long: Before staff recommended in favor of this, has anyone from the Planning Department driven through after 5:00 p.m. when people are home from work? What I have noticed while driving through the neighborhood is that cars park on the street. It narrows the street and if there was an accident it would prevent an emergency vehicle from being able to enter the neighborhood. It concerns me a great deal. Has anyone looked at that?

Jeremy Pate: City staff visited the site on a couple of different occasions when we were doing the traffic analysis. I don't know what time they visited the site. Probably not after working hours.

Tim Brisiel, Legacy Ventures: We have worked diligently with Planning and Engineering staff. We have come up with a proposal that meets or exceeds all of the development requirements in the City of Fayetteville. The Planning staff recommended approval to the Planning Commission. Most of the conversation at the Planning Commission was about accidents and safety within the development itself. Sergeant Craig Stout pulled all the accident data that occurred within the development. We compiled all our findings and found there is no factual data to substantiate the claim there is a safety issue within that Pine Valley community itself. Since 2011 there's been 13 accidents. All 13 accidents involved a moving vehicle hitting a parked car, parked trailer, mailbox, and privacy fence. There were no injuries. The average estimated damages from the police reports are a thousand to two thousand dollars. Since being denied at Planning Commission we had a meeting with Planning and Engineering staff. The meeting was to determine if there was anything

else we could do to make the situation safer. A recommendation was made to put up some additional signage.

Alderman Long: Just because we haven't had an after hour emergency where an ambulance or fire truck couldn't get through the neighborhood doesn't mean one won't happen. My biggest concern is we don't have another entrance or exit from the neighborhood.

Tim Brisiel: We are looking at accident data within the Pine Valley community. There weren't any accidents that occurred in the one way in. All of the accidents occurred within the subdivision. In the event that a road is blocked it is easy to go around.

Alderman Long: I have been in the neighborhood quite a bit lately. An accident could occur anywhere in that neighborhood.

Tim Brisiel: It could. An accident could occur anywhere.

A discussion continued about cars being parked on the street off the main entrance to the neighborhood.

Alderman La Tour: The only communication I had from my constituents was against this development, which generally does not phase me. I'm generally in favor of development. What would it cost to build a road north to Mount Comfort?

Tim Brisiel: Millions of dollars. It would be cost prohibitive to build a bridge to cross that creek with the floodplain.

Alderman La Tour: I'm sorry to hear that. I understand geography and physics have some limitations. What you are proposing to build are townhouses. Are these like duplexes with an upstairs?

Tim Brisiel: They are single family attached townhomes. They are about 1,250 square feet to 1,350 square feet. They will be finished out really nice. They will rent for \$1,250 a month or we will sell them. They are two stories.

Alderman La Tour: Does the existing neighborhood have townhouses?

Tim Brisiel: The existing neighborhood has duplexes.

Alderman La Tour: Any single family dwellings in the existing neighborhood?

Tim Brisiel: No, sir.

Alderman Long: When you turn into the neighborhood and turn south, there is an access easement. You can tell it is an abandoned road. Is that owned by the same property owner? That could easily tie into the road just south of that.

Tim Brisiel: I think it is owned by a bank. I'm not exactly sure. The reason the road stops there is because of a creek. It is cost prohibitive to cross the creek. The city has evaluated and looked at different options to extend Shiloh Drive for connectivity to the south to Wedington. It is cost prohibitive. The city can't do it because of the creek.

Alderman Long: I knew we had some sort of easement there.

Jeremy Pate: There are some existing rights-of-way that are platted, but not built here. There is a trail that was constructed here and will eventually tie into our overall trail system for west Fayetteville. There's not a street connection. Mr. Brisiel is correct that we have looked at a few bridge assessments. We continue to look at the possibility of connecting Shiloh.

Alderman Long: There is a stub out at the end of the street in the neighborhood and you can tell there was a road.

Tim Brisiel: I really would like to find a secondary way in there. We are working with the Parks Department and have some tentative plans to extend the trail system over to Shiloh Drive.

Alderman Marsh: As a note to staff, it would be helpful if we could show the creeks and Streamside Protection area on documents. It would help with these discussions. This is adjacent to the Hamstring Trail and our trails are accessible by emergency vehicles. If there was an emergency and the access point was blocked, an emergency vehicle could reach the development through that trail.

Tim Brisiel: I'm happy to provide the proposed plat for the trail extension that Matt and I have been working on.

Alderman Marsh: If we had a good trail connection planned as an emergency access route it would alleviate some of my concerns.

Jeremy Pate: Is that right-of-way stubbed out to the property line so it could be extended for some reason in the future if money ever became available?

Tim Brisiel: Yes.

Jeremy Pate: There is the opportunity here with this public street. It is stubbed out so the street could extend further west potentially or if money became available and priority was placed upon this.

Martha Clark stated she was a 25 year resident of west Fayetteville. She is concerned about traffic and high density housing. She spoke in opposition of the resolution.

Renee Hearon stated she was a 17 year resident. She is concerned about traffic and safety. She spoke in opposition of the resolution.

Betty Phillips, 1936 North Pine Valley Drive stated if the item passes she wants the city to take some responsibility to ensure the neighborhood remains safe. She wants lower speed limits and signs saying that children are playing.

Matt Rhoad, 3064 Marigold Drive stated his concerns about traffic and safety. He spoke in opposition of the resolution.

Tim Brisiel: We are definitely open to any additional measures such as crosswalks, signage, and speed bumps to make the neighborhood safer.

City Attorney Kit Williams: You have heard from several residents here. Have you ever attempted to have a meeting with the residents yet?

Tim Brisiel: I have not.

City Attorney Kit Williams: It might be in your best interest to have a meeting. There are only five out of the eight alderman here and you require five votes to prevail on your appeal. If you asked to have this tabled tonight so you have a chance to meet with residents that might be helpful.

Tim Brisiel: I am open to that.

Alderman Long stated after talking with people in the neighborhood he doesn't believe signs will fix the problem for public safety. He has concerns about the extra traffic and not having two exits. He stated he is supporting the Planning Commission's decision.

Alderman Marsh: I would like the opportunity to drive the neighborhood and access the condition before I make a decision.

Alderman Marsh moved to table the resolution to the November 1, 2016 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion passed 4-1. Alderman Gray, Marsh, Petty, and La Tour voting yes. Alderman Long voting no. Alderman Kinion, Tennant, and Schoppmeyer were absent.

This was a procedural motion. According to the City Council Rules of Order & Procedure this motion takes a majority of Council members present for passage.

This resolution was tabled to the November 1, 2016 City Council meeting.

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.

City Attorney Kit Williams read the ordinance.

Alderman Long gave a brief description of the ordinance.

City Attorney Kit Williams: Section 1 was my idea as I was looking for a place to put the suggestion by Alderman Long. I noticed 157.04 Planned Zoning District needed to be changed. I talked with Jeremy and Andrew about this and they agreed it should be the same zoning notifications as regular. I take no position on Section 2, but regardless of what you decide to do with Section 2, Section 1 needs to remain.

Alderman Petty: Usually whenever we bring something back to the agenda it's because something has changed. Very often that means we amend the rezoning request to a different designation. In that circumstance would we still be able to do that and the sign reflect the amended version?

City Attorney Kit Williams: I think it would be. This is fairly restrictive. It is only when you have tabled indefinitely a rezoning decision, which is rare. Normally you table them to the next meeting. If it is indefinitely tabled then that is when this would kick in.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Tennant, and Schoppmeyer were absent. Mayor Jordan voting yes.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Kinion, Tennant, and Schoppmeyer were absent.

Ordinance 5920 as Recorded in the office of the City Clerk

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.

City Attorney Kit Williams read the ordinance.

Alderman Petty gave a brief description of the ordinance. He stated the amendments allows a range of building types and a range of settings under fee simple transactions. He is hopeful to see these going forward because they should fit in with the developments the city already has.

Alderman La Tour: I am inclined to support this. It gives greater flexibility and is innovative. The more variety we have in the market, the more we serve our people. Not everything in the package is to my liking. The design standards we are requiring I would rather see left to individual taste. I don't want to shackle the architecture profession in our city with having to do it our way or you can't do it at all. We don't want everything looking the same. If we leave people free to choose their own preferences we might achieve the same goal without the imposition of a standard.

Alderman Long: I plan to support this. Do you think we should vote on this tonight with Ward 3 not being represented here?

Alderman Petty: At Agenda Session no one really had any issues with this. It isn't anything urgent. I believe the ordinance has been vetted very well by the Planning Commission and staff. I am fine either way with what the Council would like to do tonight. The quicker we can get this on the books, the quicker people can take action with it.

Alderman Marsh: This is a great step in helping our ordinances better align with our 2030 City Plan goals. I received no negative public comment about this. I am comfortable with passing this tonight.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion failed 3-2. Alderman Gray, Marsh, and Petty voting yes. Alderman La Tour and Long voting no. Alderman Kinion, Tennant, and Schoppmeyer were absent.

This ordinance was left on the First Reading

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.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. The Planning Commission tabled this item twice. The primary discussion was about the cell tower being compatible with the area. He stated the cell tower would be well outside the radius of residential use. The Planning Commission approved the application with a height limit of 120 feet. The maximum height that is allowed within the city is 150 feet. Staff recommended against the proposal.

City Attorney Kit Williams: This is an unusual situation that hasn't happened in the city before. We have an approved cell tower and yet it is not quite as high as the applicant would like and they have appealed the approval. The only issue for the City Council is whether or not you will agree with the applicant that the cell tower should be higher than 120 feet or limit them to 120 as the Planning Commission did.

Dave Reynolds, Smith Communications: We need the extra 30 feet. We have submitted paperwork from Verizon's engineering that at a level of 120 feet it doesn't cover the areas they

want to cover. It doesn't work at 120 feet for one carrier and it is absolutely undoable for any kind of colocation. This site is in a geographical area that is in the center of other towers and is a very high populated dense usage area. It allows the site to take traffic that is in the medical complex and serve that area. It serves a little bit up towards Fiesta Square and some of the neighborhoods in the area. It takes the traffic off the existing towers that are about 1.5 miles from there and allows overall better service. There are letters from the hospital saying the coverage and service in the area is bad. The extra 30 feet makes it important to get a little more elevation to cover the areas we need too and provide a chance of colocation which is one of the conditions in our approval.

City Attorney Kit Williams: Have you had input from your neighbors?

Dave Reynolds: We have. It has been positive. The extra 30 feet is important to us, the hospital, and the surrounding folks.

Alderman Petty: I was one of the aldermen that signed the appeal letter. I think the 150 feet should be granted. I don't see much of a difference between 120 feet and 150 feet. If there is any public benefit to keeping it at 120 feet it has to be marginal.

Alderman Long: I agree, especially in this location. This isn't probably where you are going to take a great photo of Fayetteville since it is against a backdrop of a lot of large buildings. If we are going to have a large cell tower in town, this is a good spot for it.

Alderman La Tour: I agree with everything that has been said. Why don't you put an American flag on it?

Dave Reynolds: The issue is wind load and lighting.

Alderman Gray: I signed the appeal for discussion tonight. It's not going to make that much difference on the skyline. If we were in Washington Regional and needed reception, we would be very happy we had it. I will be supporting it.

Alderman Marsh: This gives us the opportunity for colocation. If we are going to build the tower, let's get the maximum amount of value out of it as possible. I will vote in support.

City Attorney Kit Williams: That was the position of four of the Planning Commissioners who wanted to approve it at 150 feet. It would likely avoid the necessity of another cell tower having to be built quickly.

Peter Tonnessen, Ward 3 voiced his concerns about rescue helicopters at the hospital due to the pole height, lights not being on the pole, and electronic interference with the navigation equipment. He stated any alderman who had a Verizon account should recuse themselves from voting on the item due to having an interest in improving their service. He spoke in opposition of the resolution.

City Attorney Kit Williams: Our Rules of Order & Procedure have a provision about recusing if you have a financial interest in the outcome of a vote. You can recuse for less direct reasons, such as your best friend coming before the City Council. Being a customer of a business that might

be interested in this is not very important grounds. I don't think that would be a good reason for anybody to recuse in this particular situation. Some of the questions I brought up in my memo were answered at the Planning Commission level. The only real issue you have to decide is if you want the 150 foot tower or leave it at 120 feet as approved by the Planning Commission.

Peter Tonnessen, Ward 3 stated he understood the recusal issue if it were an ordinance of general applicable ability, but this is an exception to an ordinance that has already been agreed to for one company. He stated it is supposedly the one and only time they will ask for it, but doubts that will be the case. He believes it will change the visual aspect of the neighborhood.

City Attorney Kit Williams gave a brief discussion about the history of the pole color and the least obtrusive visual look of the flag pole style.

Alderman Marsh: I am not a customer of Verizon Wireless.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 5-0. Alderman Kinion, Tennant, and Schoppmeyer were absent.

Resolution 191-16 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The City of Fayetteville is holding public workshops for our Transportation Mobility Master Plan. They are October 22nd through October 25th. The dates and locations are on the city website. We encourage citizen input.

The Project Right Choice is a partnership with Harp's Stores, Northwest Arkansas Tobacco & Drug Free Coalition. The Fayetteville, Springdale, Prairie Grove, and West Fork Police Departments along with the Washington County Sheriff's office are holding a prescription drug take back event. It is on October 22, 2016 from 10:00 a.m. to 2:00 p.m. We encourage citizens who have expired medications to use this event rather than flushing them down the toilet which affects our Water Treatment Facilities.

The tree and shrub giveaway will be at the Fayetteville Square on October 22, 2016 at 7:00 a.m. by Arvest Bank. Bring your water utility bill to show your residency.

The Fayetteville Animal Shelter is having an open house on October 21, 2016 from 10:00 a.m. to 5:30 p.m. The open house is for the new free roaming cat room, puppy nursery, and park improvements as a result from the Lib Horn donations and bequest.

Beginning at the intersection of Dickson and Highland Avenue through the University of Arkansas will be a welcome home parade for Fayetteville's own Savvy Shields, Miss America. It will be on October 22, 2016 at 4:00 p.m.

There will be a ribbon cutting ceremony on October 21, 2016 at 2:00 p.m. to celebrate the Ruppel Road opening. It will be located at Ruppel Road and Persimmon Street near Owl Creek School. It was one of the most expensive projects in our street bond this year to build.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 7:46 p.m.

Lionel Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer



City Neighborhood Areas:

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.

City Neighborhood Areas encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.



Three Sisters Building



Chestnut Lofts



Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.

- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
- f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Encourage properties to redevelop in an urban form.
- j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.



Summerhill Townhouses



Hill Place Apartments



Girl Scouts Building



Sycamore Lofts





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **October 31, 2016**

RE: **Proposed Jupiter Road Vacation**

Attached please find the proposed Vacation Ordinance for a portion of Jupiter Road. I have made the four conditions of approval more detailed and clear after learning more details of the status of our current water main in the right of way.

Everyone should realize that if this Vacation Ordinance is granted, all of the conditions of this vacation must be accomplished by the developer/owner/applicant at their cost BEFORE the Vacation Ordinance is final and any grading is performed that could affect the usability of Jupiter Road, the water main or the Cox cable. Similarly, while no new street construction will be required before the vacation is final, the written agreement (as submitted by the City) for such construction must be signed by all property owners and provided to the City before the Vacation Ordinance is final.

If the attached modified Vacation Ordinance is acceptable to the City Council, a member should move to amend to this version. If this amendment is passed, I will then read the revised ordinance in full.

ORDINANCE NO. _____

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 subject to the conditions in Section 3.

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 of approval which all must be completed by the applicant to the satisfaction of the City prior to this vacation becoming final and prior to any damage or removal of the portion of Jupiter Drive to be vacated:

1. Any relocation or damage to utilities that could be caused by the removal or relocation of Jupiter Drive shall be at the owner/developer/applicant's expense. Any relocation of utilities shall be placed into a new easement satisfactory to the City. Owner/developer/applicant shall dedicate to the City any such new easement at owner/developer/applicant's expense.
2. The existing water main within or near the Jupiter Drive right of way must be maintained in good operational order until the owner/developer/applicant has at its expense properly constructed a replacement water main acceptable to the City with a properly dedicated easement and received formal acceptance of such fully functional and operational water main by the City. The owner/developer/applicant may not grade excavate or do other activities near the existing water main that could damage the water main until the City has accepted the replacement water main.

3. The Cox fiber line within or near the Jupiter Drive right of way shall be relocated at the owner/developer/applicant's expense and to Cox's satisfaction prior to any work being done on or near Jupiter Drive that could endanger this fiber line.

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 at their expense and dedicate to the City a public street connection between Ball Street and McGuire Street north of Van Asche Drive. Such contract, acceptable by the City, must be signed by all owners and/or authorized representatives of the owners of all land adjoining the current Jupiter Drive section to be vacated before this vacation can be final.

PASSED and **APPROVED** this 1st day of November, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Branson, Lisa

From: Smith, Sondra
Sent: Wednesday, October 19, 2016 1:45 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Macey Drive Townhomes

FYI

From: Rosa Edwards [mailto:rosajedwards@gmail.com]
Sent: Wednesday, October 19, 2016 7:34 AM
To: Longward4@gmail.com; La Tour, John <ward4_pos1@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Macey Drive Townhomes

Good morning,

I read in the newspaper today that officials are seeking residents' voices on the Macey Drive Townhomes near Shiloh and Mt. Comfort Road. As a Ward 4 homeowner and resident, I wish to **oppose** this townhouse development for the following reasons:

- The limited access point (just through Point West Street) is clearly not designed for the heavy traffic load. The current townhouses/duplexes in the subdivisions off of Shiloh current have 2-4 vehicles per unit, so an additional 57 units would logically bring a MINIMUM of 114 additional vehicles through this area.
- There is a theft problem in the area. As I walk through the area to access the Hamestring Creek trail, I see signs that residents have placed warning individuals to lock their cars. Adding additional traffic and residents does not seem wise in light of this issue.
- The frequent on-street parking really limits the ability for two-way traffic flow.
- Generally, many homeowners - ourselves included - along Mt. Comfort Road purchased homes in that area due to its ease of access without the congestion of Wedington Drive. We want to maintain the uniqueness of that area and that requires it not becoming overdeveloped.
- Overall, Fayetteville needs more affordable family housing in the form of individual homes. Too many people are purchasing homes outside the city while the city develops more and more multi-family units. If a development is to be seriously considered, it needs to be single family housing, not multi-units.

Thank you for your time.

Rosa Edwards

--

Rosa Edwards
my blog: <http://surpassingglory.blogspot.com>

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 25, 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** [2015-0658](#)

APPROVAL OF THE OCTOBER 18, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0481](#)**REPEAL RESOLUTION NO. 180-16:**

A RESOLUTION TO REPEAL RESOLUTION NO. 180-16, AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 PLUS APPLICABLE SALES TAXES FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: [REPEAL RESOLUTION NO. 180-16](#)

A. 3 [2016-0486](#)**SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH SOUTHWIND HOSPITALITY HOLDINGS, LLC TO REFLECT THE CORRECT NUMBER OF PARKING SPACES BEING LEASED IN THE MEADOW STREET PARKING DECK, AND TO APPROVE A CREDIT IN THE AMOUNT OF \$700.00 FOR PAST OVERPAYMENT FOR TWO PARKING SPACES

Attachments: [Meadow Deck Lease Amendment Legistar](#)

A. 4 [2016-0478](#)**LEXINGTON INSURANCE COMPANY:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF INSURANCE PROCEEDS IN THE AMOUNT OF \$457,925.07 FROM LEXINGTON INSURANCE COMPANY FOR NECESSARY REPAIR WORK ON BUILDINGS LOCATED AT THE FAYETTEVILLE EXECUTIVE AIRPORT AS A RESULT OF HAIL DAMAGE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2016-0478, Airport Insurance Funds](#)
 [2016-0478, Airport Roof Repairs BA](#)

A. 5 [2016-0487](#)**GARVER, LLC TASK ORDER NO. 6:**

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH GARVER, LLC IN THE AMOUNT OF \$25,000.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES AND CONSTRUCTION PHASE SERVICES FOR THE DRAKE FIELD AIRFIELD ROOF REHABILITATION PROJECT

Attachments: [Garver Task 06 Engineering Services Airport Roof Claim](#)

A. 6 [2016-0450](#)**CH2M HILL ENGINEERS, INC. CHANGE ORDER:**

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$30,000.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS FOR THE WHITE RIVER, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [White River Use Attainability Analysis \(UAA\) Agenda Packet](#)
 [BA- CH2M UAA for White River](#)

A. 7 [2016-0479](#)**SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$390,568.20 FOR THE RELOCATION OF APPROXIMATELY 1,100 FEET OF 12-INCH WATER MAIN ASSOCIATED WITH THE RUPPLE ROAD - PERSIMMON TO CONGRESSIONAL PROJECT

Attachments: [Legistar 2016-0479](#)

B. Unfinished Business:**B. 1 [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 SECOND 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.
At the October 18, 2016 City Council Meeting this ordinance was left on the second reading.*

B. 2 [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

(LEFT ON THE FIRST READING)

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

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

B. 3 [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](#)

At the October 18, 2016 City Council Meeting this resolution was tabled to November 1, 2016.

B. 4 [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

(LEFT ON THE FIRST READING)

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

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:**C. 1** [2016-0489](#)**RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5588 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 407 NORTH MOUNTAIN RANCH BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY TO NC, NEIGHBORHOOD CONSERVATION

Attachments: [16-5588 RZN CC Documents](#)

C. 2 [2016-0460](#)**RZN 16-5594 (15 S. WEST/KOLBERG):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5594 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 15 SOUTH WEST AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO MSC, MAIN STREET/CENTER

Attachments: [16-5594 \(15 S. WEST/KOLBERG\)](#)

C. 3 [2016-0494](#)**AMENDMENT TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):**

AN ORDINANCE TO AMEND ORDINANCE NO. 5897 BY MODIFYING THE BILL OF ASSURANCE TO PERMIT THE REALIGNMENT OF A PROTECTED STREAM

Attachments: [16-5483 CC reports](#)

C. 4 [2016-0488](#)**UARK CREDIT UNION REZONING APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

Attachments: [16-5589 CC reports](#)

C. 5 [2016-0490](#)**WG LAND COMPANY APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

Attachments: [RZN 16-5590 \(NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY\)](#)

D. City Council Agenda Session Presentations:

D. 1 [2016-0475](#)

AGENDA SESSION PRESENTATION - UPDATE ON THE FAYETTEVILLE MOBILITY
PLAN BY THE CITY'S CONSULTANT, NELSON/NYGAARD

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: 2015-0658

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE OCTOBER 18, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0481

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

REPEAL RESOLUTION NO. 180-16:

A RESOLUTION TO REPEAL RESOLUTION NO. 180-16, AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 PLUS APPLICABLE SALES TAXES FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

WHEREAS, Resolution No. 180-16, passed by the City Council on October 4, 2016, did not include approval for the payment of sales taxes.

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 repeals Resolution No. 180-16.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-60 and authorizes the purchase of a prefabricated bridge in the amount of \$31,500.00 plus applicable sales taxes from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

City of Fayetteville Staff Review Form

2016-0481

Legistar File ID

November 1st, 2016

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

Matt Mihalevich

9/16/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Repeal and replace Resolution 180-16. Approval of award of Bid 16-60 and authorization of a contract with Art Thureson Inc. in the amount of \$31,500 plus all applicable sales taxes for purchase of a prefabricated bridge for the Cato Springs Trail near the connection to the Kessler Mountain Regional Park.

Budget Impact:

4470.900.9470-5814.05

Sales Tax Cap Imp

Account Number

Fund

02016.1405

Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 428,045.00

Funds Obligated \$ 298,294.13

Current Balance \$ 129,750.87

Does item have a cost? Yes

Item Cost \$ 31,500.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 98,250.87

V20140710

Previous Ordinance or Resolution # 180-16

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 1, 2015

TO: Mayor and City Council

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

FROM: Matt Mihalevich, Trails Coordinator

DATE: October 12th, 2016

SUBJECT: 2016-0481 Cato Springs Trail – Regional Park Bridge

RECOMMENDATION:

Repeal and replace Resolution 180-16. Approval of award of Bid 16-60 and authorization of a contract with Art Thureson Inc. in the amount of \$31,500 plus all applicable sales taxes for purchase of a prefabricated bridge for the Cato Springs Trail near the connection to the Kessler Mountain Regional Park.

BACKGROUND:

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

DISCUSSION:

The original request for approval of the purchase of the bridge did not include sales tax, therefore the original resolution 180-16 is to be repealed and replaced with and new resolution for the purchase of the bridge including all applicable sales tax.

BUDGET/STAFF IMPACT:

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

Attachments:

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



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

Bid 16-60, Prefabricated Pedestrian Bridge

****Official Bid Tabulation****

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

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

CERTIFIED:

A. Rennie, Purchasing Manager

Witness

9/16/16
Date:

CITY OF



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

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO

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

INVITATION TO BID Bid 16-60, Prefabricated Pedestrian Bridge

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

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

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

Name of Firm: Art Thureson Inc

Contact Person: Jon Cheney Title: Sales

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

Business Address: 4000 West Walton Blvd

City: Waterford State: MI Zip: 48329

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

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

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

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

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

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

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

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

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

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

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

See Quote 2834

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

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

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

~~1.) NO KNOWN RELATIONSHIP EXISTS~~

2.) RELATIONSHIP EXISTS (Please explain): _____

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

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

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

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

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

*D/B/A or Corporation Name _____

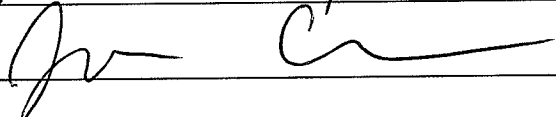
*BUSINESS ADDRESS: 4000 West Walton Blvd

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

*PHONE: 248-623-8599 FAX: _____

*E-MAIL: Jon@artthrejoninc.com

*BY: (PRINTED NAME) Jon Cheney

*AUTHORIZED SIGNATURE: 

*TITLE: Sales

*DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 47-0962457

Acknowledge Addendums:

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

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

ART THURESON, INC

4000 West Walton Waterford, MI 48329

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

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

Quote #2834
September 13, 2016

RE: Bid 16-60, Prefabricated Pedestrian Bridge

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

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

BRIDGE SPECIFICATIONS

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

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

30% progress payment due after approval of drawings.

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

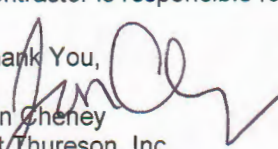
Any change in tally, delivery location, or specifications will affect price.

Abutment design-not offered.

Any local or state taxes not included.

Contractor is responsible for final tally.

Thank You,


Jon Cheney
Art Thureson, Inc
jon@artthuresoninc.com

Accepted By: _____ Date: ____/____/____

PO# _____

Contact Name: _____ Cell: _____

Please return to process order.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0486

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1:

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH SOUTHWIND HOSPITALITY HOLDINGS, LLC TO REFLECT THE CORRECT NUMBER OF PARKING SPACES BEING LEASED IN THE MEADOW STREET PARKING DECK, AND TO APPROVE A CREDIT IN THE AMOUNT OF \$700.00 FOR PAST OVERPAYMENT FOR TWO PARKING SPACES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 1 to the lease agreement with Southwind Hospitality Holdings, LLC to reflect that the correct number of spaces being leased in the Meadow Street Parking Deck is 178 rather than 176, and further approves a credit in the amount of \$700.00 for past overpayment of two parking spaces.

City of Fayetteville Staff Review Form

2016-0486

Legistar File ID

11/1/2016

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

Justin Clay

10/12/2016

Parking & Telecommunications /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approving an amendment to the Lease Agreement for the Meadow Street (Municipal) Parking deck to reflect that the agreement is for 176 parking spaces.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost?

Item Cost

Budget Adjustment Attached?

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution # 162-11

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 1, 2016

TO: Lioneld Jordan, Mayor
City Council

THRU: Paul Becker, Chief Financial Officer
Don Marr, Chief of Staff
Peter Nierengarten, Director of Sustainability, Resilience and Parking

FROM: Justin Clay, Parking Manager

DATE: October 12, 2016

SUBJECT: Amend Parking Lease Agreement for Meadow Street Parking Deck

RECOMMENDATION:

Staff recommends amending the Lease Agreement for the Meadow Street (Municipal) Parking deck to reflect that the agreement is for 176 spaces. Staff further recommends issuing a credit of \$700.00 to the Chancellor Hotel for past overpayment of two (2) spaces.

BACKGROUND:

On October 16, 1990, the City entered into a lease with FOURTEN SOUTH BROADWAY CORPORATION. The original Lease Agreement was written for all of the first floor and all of the third floor (roof) spaces for a total of 180 spaces (Attachment A). The Americans with Disabilities Act (ADA) of 1990 required designated access aisles for the handicapped spaces. For 51-100 parking spaces (the first floor fits this size) the ADA requires four (4) H/C spaces with access aisles for each vehicle. These access aisles could be shared by two H/C spaces or dedicated to a particular space.

On October 16, 1990, an amendment to the Lease Agreement was made naming the Fayetteville Hotel Ventures Limited Partnership as the Tenant for 180 parking spaces in the parking deck.

In August, 2004, Resolution 123-04 amended the lease with Radisson Hotel to "Continue to lease parking spaces in the Municipal Parking Deck for one additional year". The number of spaces given was 180 in the Contract Review memo.

In June, 2006, Resolution 112-06 established a Lease Agreement with the Radisson Hotel for a total of 178 leasable spaces. No indication explaining the change in the number of spaces from 1990 was given.

In July, 2010, Resolution 147-10 established a Lease Agreement with Ozark Asset Management for 89 spaces on the first level.

In September, 2011, Resolution 162-11 established a Lease Agreement with Southwind Hospitality, LLC for 178 total leasable spaces.

It is thought that the current three handicapped access aisles were designated on the first floor to bring the level into compliance with the ADA sometime after June, 2006, which resulted in the loss of three (3) parking spaces, bringing the total leased spaces to 177.

DISCUSSION:

In June, 2016, a diagram of all 3 levels was created showing the first floor having 83 regular spaces and 4 handicapped spaces plus 3 access aisles for a total of 87 leasable spaces. The third (roof) level has 88 regular spaces plus 1 handicapped space with no access aisle for a total of 89 leasable spaces. This results in a total of 176 leasable spaces for the combined 1st and 3rd levels. (Attachment B)

In June, 2016, Parking Management staff was asked to and did meet with the new property management company representatives for the hotel. Ms. Maxine Dee, Regional Vice-President of Operations for the Schulte Hospitality Group (shg) and the Interim Manager of the hotel Ashley Kellam were inquiring as to how the parking deck operated, what they could do to increase revenue in the facility, and to ask us to examine the billings for this year as they counted a different number of spaces than they were being billed for. Billing has been for 89 spaces on the 1st level and 89 spaces on the 3rd (roof) level for a monthly total of 178 spaces.

BUDGET/STAFF IMPACT:

When corrected, this would affect the Parking budget revenue with a reduction in income of \$1,200 annually

There is no staff impact.

SUMMARY:

Using the current space counts, the City has over billed the hotel for at least the past 7 months by 2 spaces.(Attachments C-I) At \$50.00 per space, per month, the billings in question total a difference of \$100.00/month for a total year to date of \$700.00. Staff recommends the Lease Agreement be amended to reflect the correct number of one hundred seventy-six (176) spaces.

ATTACHMENTS:

Amendment_Southwind Lease
Southwind Original Lease

**AMENDMENT #1 TO LEASE OF MEADOW STREET PARKING DECK
Levels 1 and 3**

BE IT KNOWN TO ALL:

That the City of Fayetteville, Arkansas and Southwind Hospitality Holdings, LLC on this _____ day of July, 2016, hereby agree that their Lease Agreement of September 6, 2011, shall be amended as follows:

1. The legal description contained in the Agreement shall be amended by substituting the following legal description of the Leased Premises:

Eighty-seven (87) parking spaces located in the first level and eighty-nine (89) parking spaces located on the third level of the Meadow Street Parking Deck located upon real property more particularly described as:

A part of Block numbered Fifteen (15) in the original plat of the City of Fayetteville, Arkansas described as follows: Beginning at a point 127 feet west of the northeast corner of said Block Fifteen; and running thence west 177 feet; thence south 206 feet; thence east 177 feet; thence north 206 feet to the place of beginning.

2. Paragraphs 1, 3 and 4 shall be amended by changing all references to the number of leased parking spaces on the first level of the parking deck from 89 to 87 and by changing the total number of leased parking spaces on the first and third floors of the parking deck from 178 to 176.

The parties agree and understand that this Amendment is supplemental to their Lease Agreement of September 6, 2011, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

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

Southwind Hospitality Holdings, LLC

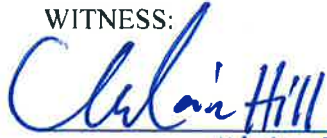
City of Fayetteville, Arkansas


Printed Name: Ike W. Thrall
Title: Manager

Lioneld Jordan, Mayor

WITNESS:

ATTEST:


Printed Name: Melanie Hill
Title: VP

Sondra E. Smith, City Clerk-Treasurer

LEASE OF MEADOW STREET PARKING DECK Levels 1 and 3

This Agreement, made and entered into this 6th day of September, 2011, by and between the City of Fayetteville, Arkansas, a Municipal Corporation, 113 W. Mountain St., Fayetteville, Arkansas, and Southwind Hospitality, LLC 5998 Place Blvd. Hattiesburg, MS 39402.

WITNESSETH:

The City of Fayetteville, for and in consideration of the rents hereinafter reserved and of the covenants and agreements hereinafter set forth to be kept and performed by Southwind Hospitality agrees to lease the premises as later described to Southwind Hospitality, LLC, and Southwind Hospitality, LLC agrees to pay rents set forth below and to lease from the City of Fayetteville, portions of the Meadow Street Parking Deck on that parcel of land situated in the County of Washington and State of Arkansas, and more particularly described as:

Eighty-nine (89) parking spaces located in the first level and eighty-nine (89) parking spaces located on the third level of the Meadow Street Parking Deck located upon real property more particularly described as:

A part of Block numbered Fifteen (15) in the original plat of the City of Fayetteville, Arkansas, described as follows: Beginning at a point 127 feet west of the northeast corner of said Block Fifteen; and running thence west 177 feet; thence south 206 feet; thence east 177 feet; thence north 206 feet to the place of beginning.

Said parcel of land and parking spaces may be hereinafter referred to as the "Leased Premises".

1. **Term of Lease.** The initial term of this Lease shall commence on October 1, 2011 after the execution of the lease by both parties and shall be for a period of one (1) year and cover only the first level with 89 parking spaces at \$50.00 per month each or \$4,450.00 per month. There shall be two automatic annual renewals, each for a period of seven (7) additional years. For each of the seven (7) year extensions Southwind Hospitality will lease 178 parking spaces at \$50.00 per month on the first and third levels of the Meadow Street Parking Deck for a total monthly rental of \$8,900.00.

2. **Right of First Refusal.** If at any time during the term of this Lease the City of Fayetteville receives an acceptable bona fide offer to purchase the Leased Premises, or any part thereof, the City of Fayetteville shall submit a written copy of such offer to

Southwind Hospitality giving Southwind Hospitality thirty (30) days within which to elect to meet such offer.

3. **Parking Spaces.** This Lease shall be for the entire first level of the Leased Premises consisting of eighty-nine (89) parking spaces of the Fayetteville Municipal Parking Deck located at 25 E. Meadow Street for the term of the first 1 year lease. This lease shall cover the first and third levels (178 parking spaces) for years 2-15.

4. **Rent.** Southwind Hospitality shall pay to the City of Fayetteville as rent for the Leased Premises the following:

- a. The sum of fifty dollars (\$50.00) per month per parking space (89) rented on the first level of the Leased Premises which monthly total shall be Four Thousand Four Hundred Fifty Dollars (\$4,450.00).
- b. The sum of fifty dollars (\$50.00) per month per parking space rented (89) on the third level of the Leased Premises which monthly total shall be Four Thousand Four Hundred Fifty Dollars (\$4,450.00).
- c. The monthly rental shall be payable in consecutive monthly installments payable in advance on or before the first day of every calendar month.

5. **Deposit.** Southwind Hospitality shall pay to the City of Fayetteville a deposit in advance equal to one (1) months rent. Deposit must be paid to the City of Fayetteville within ten (10) business days upon execution of this Agreement. Upon termination of this Agreement, the deposit shall be applied to any outstanding balance due and the remainder returned to Southwind Hospitality within forty-five (45) days after termination of Agreement.

6. **Use.** Southwind Hospitality and their subtenant or occupants shall have the right to use the Leased Premises for parking only; any other use of the Leased Premises must be pre-approved by the City of Fayetteville and shall meet all present and future building codes, zoning and other laws.

7. **Repairs.** The City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, keep the Leased Premises in as good order and repair as it is at the date of the commencement of this Lease, reasonable wear and tear and damage by accidental fire or other casualty not within the control of City of Fayetteville excepted. Southwind Hospitality shall not knowingly commit or willfully permit to be committed on the Leased Premises any waste, damaging act or thing contrary to the rules and regulations prescribed from time to time by either federal, state or municipal authority.

8. **Casualty.** If at any time the Leased Premises or the building which forms the principal component of the Leased Premises should be damaged by fire or any major

casualty which is not the fault of Southwind Hospitality and the cost of repairing the damage does not exceed 35% of the value of the Meadow Street Parking Deck, then the City of Fayetteville shall as soon as reasonably practical repair the damage caused by said fire or other casualty. If, however, the damage should exceed 35% of the value of the Meadow Street Parking Deck, the City of Fayetteville shall have the option of either repairing said premises or terminating this Lease as of the date of said fire or other casualty by giving notice to Southwind Hospitality within thirty (30) days after said date. If the damages should render the Leased Premises untenable for the use of Southwind Hospitality's business as set forth herein, the rental from the date of said fire, or any major casualty not the fault of the Southwind Hospitality, to the date of the completion of the restoration of the premises shall be abated, such abatement being figured on a pro rata basis of the rentals.

In the event the damage should exceed 35% of the value of the Meadow Street Parking Deck and the City of Fayetteville makes the decision not to repair the Leased Premises such a decision must be submitted in writing to Southwind Hospitality. Upon receipt of the notice from City of Fayetteville, Southwind Hospitality has thirty (30) days to elect either, or both, of the following options:

- a. To purchase the entire Leased Premises from City of Fayetteville at its then fair market value and/or,
- b. To repair the Leased Premises as Southwind Hospitality's sole and exclusive expense with all terms of the Lease Agreement, except for abatement of rent provided for herein, continuing in effect.

9. Lighting and Painting. City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, keep, in the same manner as it is as of the date of the commencement of this Lease, the Leased Premises lighted, and all parking spaces properly striped and the premises painted.

10. Parking Equipment. City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, provide revenue control and access equipment for the Leased Premises. This equipment shall include parking gates, parking card readers, and automatic revenue control machines located at the entrance of the parking deck.

11. Parking Management Services. The City of Fayetteville shall provide services to manage the municipal parking deck located directly east of the Cosmopolitan Hotel. This service shall include the following:

- a. Provide parking revenues and access control equipment for Leased Premises.

- b. Program parking cards and distributing them to Southwind Hospitality; activate and deactivate parking cards as requested by Southwind Hospitality.
- c. Provide routine maintenance on gates, card readers, revenue control machines, etc. Expenses incurred for maintenance on equipment shall be borne by the City of Fayetteville, unless damages for required repairs were directly caused by Southwind Hospitality and/or its employees.
- d. Provide a minimum of four (4) hours of cleaning services per week; cleaning services include sweeping; blowing; vacuuming; spot washing of soft drinks, mud, or other spills; and the emptying of trash containers into the dumpster.
- e. Retrieve revenues from revenue control machines at least once per month.
- f. Frequently service the revenue control machines to ensure change hoppers have sufficient coins to make change to customers. City staff will take sufficient amount of money from the revenues collected in order to purchase enough quarters and dollar coins to keep revenue machines fully operational. One hundred percent (100%) of the revenues collected, less monies used to replenish quarter and dollar coin hoppers, will be deposited into the City's account; a check will be issued to Southwind Hospitality for one hundred percent (100%) of the total revenues, less monies used to replenish quarter and dollar coin hoppers and/or cost to replenish parking cards. This revenue shall be reimbursed to Southwind Hospitality within thirty (30) days of receipt of monies collected.
- g. Provide accounting of all revenues received through the revenue control machines on a monthly basis; provide audit statements of revenues collected to Southwind Hospitality on a monthly basis.
- h. All expenses incurred for the purchase of equipment and supplies for the operations of the deck shall be borne by the City of Fayetteville. All purchases shall be initiated by the City of Fayetteville.
- i. The City agrees to allocate parking cards only to Southwind Hospitality's and employees of the Parking Management Division for purposes of executing parking services.
- j. Southwind Hospitality may reallocate parking cards to a second party as they deem necessary; however, Southwind Hospitality may not resell parking spaces for a greater amount than that paid by Southwind Hospitality to the City of Fayetteville as set forth in this contract except that Southwind Hospitality is free to charge its hotel guests whatever parking fee it determines is appropriate.

12. Tenant Responsibilities. Southwind Hospitality shall provide the following:

- a. Reimburse the City of Fayetteville for cost of all parking cards provided for access into the Leased Premises. The City of Fayetteville shall bill Southwind Hospitality for all parking cards issued to Southwind Hospitality at the actual cost of the cards plus applicable sales tax. The City of Fayetteville shall have the option to bill Southwind Hospitality for this cost, or may deduct the cost directly from the money collected from the revenue control machines. If invoiced, Southwind Hospitality shall submit payment within thirty (30) days of invoice date to the City of Fayetteville.
- b. Provide advance notification to the City of Fayetteville and post signage at the Leased Premises at least forty-eight (48) hours in advance prior to any parking area closure on Leased Premises.
- c. Provide advance notification at least forty-eight (48) hours in advance to the City of Fayetteville when gates need to be programmed to open/close for special events or any other reason.
- d. Provide advance notification at least forty-eight (48) hours in advance to the City of Fayetteville when additional parking cards need to be issued and/or programmed.

13. Insurance. Southwind Hospitality shall be solely responsible for insuring its interests in the Leased Premises and improvements for its protection.

14. Taxes. The City of Fayetteville shall pay all real estate taxes and special assessments, if any, during the term of the Lease.

15. Utilities/Janitorial. The City of Fayetteville shall pay for all utility service and janitorial service in the Leased Premises.

16. Nuisance. Southwind Hospitality covenants and agrees not to use or allow the Leased Premises to be used for any purpose or in any manner which would constitute or create a nuisance, which would constitute waste, which would interfere with the lawful rights of owners or occupants of adjoining property or which would in any way be contrary to the law, ordinances, orders, rules, regulations or requirements of the federal, state, county or municipal governments or any department, board or bureau thereof. Southwind Hospitality further agrees to promptly comply with the requirements of any of the aforesaid authorities with reference to the installation, erection, construction, use, repair or modifications or any improvements situated upon the Leased Premises during the term of this Lease.

17. Holding Over. Any occupancy by Southwind Hospitality of the Leased Premises beyond the expiration of this Lease as herein provided shall be a tenancy from month to month.

18. Notices. All notices, demands and requests provided for or permitted to be given under this Agreement must be in writing and shall be deemed to have been properly given or served by depositing the same in the United States Mail, addressed to the City of Fayetteville or to Southwind Hospitality, as the case may be, prepaid and certified mail, return receipt requested, at the party's last known address. All notices, demands and requests shall be effective seventy-two (72) hours after being deposited in the United States Mail. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice, demand or request. Either party shall have the right from time to time and at any time upon at least ten (10) days written notice thereof, to change their respective addresses and each shall have the right to specify as its address any other address within the United States of America.

19. Legal Representatives, Successors and Assigns. It is further covenanted and agreed by and between the City of Fayetteville and Southwind Hospitality, that all covenants, agreements, provisions, conditions and undertakings in this Lease contained shall extend to and be binding upon the heirs, executors, successors and assigns of the respective expressed, and shall be construed as covenants and conditions running with the land and the reversion; and that wherever in this Lease reference is made to either the City of Fayetteville or South wind Hospitality , it shall be held to include and apply to (wherever and whenever applicable) the heirs, executors, successors, personal or legal representatives and assigns of the City of Fayetteville or Southwind Hospitality, the same as if in each and every case so expressed.

20. Condemnation. If during the term of this Lease, or any renewal thereof, all or substantially all of the Leased Premises shall be taken or condemned by a competent authority for any purpose or use, then the Lease shall terminate immediately after the vesting of title in such authority and rent shall be paid to and adjusted as of that day. The term "all or substantially all" shall be deemed to mean a taking of all of the Leased Premises or a taking of such portion of the Leased Premises that Southwind Hospitality cannot reasonably operate in the remainder in substantially the same manner as before.

21. Right Upon Default. The City of Fayetteville may declare Southwind Hospitality in default and terminate this lease if Southwind Hospitality shall do any of the following:

- a. Default in the payment of any installment of monthly rent and continue in default for thirty (30) days after the City of Fayetteville gives Southwind Hospitality written notice specifying the default; or
- b. Fail to timely pay monthly rental payments for two (2) or more months during any consecutive twelve (12) month period during the term of this lease may, at the discretion of the City of Fayetteville, constitute default; or

- c. Default in any other covenant of Southwind Hospitality in this Lease and fail to commence (subject to unavoidable delay) to take reasonable steps to remedy such default within twenty (20) days after the City of Fayetteville gives Southwind Hospitality written notice specifying the default.
- d. Upon the occurrence of any default that has not been fully and timely remedied, the City of Fayetteville may terminate this Lease upon ten (10) days written notice of its intent to so terminate, provided the termination shall not be allowed if either of the following provisions are complied with during the notice period or at any prior time:
 - i. Southwind Hospitality proceeds to cure the default or takes reasonable remedies to cure the default; or
 - ii. Southwind Hospitality contests the amount claimed to be due or any other item for which an amount could be estimated (definite or estimated), and Southwind Hospitality deposits the contested amount in an escrow account with instructions to the escrow agent to disburse the amount in accordance with the written, agreement of Southwind Hospitality and the City of Fayetteville or in accordance with the order of a court exercising jurisdiction over the controversy.

22. Termination. Neither party may terminate this agreement without consent of the other party unless the other party has committed a default. If the City of Fayetteville sells this parking garage to a third party, this lease and all extensions of this lease must be assigned with the sale.

23. Assignability. Southwind Hospitality shall not, without the written consent of City of Fayetteville, assign this Lease, or any rights there under, or sublet any part of the Leased Premises, provided however, Southwind Hospitality is authorized to assign this Lease as part of any sale of the hotel that is located adjacent to the Leased Premises provided that, at the time of the closing of the sale, the purchaser agrees to continue to operate the purchased improvements as a hotel. Upon any approved assignment of this lease by Southwind Hospitality in which its assignee agrees to be bound by all terms of this Lease, Southwind Hospitality shall be released and discharged from any further obligations or liabilities it has hereunder and any assignee of Southwind Hospitality shall have all rights belonging to Southwind Hospitality under this Lease.

24. Entire Agreement. All previous negotiations and understandings between the City of Fayetteville and Southwind Hospitality, or their respective agents and employees, with respect to the Lease Agreement set forth herein are merged in this Lease Agreement which alone fully and completely expresses the parties' rights, duties and obligations.

25. **Amendments.** No waivers, alterations or modifications of this Lease shall be valid unless written upon or attached to the fully executed copies of this Lease and further executed by both the City of Fayetteville and Southwind Hospitality herein.

26. **Binding.** This Lease shall be binding upon the parties and upon their heirs, successors and assigns. This Lease shall be construed under the laws of the State of Arkansas.

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

SOUTHWIND HOSPITALITY, LLC,
an Arkansas limited liability company

CITY OF
FAYETTEVILLE, ARKANSAS

By: 
IKE THRASH

By: 
LIONELD JORDAN, Mayor

Managing Member
Title

Witness: 

Attest:

By: Joseph Thrash, VP
(Printed Name and Title)

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0478

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

LEXINGTON INSURANCE COMPANY:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF INSURANCE PROCEEDS IN THE AMOUNT OF \$457,925.07 FROM LEXINGTON INSURANCE COMPANY FOR NECESSARY REPAIR WORK ON BUILDINGS LOCATED AT THE FAYETTEVILLE EXECUTIVE AIRPORT AS A RESULT OF HAIL DAMAGE, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the acceptance of insurance proceeds in the amount of \$457,925.07 from Lexington Insurance Company for necessary repair work on buildings located at the Fayetteville Executive Airport as a result of hail damage.

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

City of Fayetteville Staff Review Form

2016-0478

Legistar File ID

11/1/2016

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

Andrea Rennie

10/14/2016

Purchasing /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends the City accept insurance funds from Lexington Insurance Company in the amount of \$457,925.07 for related hail damages occurring on five buildings located at the Fayetteville Executive Airport and approve a budget adjustment.

Budget Impact:

5550.760.3960-5400.00

Airport

Account Number

Fund

13025.1602

Airport Roof Replacements

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 164,727.00

Funds Obligated \$ 14,500.00

Current Balance \$ 150,227.00

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 457,627.00

Remaining Budget \$ 607,854.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 01, 2016

TO: Mayor Lioneld Jordan and Fayetteville City Council
THRU: Paul A. Becker, Chief Financial Officer
FROM: Andrea Rennie, Purchasing Manager
DATE: Friday, October 14, 2016
SUBJECT: Approval of accepting insurance funds for roof related damages

RECOMMENDATION:

Staff recommends the City accept insurance funds from Lexington Insurance Company in the amount of \$457,925.07 for related hail damages occurring on five buildings located at the Fayetteville Executive Airport and approve a budget adjustment.

BACKGROUND:

The Fayetteville Executive Airport experienced hail damage on May 09, 2015. After extensive teamwork by City staff, research efforts from Garver Engineers, and great efforts from the City's insurance broker, HUB International, Lexington Insurance Company has acknowledged the City experienced a loss in the amount of \$482,927.07.

Lexington Insurance Company will be compensating the City for the following:

RCV Building loss (5 locations):	\$457,925.07
Compensation for Professional Fees:	+\$ 25,000.00
Less Wind/Hail Deductible:	<u>- \$ 25,000.00</u>
Total Funds to be Received	= \$457,925.07

DISCUSSION:

In 2015, Lexington Insurance Company stated damages were under the deductible amount of \$25,000. After consulting with Garver Engineers, the City and HUB International went back to Lexington to dispute the amount of damages. After months of diligent efforts, Lexington agreed the City experienced hail damage to the following five buildings located at the Fayetteville Executive Airport: Terminal Building, FBO Hangar, FAA Building, Old Terminal Building, and the Air Museum.

The City intends to retain Garver Engineers, as the City's selected engineer for the Airport to develop a bid package identifying the scope of work for the repairs. After the bid package is complete, Purchasing will bid out the repair work associated with the damages from the hail storm.

BUDGET/STAFF IMPACT:

The Airport will pay the \$25,000 deductible and additional broker costs in the amount of \$3,000 for claim assistance. The insurance funds will pay for engineering for the bid package and the repairs.

Insurance funds received are intended cover repair costs; however, in the event the price for the repairs exceed the amount received from insurance, less the deductible, the City will file a supplemental claim.

Attachments:

Budget Adjustment

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

Budget Year 2016	Division /Org2 AIRPORT SERVICES (760) Requestor: Andrea Rennie	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Due to a major hail storm on May 9, 2015, five buildings had roof damage. An insurance settlement has been reached. The Airport will pay the \$25,000 deductible and the additional broker costs. The settlement will pay for engineering for the bid specs and the repairs. The buildings that will receive new roofs are: Terminal, Old Terminal, FBO Hangar, FAA Building and the Air Museum.

RESOLUTION/ORDINANCE	COUNCIL DATE:	11/1/2016
	LEGISTAR FILE ID#:	2016-0478
	<i>Liz Hutchens</i> 10/14/2016 3:00 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		457,627	457,627				v.20160722
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
5550.760.3960-5314.00	3,000	-	13025	1601	EX	Services - Professional	
5550.760.3960-5400.00	25,000	-	13025	1601	EX	Building & Grounds - Maintenance	
5550.760.3960-5801.00	(28,000)	-	13025	1	EX	Fixed Assets - Fixed Assets	
5550.760.3940-6999.00	-	457,627	13025	1602	RE	Miscellaneous - Miscellaneous	
5550.760.3960-5314.00	25,000	-	13025	1602	EX	Services - Professional	
5550.760.3960-5400.00	432,627	-	13025	1602	EX	Building & Grounds - Maintenance	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0487

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

GARVER, LLC TASK ORDER NO. 6:

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH GARVER, LLC IN THE AMOUNT OF \$25,000.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES AND CONSTRUCTION PHASE SERVICES FOR THE DRAKE FIELD AIRFIELD ROOF REHABILITATION 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 approves Task Order No. 6 with Garver, LLC in the amount of \$25,000.00 for bid package development, bidding services and construction phase services for the Drake Field Airfield Roof Rehabilitation Project.

City of Fayetteville Staff Review Form

2016-0487

Legistar File ID

11/1/2016

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

Wade Abernathy

10/13/2016

Facilities Management /
Finance & Internal Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Staff recommends approval and Signature of Task Order 06 with Garver for Engineering Services for Air field Roof Rehabilitation-Fayetteville Drake Field related to insurance Claim.

Budget Impact:

5550.760.3960.5314.00

Airport

Account Number

Fund

13025.1602

Engineering Services for Roof Rehab/Insurnace
Claim

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 25,000.00

Funds Obligated \$ -

Current Balance \$ 25,000.00

Does item have a cost? Yes

Item Cost \$ 25,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 25, 2016

TO: Mayor Lioneld Jordan

THRU: Paul A. Becker, Chief Financial Officer
Terry Gulley, Transportation Services Dept. Director

FROM: Wade Abernathy, Facilities Management / Building Construction Manager

DATE: October 12, 2016

SUBJECT: Approval and Signature of Task Order 06 with Garver for Engineering Services for Airfield Roof Rehabilitation-Fayetteville Drake Field related to Insurance Claim

RECOMMENDATION:

Staff recommends approval and signature of Garver's Task Order #06 for Airfield Roof Rehabilitation associated with the Insurance Claim. Services to include Bid Package Development, Bidding Services, and Construction Administration Services as outlined in the Appendix A-6 attached. The buildings included are FBO Hanger, Terminal Building, FAA Building, Old Terminal Building, and Old Air Museum.

BACKGROUND:

The Fayetteville Executive Airport experienced hail damage on May 09, 2015. Hub International, and Lexington Insurance Company has acknowledged damage. The agreed to loss value is \$482,927.07. Included in that figure is \$25,000 for compensation for Professional Fees. These fees will be used to development bid documents that Staff will rely on to receive bids for the agreed to repairs. The fees also include bidding services as well as construction administration as outlined in appendix A-6 attached.

DISCUSSION:

The services provided by Garver will allow the city to not only receive competitive bids, but also assure that the repairs are carried out in compliance with the plans and specifications.

BUDGET/STAFF IMPACT:

Funding will be available once received from Lexington Insurance Company and is recognized by council. Funds will be allocated from: Project/sub 13025.1602
Account 5550.760.3960.5314.00

Attachments:
Appendix A-6

APPENDIX A-6

TASK ORDER 06 FAYETTEVILLE – DRAKE FIELD (FYV) AIRFIELD ROOF REHABILITATION – INSURANCE CLAIM

This TASK ORDER is made as of _____, 2016 by and between the CITY OF FAYETTEVILLE of Fayetteville, Arkansas hereinafter referred to as "CITY OF FAYETTEVILLE," and GARVER, LLC, hereinafter referred to as "GARVER", in accordance with the provisions of the AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES executed on April 21, 2015.

Under this Work Order, the CITY OF FAYETTEVILLE intends to make the following improvements for the FYV Airfield Roof Rehabilitation project.

Rehabilitate the following City owned building roofs located at Fayetteville-Drake Field and as shown in Exhibit C-6:

1. FBO Hangar
2. Terminal Building
3. FAA Building
4. Old Terminal Building
5. Old Air Museum

GARVER will provide professional services related to these improvements as described herein.

SECTION 1 - SCOPE OF SERVICES

GARVER will provide services as detailed in Exhibit A-6.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum basis. The CITY OF FAYETTEVILLE represents that funding sources are in place with the available funds necessary to pay GARVER.

The table below presents a summary of the fee amounts and fee types for this contract.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Bid Package Development	\$14,000	Lump Sum
Bidding Services	\$3,000	Lump Sum
Construction Phase Services	\$8,000	Cost + FF
TOTAL FEE	\$25,000	

Any unused portion of the fee, due to delays beyond GARVER's control, will be increased 6% annually with the first increase effective on or about July 1, 2016.

Bid Package Development and Bidding Services:

The lump sum amount to be paid under this agreement is \$17,000. For informational purposes, Exhibit B-6 includes approximate current hourly rates for each employee classification.

Construction Phase Services:

The Owner will pay GARVER, for time spent on the project, at the unburdened hourly payroll rate of each of GARVER's personnel during the performance of these services for work time directly connected with the project, plus payroll and general overhead costs of 190.34% of the unburdened hourly rate, plus direct reimbursable expenses normal and necessary for the completion of the project, plus a fixed fee of \$1,043.48. Estimated cost of these services, including the fixed fee is \$8,000.00. The actual total fee may not exceed this estimate without approval from the CITY OF FAYETTEVILLE. For informational purposes, Exhibit B-6 includes approximate current hourly rates for each employee classification. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded.

Expenses other than salary costs that are directly attributable to performance of our professional services will be billed as follows:

1. Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
2. Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.
3. The amount allowed by the federal government for mileage with an additional \$0.05 for survey trucks/vans.

Additional Services (Extra Work). For work not described or included in Section 2 – Scope of Services but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Exhibit B-6 for each classification of GARVER's personnel, plus overhead, plus 15% profit, plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The rates shown in Appendix B-6 will be increased annually with the first increase effective on or about July 1, 2017.

SECTION 3 –EXHIBITS

3.1 The following Exhibits are attached to and made a part of this Agreement:

- 3.1.1 Exhibit A-6 Scope of Services
- 3.1.2 Exhibit B-6 Rate Schedule
- 3.1.3 Exhibit C-6 Project Exhibit

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

Approval and acceptance of this Task Order, including attachments listed in SECTION 3 –EXHIBITS, shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By:  Digitally signed by
Michael J. Griffin
Date: 2016.10.12
11:37:49-05'00'

ATTEST:

By: _____
City Clerk

Title: Senior Vice President _____

**EXHIBIT A-6 – SCOPE OF SERVICES
FAYETTEVILLE – DRAKE FIELD (FYV)
AIRFIELD ROOF REHABILITATION – INSURANCE CLAIM**

2.1 General

Generally, the scope of services includes bid package development, bidding services, and construction phase services for improvements to Fayetteville – Drake Field Airport. Improvements will consist primarily of rehabilitating City owned building roofs located as listed below and shown in Exhibit C-6.

1. FBO Hangar
2. Terminal Building
3. FAA Building
4. Old Terminal Building
5. Old Air Museum

2.2 Bid Package Development

GARVER and Polk Stanley Wilcox will prepare detailed construction drawings, specifications, instructions to bidders, and general provisions and special provisions, all based on guides furnished to GARVER by the CITY OF FAYETTEVILLE. Contract Documents (Plans, Specifications, and Estimates) will be prepared for award of one (1) construction contract. These designs shall be in accordance with sound engineering principles. Detailed specifications shall be developed using appropriate standards. A specimen copy of applicable prevailing wage rates will be obtained by GARVER from the Arkansas Department of Labor as appropriate for incorporation into the specifications for the proposed project.

GARVER will furnish plans to the CITY OF FAYETTEVILLE for bidding and coordination purposes.

2.3 Bidding Services

GARVER will assist the CITY OF FAYETTEVILLE in advertising for and obtaining bids or negotiating proposals for one (1) prime contract for construction, materials, equipment and services; and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, and receive and process deposits for Bidding Documents. The CITY OF FAYETTEVILLE will pay advertising costs outside of this contract. GARVER will assist CITY OF FAYETTEVILLE staff to issue addenda as appropriate to interpret, clarify or expand the Bidding Documents. GARVER will consult with and advise the CITY OF FAYETTEVILLE as to the acceptability of subcontractors, suppliers and other persons and organizations proposed by the prime contractor(s) (herein called "Contractor(s)") for those portions of the work as to which such acceptability is required by the Bidding Documents. GARVER will consult with the CITY OF FAYETTEVILLE concerning and to determine the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution prior to the award of contracts is allowed by the Bidding Documents. GARVER will attend the bid opening and assist the CITY OF FAYETTEVILLE in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment and services.

2.4 Construction Phase Services

During the construction phase of work, GARVER and Polk Stanley Wilcox, as a Subconsultant to GARVER, will accomplish the following:

1. Issue a Notice to Proceed letter to the Contractor and attend the preconstruction meeting.
2. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by GARVER on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
3. Issue instructions to the Contractor on behalf of the CITY OF FAYETTEVILLE and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
4. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the CITY OF FAYETTEVILLE regarding payment. GARVER's recommendation for payment shall not be a representation that GARVER has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
5. When authorized by the CITY OF FAYETTEVILLE, prepare change orders or supplemental agreements, as appropriate, for ordering changes in the work from that originally shown on the Plans and Specifications. If re-design or substantial engineering is required in the preparation of these documents, payment for extra services involved will be made in addition to the payment provided in basic engineering services.
6. Participate in final project inspection, prepare punch list, review final project closeout documents, and submit final pay request.

2.5 Project Deliverables

The following will be submitted to the CITY OF FAYETTEVILLE, or others as indicated, by GARVER:

1. One copy of the Final Plans and Specifications.
2. Three copies of the Final Plans and Specifications to the Contractor.
3. Electronic files as requested.

2.6 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the CITY OF FAYETTEVILLE's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Roof rehabilitation design for buildings other than those listed in Section 2.1.
3. Analysis or opinions of any other aspect of the City owned buildings, including architectural, mechanical, electrical and/or civil components or features.
4. Submittals or deliverables in addition to those listed herein.
5. Construction materials testing.
6. Construction observation.
7. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
8. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
9. Review of National Historic Registry requirements or design to meet National Historic Registry requirements.

Extra Work will be as directed by the CITY OF FAYETTEVILLE in writing for an additional fee as agreed upon by the CITY OF FAYETTEVILLE and GARVER.

2.7 Schedule

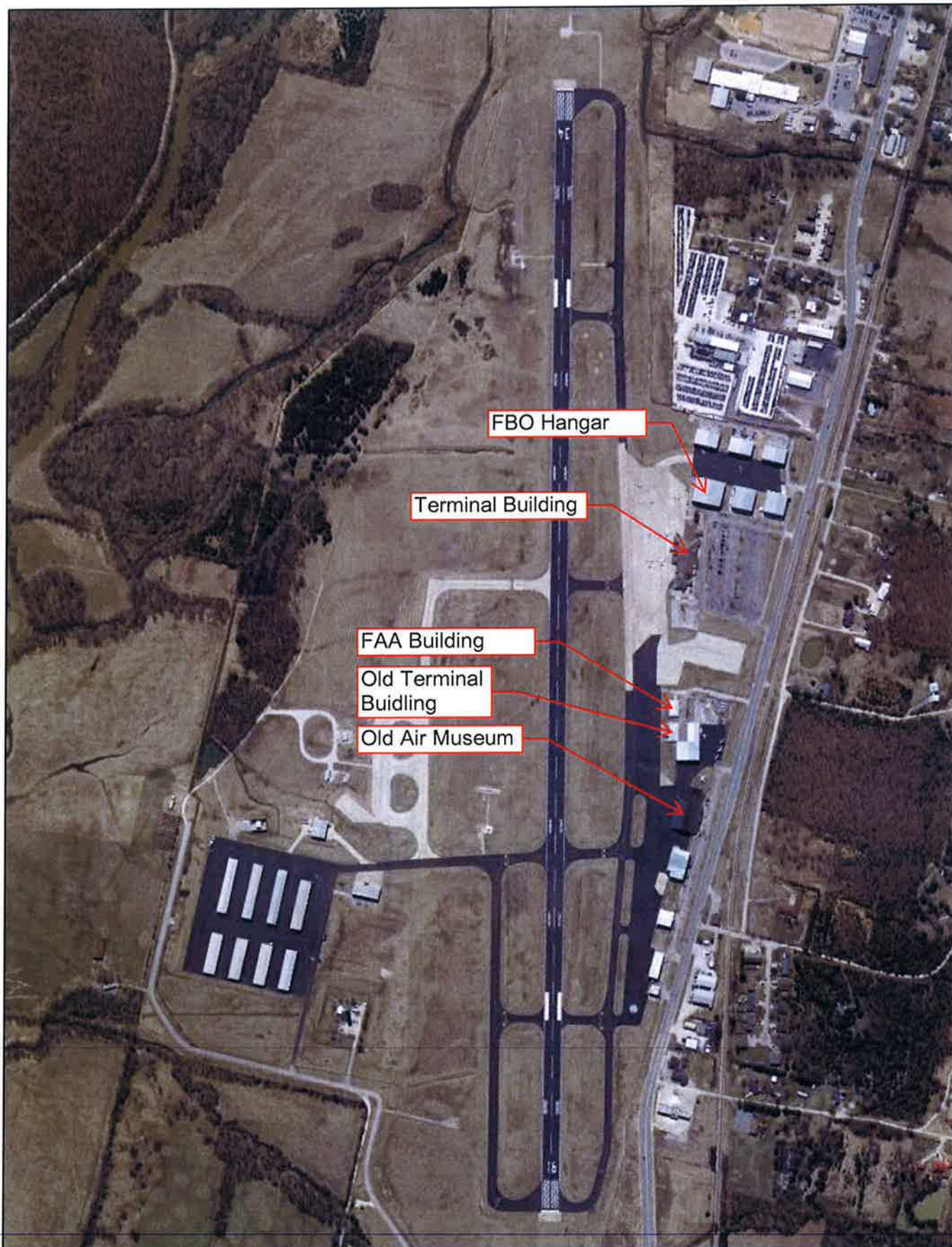
GARVER shall begin work immediately upon receipt of the executed task order and shall complete the work within a mutually agreeable schedule.



Exhibit B-6

**FYV Airfield Roof Rehabilitation – Insurance Claim
Garver Hourly Rate Schedule**

Classification	Rates
Engineers / Architects	
E-1	\$ 32.70
E-2	\$ 37.90
E-3	\$ 45.90
E-4	\$ 53.60
E-5	\$ 65.40
E-6	\$ 82.00
E-7	\$ 108.00
Planners / Environmental Specialist	
P-1	\$ 39.40
P-2	\$ 49.40
P-3	\$ 61.50
P-4	\$ 69.70
P-5	\$ 81.00
P-6	\$ 92.20
Designers	
D-1	\$ 30.60
D-2	\$ 35.80
D-3	\$ 42.50
D-4	\$ 49.40
Technicians	
T-1	\$ 23.80
T-2	\$ 30.20
T-3	\$ 36.80
Surveyors	
S-1	\$ 14.60
S-2	\$ 19.30
S-3	\$ 26.00
S-4	\$ 37.30
S-5	\$ 49.40
S-6	\$ 56.20
2-Man Crew (Survey)	\$ 56.60
3-Man Crew (Survey)	\$ 71.20
2-Man Crew (GPS Survey)	NA
3-Man Crew (GPS Survey)	NA
Construction Observation	
C-1	\$ 28.80
C-2	\$ 37.00
C-3	\$ 45.30
C-4	\$ 55.70
Management / Administration	
M-1	\$ 108.00
X-1	\$ 18.70
X-2	\$ 25.40
X-3	\$ 35.40
X-4	\$ 45.10
X-5	\$ 55.40
X-6	\$ 70.00



FAYETTEVILLE - DRAKE FIELD
FAYETTEVILLE, ARKANSAS
**AIRFIELD ROOF REHABILITATION -
INSURANCE CLAIMS**

PROJECT EXHIBIT

FIGURE NUMBER

C-6



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0450

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

CH2M HILL ENGINEERS, INC. CHANGE ORDER:

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$30,000.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS FOR THE WHITE RIVER, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a change order to the contract with CH2M Hill Engineers, Inc., a copy of which is attached to this Resolution, in the amount of \$30,000.00 to continue work on a Use Attainability Analysis for the White River.

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

City of Fayetteville Staff Review Form

2016-0450

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Tim Nyander

10/14/2016

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution approving a Change Order to an Out-of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000 to continue work on a Use Attainability Analysis (UAA) for the White River, and approving a Budget Adjustment.

Budget Impact:

5400.720.5700-5315.00

Water & Sewer

Account Number

Fund

11014.1101

White River NPDES UAA and APCEC Action

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 60,236.00

Funds Obligated \$ 60,235.74

Current Balance \$ 0.26

Does item have a cost? Yes

Item Cost \$ 30,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 30,000.00

Remaining Budget \$ 0.26

V20140710

Previous Ordinance or Resolution # 19-13

Original Contract Number: 2160

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 1, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Water & Sewer Committee

FROM: Tim Nyander, Utilities Director

DATE: October 14, 2016

SUBJECT: Approval of a Change Order to an Out-of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000 to continue work on a Use Attainability Analysis (UAA) for the White River, and approval of a Budget Adjustment

RECOMMENDATION:

City staff recommends a Resolution approving a Change Order to an Out-of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000 to continue work on a Use Attainability Analysis (UAA) for the White River, and approving a Budget Adjustment.

BACKGROUND:

A former revision to the Out-of-Scope Agreement with CH2M Hill Engineers, Inc. was passed by Resolution 19-13 on February 5, 2013 in the amount of \$154,550.00.

DISCUSSION:

This amendment covers work estimated to be required to carry this process through EPA Region 6 approval, completing the third party rulemaking process. Due to circumstances beyond the control of the City and the consultant team, the project has taken longer and required more work than expected. While the science is relatively definable, the regulatory questions and actions required to meet evolving requirements are less easy to define.

BUDGET/STAFF IMPACT:

Budgeted funds will be moved from the Wastewater Treatment, Water Quality Improvements project to the White River NPDES UAA and APCEC Action, Use Attainability Analysis project.

ATTACHMENTS:

Staff Review Form
Budget Adjustment
Out of Scope Letter Agreement
Resolution 48-11
Resolution 19-13



CH2M
1400 N. Fox Hunter Road
Fayetteville, AR 72701
O 479.443.3292
F 479.443.5613

October 14, 2016

Mr. Tim Nyander
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement Revisions

Dear Tim:

Previously, we agreed to have CH2M HILL Engineers, Inc. (CH2M HILL) provide certain Out of Scope services in a letter dated March 4, 2011 and as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties. Under that Out of Scope Letter dated March 4, 2011, the parties needed to agree in writing when CH2M HILL had revisions to the approved ADEQ work plan or to the price.

CH2M HILL respectfully requests a change order in the amount of \$30,000 for the completion of the Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into. The UAA addresses the current Arkansas site-specific criteria for minerals (chloride, sulfate, and total dissolved solids).

The field studies and data collection outlined in the agency approved UAA Study Plan, dated May 2011, have been completed. The UAA draft report was submitted to the Arkansas Department of Environmental Quality (ADEQ) on August 27, 2012. The City received written comments from ADEQ on October 22, 2012. The City provided ADEQ an initial response to comments on November 21, 2012. The revised report, *White River Use Attainability Analysis – Fayetteville, Arkansas*, was submitted to ADEQ on May 21, 2013.

On June 10, 2013, ADEQ sent a letter to the City of Fayetteville requesting assessment of the UAA in consideration of the proposed Act 954. CH2M HILL conducted the analyses and submitted a Technical Memorandum to the City to forward to ADEQ in response to ADEQ's request. The Technical Memorandum was submitted to ADEQ on July 24, 2013.

On October 11, 2013, the Mitchell Williams law firm filed a petition on behalf of the City of Fayetteville to initiate Third-Party Rulemaking to amend Regulation No. 2, Water Quality Standards, pursuant to the revised UAA report dated May 21, 2013. The petition was reviewed by the Arkansas Pollution Control and Ecology Commission's Regulations Committee on October 25, 2013. The Regulations Committee recommended the Commission consider adopting the proposed revision and proposed that the first public hearing be held during the week of February 10, 2014. The public hearing was held at the Fayetteville Public Library on February 13, 2014.

Written public comments in response to the public hearing were received February 27, 2014. ADEQ submitted a comment requesting the proposed minerals criteria be re-evaluated to insure they reflect instream concentrations based on either the submitted data, or the minerals concentrations measured over the past 23 years in monitoring data. Since then, a significant amount of technical analyses has been performed to address this comment, including the modeling of effluent minerals concentrations that could result from potential future phosphorus reduction at the WWTP, should it be required for Beaver Lake. Technical presentations to ADEQ occurred on June 19, 2014; March 19, 2015; November 16, 2016; and, July 1, 2016. These efforts have all been conducted in response to ADEQ's public comment with the objective of gaining their support for instream, site-specific minerals criteria that result in NPDES permit limits at the Noland WWTP that are anticipated to be achievable based on past performance and modeling of effluent minerals concentrations associated with phosphorus reduction. Ultimately, the proposed instream site-specific minerals criteria must be approved by the Arkansas Pollution Control and Ecology Commission (APC&EC) and the U.S. Environmental Protection Agency (EPA).

As of this request for additional funding, the City is awaiting feedback from ADEQ as to exactly what proposed criteria they will endorse, except that it is not anticipated to be the 60 mg/L chloride, 100 mg/L sulfate, and 440 mg/L TDS, as originally proposed by the City in the initial Third-Party Rulemaking process. As of September 23, 2016, ADEQ is reconsidering the values proposed in the City's March 2015 presentation, which are: 44 mg/L chloride, 79 mg/L sulfate, and 362 mg/L TDS. Approval and endorsement from ADEQ of the proposed criteria is considered extremely important for gaining approval from APC&EC and EPA.

ADEQ is currently considering segmenting the reach of the White River downstream of the Noland WWTP outfall and applying two sets of criteria. It is unknown at this time if this would trigger additional public comments to be dealt with during the Third-Party

Rulemaking process since this would be different than what was originally proposed to the APC&EC. Because it is difficult to predict the responses and requests of ADEQ, EPA, APC&EC, and the public during the process that lies ahead; the estimated needs between October 2016 and September 2017, when NPDES permit renewal must begin, has been based on best professional judgement, consideration of the project hourly burn-rate to date, and the schedule benchmarks ahead.

When it is being provided:	Services are expected to be initiated in October 2016 and continue to September 2017.
Price of services:	To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our Agreement upon completion of the services. Documentation of actual costs shall be provided with invoices.
Increased Estimate of costs:	Estimated at approximately \$30,000*
Payment terms:	Due upon receipt of CH2M HILL's invoice and payable within thirty (30) calendar days as per Section 5.2 of our Agreement.

*Note that the City will be alerted immediately if ADEQ requires work beyond the scope outlined above or other circumstances cause the estimated costs of the project to exceed this number. No work will be performed above this price until such work is approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended November 16, 2010, and November 15, 2011, between CH2M HILL and The City of Fayetteville remain in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL appreciates the opportunity to provide these additional services to the City of Fayetteville.

Sincerely,

A handwritten signature in black ink, appearing to read 'SCC', with a long horizontal line extending to the right.

Steven Carpenter
Regional Business Manager

Both parties indicate their approval of the above-described services by their signature below.

Authorized CH2M HILL:

Authorized City of Fayetteville, Arkansas

A handwritten signature in blue ink, appearing to read 'Scott Neelley', with a long horizontal line extending to the right.

Name: Scott Neelley
Senior Vice President
Date: 10/14/2016

Name: Lioneld Jordan
Title: Mayor
Date:

RESOLUTION NO. 19-13

A RESOLUTION APPROVING A REVISION TO AN OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$154,550.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS (UAA) FOR THE WHITE RIVER, MAINTAINING THE EXISTING \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

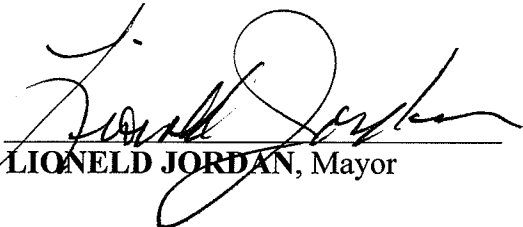
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an out-of-scope agreement with CH2M Hill Engineers, Inc. in the amount of \$154,550.00 to continue work on a use attainability analysis (UAA) for the White River and maintains the existing \$50,000.00 contingency.

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

PASSED and APPROVED this 5th day of February, 2013.

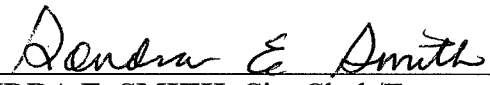
APPROVED:

By:


LIONELD JORDAN, Mayor

ATTEST:

By:


SONDRA E. SMITH, City Clerk/Treasurer

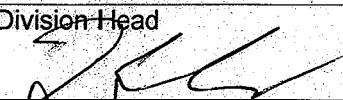
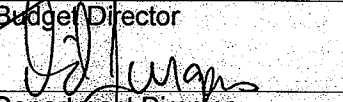
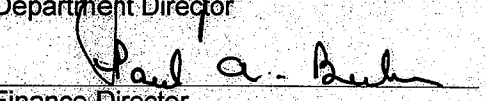


V12.0724

Budget Year 2013	Division: Water & Sewer Maintenance Department: Utilities Director	Request Date 1/8/2013	Adjustment Number
----------------------------	---	---------------------------------	--------------------------

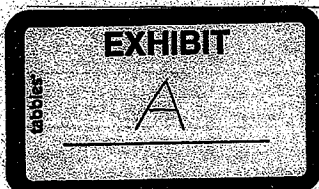
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

A BA for \$137,150 is needed for a revision to the Out of Scope Agreement with CH2M Hill Engineers, Inc. to continue work on the Use Attainability Analysis (USAA) for the White River (Revision of Res 48-11). This amendment includes researching and responding to numerous technical questions from ADEQ and/or EPA, researching and responding to technical and non-technical questions from the APCEC and public comments and attending numerous public and technical calls or meeting with stakeholders, ADEQ, EPA and APCEC.

Division Head		Date	1-10-13
Budget Director		Date	9 JAN 13
Department Director		Date	1-15-2013
Finance Director		Date	1-15-13
Chief of Staff		Date	1/23/13
Mayor		Date	

Prepared By:	Cheryl Partain					
Reference:						
Budget & Research Use Only						
Type:	A	B	C	<u>D</u>	E	P
General Ledger Date						
Posted to General Ledger						
Checked / Verified	Initial		Date			
	Initial		Date			

TOTAL BUDGET ADJUSTMENT

[illegible]

City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

05-Feb-13

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

Wastewater Treatment
Division

Utilities
Department

Action Required:

Approval of an revision to the Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$154,550 to continue work on the Use Attainability Analysis (UAA) for the White River, maintaining the existing approved \$50,000 contingency, and approve a budget adjustment.

\$204,550.00

Cost of this request

\$ 67,400.00

Category / Project Budget

Wastewater Treatment

Program Category / Project Name

5400.5700.5315.00

Account Number

\$ -

Funds Used to Date

Wastewater Treatment

Program / Project Category Name

11014-1101

Project Number

\$ 67,400.00

Remaining Balance

Water/Sewer

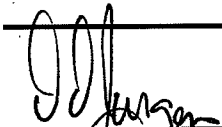
Fund Name

Budgeted Item

☒

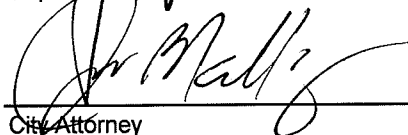
Budget Adjustment Attached

☒


Department Director

10 JAN 13
Date

Previous Ordinance or Resolution # 48-11


City Attorney

1-14-13
Date

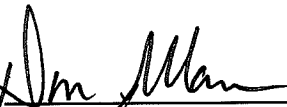
Original Contract Date: 3/15/2011

Original Contract Number: 2113


Finance and Internal Services Director

1-15-2013
Date

Received in City Clerk's Office 1-14-13 P01:43 RCVD


Chief of Staff

1-15-13
Date

Received in Mayor's Office

ENTERED
1/14/13
7:11

Mayor

1/15/13
Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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

Date: January 7, 2013

Subject: Out of Scope Agreement Revision, CH2M Hill Engineers, White River Use Attainability Analysis

RECOMMENDATION

Staff recommends approving a revision to the Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$154,550 to continue work on the Use Attainability Analysis (UAA) for the White River, maintaining the existing approved \$50,000 contingency, and approve a budget adjustment.

BACKGROUND

ADEQ informed the City that the Noland WWTF National Pollutant Discharge Elimination System (NPDES) permit, currently nearing final publication by ADEQ and was scheduled for issuance in May 2011, will contain limits on total dissolved solids (TDS), and minerals, specifically chloride (Cl⁻), and sulfate (SO₄⁻). The segment of the White River where the Noland plant discharges is on the 303(d) impaired streams list for turbidity (sediment), TDS, Cl⁻, and SO₄⁻. Concentrations measured in the White River exceeded the current site specific water quality standards (WQS) of: Cl⁻ -20 mg/l; SO₄⁻ -20 mg/l; and TDS -160mg/l.

The City began the least cost and most common solution, as recommended by ADEQ and successfully completed by several other Arkansas entities, to make a third party petition to the Arkansas Pollution Control and Ecology Commission (APCEC) requesting an amendment to Regulation 2 modifying the site specific water quality standards. In March 2011 we executed a \$265,000 out of scope agreement with CH2M Hill Engineers for the project, supported by FTN Associates. We also executed related contracts with Mitchell-Williams law firm for \$48,000 and \$19,600 with the United States Geological Survey as team members in this work. The combined consultant-staff team has developed the Use Attainability Analysis (UAA), which evaluates aspects of the river with respect to the designated uses of the stream. The White River has designated uses of aquatic life and drinking water. The latter has the water quality standards of Cl⁻ - 250 mg/l; SO₄⁻ - 250 mg/l; and TDS - 500mg/l. The draft report was submitted to ADEQ in August 2012. We are now working with ADEQ to answer questions, develop the final report, and submit our petition to the APCEC. Once the APCEC makes a determination, it is submitted to the USEPA Region 6 for final approval. The remaining process could take 18 months.

DISCUSSION

This amendment covers work estimated to be required to carry this process through EPA Region 6 approval, completing the third party rulemaking process. Due to circumstances beyond the control of the City and the consultant team, the project has taken longer and required more work than expected. While the science is relatively definable, the regulatory questions and actions required to meet evolving requirements are less easy to define. ADEQ requested additional field activities beyond the work that had been performed in similar studies. Also, the project was delayed eight months due to extreme flooding in April and May 2011, which was when we were to conduct spring season White River water quality sampling. This amendment includes:

- researching and responding to numerous technical questions from ADEQ and/or EPA
- researching and responding to technical and non-technical questions from the APCEC and public comments
- attending numerous public and technical calls or meetings with stakeholders, ADEQ, EPA, and APCEC

BUDGET IMPACT

\$67,400 is available in this project; the remaining \$137,150 is proposed to be moved from Wastewater Treatment/Water Quality Improvements project 13018, established to provide additional funding for this and other related projects.

RESOLUTION NO. _____

A RESOLUTION APPROVING A REVISION TO AN OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$154,550.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS (UAA) FOR THE WHITE RIVER, MAINTAINING THE EXISTING \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an out-of-scope agreement with CH2M Hill Engineers, Inc. in the amount of \$154,550.00 to continue work on a use attainability analysis (UAA) for the White River and maintains the existing \$50,000.00 contingency.

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

PASSED and APPROVED this 5th day of February, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



CH2M HILL

9189 South Jamaica Street

Englewood, CO 80112-5946

Tel 303.771.0900

Fax 720.286.9250

January 4, 2013

Mr. David Jurgens
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement Revisions

Dear David:

Previously, we agreed to have CH2M HILL Engineers, Inc. (CH2M HILL) provide certain Out of Scope services in a letter dated March 4, 2011 and as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties. Under that Out of Scope Letter dated March 4, 2011, the parties needed to agree in writing when CH2M HILL had revisions to the approved ADEQ work plan or to the price.

CH2M HILL respectfully requests a change order in the amount of \$154,550 for the completion of the Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into. The UAA addresses the current Arkansas site-specific criteria for minerals (chloride, sulfate, and total dissolved solids).

The field studies and data collection outlined in the agency approved UAA Study Plan, dated May 2011, have been completed. The UAA draft report was submitted to the Arkansas Department of Environmental Quality (ADEQ) on August 27, 2012. The City received written comments from ADEQ on October 22, 2012. The City provided ADEQ an initial response to comments on November 21, 2012; however, additional work is required to complete the UAA process as outlined below.

Final report review and preparation of the response to the October 22, 2012 comments submitted by ADEQ is anticipated to require additional work estimated to cost \$62,550 (see Task 1 below). Work associated with the third-party rulemaking process was not included in the original UAA scope of work or cost estimate, but it has been included below under Tasks 2 and 3. The level of effort anticipated to provide technical support during the third-party rulemaking process is estimated to be \$92,000 (see Tasks 2 and 3 below).

Task 1: Address ADEQ comments on the UAA and revise the report for ADEQ approval.

Estimate to complete task: \$62,550

Key assumptions and caveats:

- Assumes currently anticipated review of report will be adequate to support future activities
- Assumes up to three (3) one-hour internal team conference calls pertaining to technical issues.
- Assumes up to three (3) one-hour internal team conference calls pertaining to regulatory/policy strategy issues.
- Assumes up to two (2) one-hour conference calls with ADEQ pertaining to technical issues.
- Assumes up to two (2) meetings with ADEQ pertaining to regulatory/policy strategy issues.
- Assumes the extent of ADEQ comments to be addressed under this task will be limited to those dated October 22, 2012.
- Assumes no additional field sampling or data collection will be required.
- Assumes technical analyses pertaining to nutrient enrichment will not be required.
- Clearance to proceed with the third-party rulemaking petition requires approval of the UAA by ADEQ, which is anticipated but cannot be guaranteed.

Task 2: Address potential EPA and stakeholder comments prior to initiation of the third-party rulemaking process.

Estimate to complete task: \$32,000

Key assumptions and caveats:

- Significant comments from EPA are not anticipated until their formal, 90-day review period begins after final approval of the proposed rulemaking by APCEC (see Task 3).
- The cost estimate for Task 2 does not include addressing EPA comments that may originate during their formal, 90-day review period; those comments will be addressed under Task 3.
- Assumes no additional analyses or significant report amendments will be required to address the findings of the USGS report pertaining to the Beaver Lake water quality model when it is published by the USGS.
- Assumes up to two (2) one-hour internal team conference calls for planning and coordination.
- Assumes up to two (2) conference calls with EPA, of which one (1) will be a teleconference from the ADEQ headquarters building.
- Assumes up to two (2) conference calls and one (1) meeting with stakeholders.
- Assumes up to two (2) conference calls with ADEQ to maintain coordination with the lead agency.

- Assumes limited revisions to the report may be required under this task, but no reproduction of report hardcopies.

Task 3: Initiate and complete the third-party rulemaking process.

Estimate to complete task: \$60,000

Key assumptions and caveats:

- Assumes up to two (2) one-hour internal team conference calls for planning and coordination.
- Assumes participation of two (2) technical staff in five (5) meetings: the initial APCEC meeting (initiation of rulemaking); one public hearing; two legislative committee hearings; and the final APCEC meeting.
- Assumes up to two (2) conference calls with stakeholders.
- Assumes up to two (2) conference calls with EPA, of which one (1) will be teleconference from the ADEQ headquarters building.
- Assumes up to two (2) conference calls with ADEQ to maintain coordination with the lead agency.
- Assumes all written technical clarification will be transmitted via technical memorandums and no revisions or reproduction of the UAA report (as developed under Tasks 1 and 2) will be required.

When it is being provided:

Services are expected to be initiated in January 2013 by first meeting with ADEQ to discuss the comments they provided on October 22, 2012. It is possible that such a meeting could occur in December 2012, but it is not anticipated given the approaching holidays. The initial goal is to obtain ADEQ approval of the minerals UAA with clearance to proceed with the Third-Party Rulemaking. If approval were granted in March 2013, it is estimated that the rulemaking process would be complete during the first quarter of 2014. Refer to Attachment 1 for an outline of the estimated schedule for Third-Party Rulemaking.

Price of services:

To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our Agreement upon completion of the services. Documentation of actual costs shall be provided with invoices.

Increased Estimate of costs:

Estimated at approximately \$154,550*

Payment terms:

Due upon receipt of CH2M HILL's invoice and payable within thirty (30) calendar days as per Section 5.2 of our Agreement.

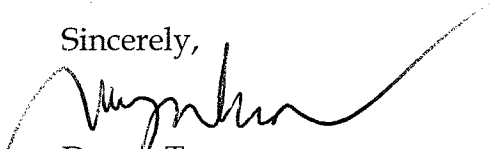
*Note that the City will be alerted immediately if ADEQ requires work beyond the scope outlined above or other circumstances cause the estimated costs of the project to exceed this number. No work will be performed above this price until such work is approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended November 16, 2010, and November 15, 2011, between CH2M HILL and The City of Fayetteville remain in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL appreciates the opportunity to provide these additional services to the City of Fayetteville.

Sincerely,



Duyen Tran
Project Manager

Both parties indicate their approval of the above-described services by their signature below.

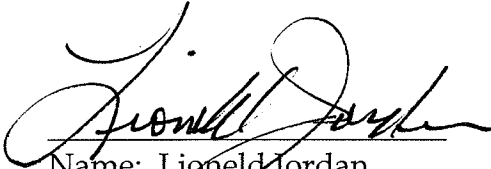
Authorized CH2M HILL:



Name: Natalie E. Eldredge
Title: Senior Designated Manager
Date: 1/7/13

1-7-2013
OUB

Authorized City of Fayetteville, Arkansas



Name: Lioneld Jordan
Title: Mayor
Date: 1/6/13

RESOLUTION NO. 48-11

A RESOLUTION APPROVING AN OUT OF SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$265,000.00 FOR DEVELOPMENT OF A USE ATTAINABILITY ANALYSIS (UAA) ON THE WHITE RIVER, APPROVING A \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an out of scope agreement with CH2M Hill Engineers, Inc. in the amount of \$265,000.00 for development of a use attainability analysis (UAA) on the White River. A copy of the agreement is attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a \$50,000.00 contingency.

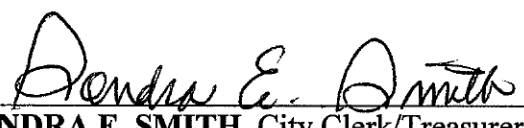
Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "B".

PASSED and APPROVED this 15th day of March, 2011.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





CH2M HILL
9193 South Jamaica Street
Englewood, CO 80112
Tel 720.286.2000

March 4, 2011

Mr. David Jurgens
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement

Dear David:

As agreed upon in our previous discussions, CH2M HILL Engineers, Inc. (CH2M HILL) will provide the following Out of Scope services as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties.

What is being provided:

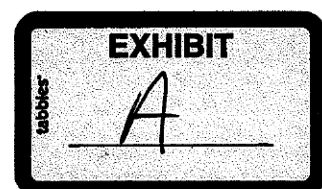
- Services, work, and materials necessary to complete a Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into.
- The UAA shall be performed in a manner approved by the Arkansas Department of Environmental Quality (ADEQ), according to a work plan that shall be submitted to ADEQ for approval as one of the initial steps of the process.
- The UAAA shall specifically address the current Arkansas water quality standards for minerals, i.e. Chloride, Sulfate, and Total Dissolved Solids (TDS) for the designated uses.
- A final report shall be issued on the results of the UAA suitable for submittal to ADEQ and the Arkansas Pollution Control and Ecology Commission.

When it is being provided:

Services are expected to be initiated in the spring of 2011 and will be completed according to the timeline approved by ADEQ.

Price of services:

To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our



Agreement upon completion of the services.
Documentation of actual costs shall be provided with
invoices.

Estimate of costs: Estimated at approximately \$265,000*

Payment terms: Due upon receipt of CH2M HILL's invoice and
payable within 30 days as per Section 5.2 of our
Agreement.

*Note that the City will be alerted immediately if the ADEQ approved work plan or
unforeseen weather or other circumstances cause the estimated costs of the project to
exceed this number. No work will be performed above this price until such work is
approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended
November 16, 2010, between CH2M HILL and The City of Fayetteville remain in full
force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return
one fully executed original for your files.

CH2M HILL appreciates the opportunity to provide these additional services to the
City of Fayetteville.

Sincerely,



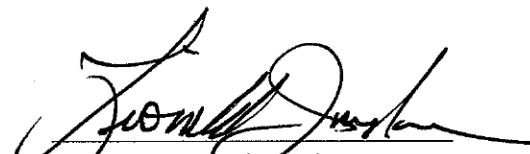
Duyen Tran
Project Manager

Both parties indicate their approval of the above-described services by their signature
below.

Authorized CH2M HILL:

Authorized City of Fayetteville, Arkansas


Name: Natalie L. Eldredge
Senior Vice President
Date: 3/4/11
CMB 3-4-2011


Name: Lionel Jordan
Title: Mayor
Date: 3/17/11

V11.0222

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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	

\$265,000 is needed for an an Out of Scope Agreement with CH2M Hill Engineers, Inc. to develop the Use Attainability Analysis due to the ADEQ currently developing a NPDES permit that will contain limits on total dissolved solids and minerals. \$135,000 is needed to cover additional costs associated with the project which includes legal costs for an environmental attorney to file a petition with the APCEC to modify the water quality standards and request that the new NPDES permit be delayed until the analysis process is complete.

TOTAL BUDGET ADJUSTMENT

EXHIBIT
B

City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

15-Mar-11

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Wastewater Treatment

Division

Utilities

Department

Action Required:

Approval of an Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$265,000 to develop a Use Attainability Analysis (UAA) on the White River, and approving a \$50,000 contingency, and approving a budget adjustment.

\$316,000.00

Cost of this request

\$

-

Category / Project Budget

Wastewater Treatment

Program Category / Project Name

5400.5100.5328.00

Account Number

\$

-

Funds Used to Date

Wastewater Treatment

Program / Project Category Name

\$

-

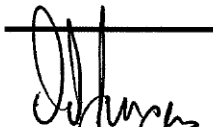
Remaining Balance

Water/Sewer

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

XX

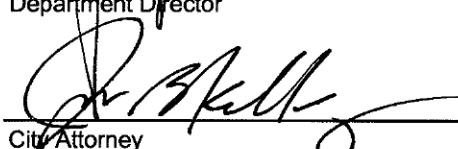

 Department Director

25 Feb 11
 Date

Previous Ordinance or Resolution #

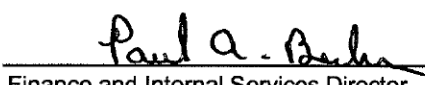
256-09

Original Contract Date:

12/15/2009

 City Attorney

2-28-11
 Date

Original Contract Number:

2113

 Finance and Internal Services Director

2-28-2011
 Date
Received in City
Clerk's Office

02-25-11 P03:58 RCVD



 Chief of Staff

3-1-11
 Date
Received in
Mayor's Office


 Mayor

3/1/11
 Date

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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

Date: February 25, 2011

Subject: Out of Scope Agreement, CH2M Hill Engineers, for \$265,000 for a White River Use Attainability Analysis

RECOMMENDATION

Staff recommends approving an Out of Scope Agreement with CH2M Hill Engineers, Inc. for \$265,000 to develop a Use Attainability Analysis (UAA) for the White River, and approving a \$50,000 contingency, and a budget adjustment.

BACKGROUND

ADEQ has informed the City that the Noland WWTF National Pollutant Discharge Elimination System (NPDES) permit, currently being developed by ADEQ and scheduled for issuance in May, 2011, will contain limits on total dissolved solids (TDS), and minerals, specifically chloride (Cl⁻), and sulfate (SO₄²⁻), unless other actions are taken. The segment of the White River where the Noland plant discharges is on the 303(d) impaired streams list for turbidity, TDS, Cl⁻, and SO₄²⁻. Concentrations measured in the White River exceeded the current site specific water quality standards (WQS) of: Cl⁻ -20 mg/l; SO₄²⁻ -20 mg/l; and TDS -160mg/l.

The least cost and most common solution, recommended by ADEQ and successfully completed by Jonesboro (the only other City to have fully faces this issue), is to make a third party petition to the Arkansas Pollution Control and Ecology Commission (APCEC) requesting an amendment to Regulation 2 modifying the site specific water quality standard. It involves performing a Use Attainability Analysis (UAA), which evaluates aspects of the river with respect to the designated uses of the stream. The White River has designated uses of aquatic life and drinking water. The latter has the water quality standards of Cl⁻ - 250 mg/l; SO₄²⁻ - 250 mg/l; and TDS - 500mg/l. The UAA may take a full year or more to complete before the petition to modify the water quality standards can be submitted to the APCEC, and the APCEC may take another year to make a determination. We are also requesting the new NPDES permit be delayed until this process is complete.

DISCUSSION

There are three companies, CH2M Hill, FTN Associates, and GBM^c & Associates, who are leaders in performing UAAs. The attached agreement represents a partnership with CH2M Hill as the lead and FTN in a supporting role. This team presents the optimum combination of experience, capability for quick, responsive action, and familiarity with the White River conditions, to complete this project as quickly as possible. This type out of scope agreement is allowed for within our existing contract with CH2M Hill. As soon as this contract is executed, CH2M Hill will submit a draft schedule for the UAA to ADEQ for approval. That will determine the schedule of work to follow.

BUDGET IMPACT

Funds are proposed to be reduced from two other approved water/sewer projects to fund this new project, as shown in the attached budget adjustment. The budget adjustment is large enough that it is expected to cover this agreement, the expected contract with the environmental attorney to file the petition with the APCEC, with a contingency.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OUT OF SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$265,000.00 FOR DEVELOPMENT OF A USE ATTAINABILITY ANALYSIS (UAA) ON THE WHITE RIVER, APPROVING A \$50,000.00 CONTINGENCY, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an out of scope agreement with CH2M Hill Engineers, Inc. in the amount of \$265,000.00 for development of a use attainability analysis (UAA) on the White River. A copy of the agreement is attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a \$50,000.00 contingency.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "B".

PASSED and APPROVED this 15th day of March, 2011.

APPROVED:

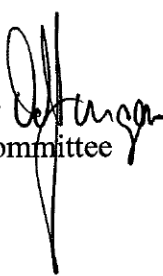
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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

Date: February 25, 2011

Subject: Information Paper-Noland Wastewater Treatment Facility NPDES Permitting Issues Relating to Total Dissolved Solids, Chloride, and Sulfate

SITUATION

ADEQ has informed the City that the Noland WWTF National Pollutant Discharge Elimination System (NPDES) permit, currently being developed by ADEQ and scheduled for final issuance in May, 2011, will contain limits on total dissolved solids (TDS) and minerals, specifically chloride (Cl^-), and sulfate (SO_4^{2-}), unless other actions are taken. The segment of the White River where the Noland plant discharges is on the 303(d) impaired streams list for turbidity (sediment), TDS, Cl^- , and SO_4^{2-} . Concentrations measured in the White River both above and below the Noland WWTF discharge exceeded the current site specific water quality standards (WQS) of: Cl^- -20 mg/l; SO_4^{2-} -20 mg/l; and TDS -160mg/l.

According to ADEQ representatives, no point source dischargers are allowed to cause or contribute to an identified impairment. Because the reach of the river where the Noland WWTF effluent discharges (Reach 23) is on the 303(d) list, Noland's effluent, which does contain TDS, Cl^- , and SO_4^{2-} , is subjected to the site specific WQS set for the White River. Any discharge at concentrations above the water quality standards is deemed to contribute to the impairment. As a result, if our NPDES permit were issued today, these same concentrations would become NPDES permit limits. Jonesboro and Huntsville have recently faced this issue same issue.

ALTERNATIVES

Fayetteville and CH2M HILL staff met with ADEQ staff at 2:00, January 26, 2011, to discuss alternatives. ADEQ staff included Ryan Benefield, Steve Drown, Mo Shaffi, Marysia Jastrzebski, John Bailey, and Kim Fuller. City representatives included David Jurgens, Dr. Robert Blanz, P.E., PhD, Billy Ammons, and Duyen Tran. Based on the discussion and the recommendations from ADEQ, Fayetteville has several courses of action. These are not all mutually exclusive; some may be considered in combination.

1. Change the site specific water quality standards. This requires a third party petition to the Arkansas Pollution Control and Ecology Commission (APCEC) requesting an amendment to Regulation 2. It involves performing a Use Attainability Analysis (UAA), which evaluates aspects of the river with respect to the designated uses of the waterway. Designated uses for the White River are aquatic life and drinking water. Aquatic life water quality standards are variable, but as a minimum the drinking water standards of Cl^- - 250 mg/l; SO_4^{2-} - 250 mg/l; and TDS - 500mg/l would apply. Modifying the site specific water quality standard is the most common approach and was recommended by ADEQ in the January 26 meeting. This is the method Jonesboro selected to address the same issue. The UAA may take a full year or more to complete before the petition to modify the water quality standards can be submitted to the APCEC for consideration, and the

APCEC may take another year to make a determination. Simultaneously, we should use every means to get issuance of the new permit delayed. ADEQ staff at the meeting expressed great reluctance to grant an extension, for fear of setting a precedent. Huntsville exerted significant political influence through the City, legislative attention, and the Poultry Federation. As a result, Huntsville received a three year permit that includes monitoring requirements, but no discharge limits, for Cl^- , SO_4^{2-} , and TDS. This was very unusual, and is not available for Fayetteville because we are major discharger. Additionally, this did not solve Huntsville's problem- it simply delayed the final conclusion. Historically, once monitoring begins, discharge limits almost always follow. Thus, Huntsville can expect limits on minerals and TDS when their next permit is issued.

2. Eliminate the source of the TDS and minerals in the stream that are causing the water quality standards to be exceeded. The West Fork of the White River shows impairment upstream from the City's outfall. The Middle and main forks of the White River do not. ADEQ representatives have stated that concentrations of minerals were not an issue until 2004, when a significant increase in TDS and minerals was observed. These higher concentrations have remained since, indicating a long term change in conditions. Staff is obtaining and reviewing the data to further identify exactly when the change occurred. Eliminating the source of this change, and thereby eliminating the source of the minerals, is a hit-or-miss proposition, as a preliminary review has not indicated any potential source for such a change. It may be induced by human action, or may be caused by natural phenomena. The only potential cause identified thus far is the major flood that occurred on April 23-24, 2004. The City of West Fork WWTF is the only other permitted point source upstream; its flow volume is comparatively minor and is extremely unlikely to be the source. Positively identifying the source will take comprehensive stream sampling, and will probably prove unsuccessful no matter how much effort is applied. This alternative should be investigated, but cannot be relied upon as a sole solution to the permitting problem.

3. Do nothing to change the standards. This alternative creates two sub-choices:

a. Upgrade the WWTF to meet the new permit limits. This will result in an approximate \$45 million (very preliminary estimate) initial capital and \$2 million increased annual operational cost for treatment, which could approach a present worth value of \$100 million over the life of the Noland facility.

b. Do not upgrade the WWTF, and accept not meeting the permit requirements. This will result in fines from ADEQ which would be levied as soon as the new limits take affect (this was made clear in the January 26 meeting).

4. Change the state-wide water quality standards. Several cities in Arkansas have faced this issue in recent years, and it will become more common in future permits. As a result, ADEQ representatives agree that there is significant benefit to changing these water quality criteria on a state-wide basis. This process would likely take at least 3 – 5 years, if it would be successful at all. It is also very expensive, and according to the ADEQ officials in our meeting is not currently feasible for ADEQ. This is the best long-term solution, but will not solve the issue for Fayetteville.

5. Invoke legislative action to allow or force ADEQ to address the Regulation. This is a state-wide problem that will impact multiple municipal and other dischargers. As every ADEQ representative agreed, this is not an environmental impact issue but a regulatory one that they are required to enforce. These constituents have no negative impact on the environment at the levels cited in the Regulation, but changes in the White River flow and the low flows experienced in 2007 have caused this to become a permitting issue. ADEQ stated they are unwilling to address the problem on a state-wide basis due to lack of funding and manpower to do so. It will take legislative action to change this position. If no state-wide action is taken by ADEQ, then the responsibility is placed directly on each permitted discharger, who then must invest in a \$300k - \$400 study to make a third party rule change. Any legislative change may help other NPDES permit holders, but cannot occur in time to help with Fayetteville's situation.

6. Partner with West Fork, as the only other NPDES permitted facility on the White River upstream of Beaver Lake. Their NPDES permit expires in 2012. If the ADEQ approach remains unchanged, they will face the same problem. This would require two to four additional sampling sites on the West Fork, but otherwise would not add significant work to the process. West Fork staff is evaluating, and we are executing our initial work so they could join in and cost share on the study and petition.

RECOMMENDATION

As soon as possible, initiate a plan to conduct a UAA. Send the plan to ADEQ for review, comment, and (if they will grant such) approval. Start the UAA soon enough that we catch the spring conditions this year. Request a two year extension of our existing permit from ADEQ while we undergo the study and submit the WQS standards change request to the APCEC. Select and hire an attorney specializing in environmental law to submit the request to the APCEC. Structure our initial work such that West Fork can participate allowing for them to cover their portion of the expense.

BACKGROUND and ADDITIONAL INFORMATION

All attendees in the January 26 meeting agreed these standards are not reasonable for wastewater, and there is no scientific evidence that we know of suggesting that minerals and TDS in the concentrations present in either the river or the wastewater effluent cause harm or degradation to aquatic life or other aspects of the environment. We are not aware of another NPDES permit in Arkansas that currently has discharge limits on these parameters, although Jonesboro and Huntsville have had to address the issue. Most states do not appear to have any type of water quality standard for these minerals and ADEQ admitted that the standards as they currently exist provide no known benefit to the environment. ADEQ further acknowledged that the standards themselves should be changed but insisted that they had neither time nor resources to perform that action. The standards were introduced into the state-wide regulations by ADEQ in the late 1970's, based on a study conducted at that time. That study cannot now be found. Thus, they cannot find the reason these standards were first identified- neither for the entire state nor for the White River. Additionally, there are different impaired water body uses for the White River in the 303(d) list in the 2004, 2006, 2008, and (draft) 2010 publications, but ADEQ staff has not identified the reasons for these changes. It is, they agreed, possible that these numbers, and the resulting inclusion on the 303(d) list, are the result of an error. However, now that the numbers are in the Regulation, they must be either be followed or formally changed. As a point of comparison, the proposed limits are much stricter than the recommended standards for finished drinking water, which has recommended (but not required) standards shown in the table below.

The City has never monitored our effluent for these items. There was never a reason to. Preliminary monitoring, conducted since the issue was brought to our attention, indicates our effluent, **at that time**, contained the concentrations shown below. The BWD drinking water concentrations are shown as well.

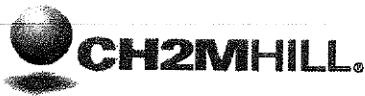
Constituent	White River Limit	Noland Effluent ² (Jan 2011)	Drinking Water Limit ¹	BWD 2009 Actual
Chloride	20	Average 40.5 range 38.2 - 44.3	250	9
Sulfate	20	Average 57.1 range 37.3 - 61.4	250	27.6
Total Dissolved Solids	160	Average 458, range 397 - 680	500	95

¹ These are aesthetic standards recommended by USEPA and ADH for drinking water; they are not mandatory.

² These are samples taken in January, 2011. These could change drastically for different seasons, influent changes, and treatment process changes.

303(d) List Summary

303(d) Year	Stream Reach for Which City	Impairment	Impaired Use	Reason
2002	West Fork, Fayetteville	None	N/A	N/A
2004	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Road const & agriculture
2004	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	Agriculture & Industry	Road const & agriculture
2006	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Unknown
2006	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	Agriculture & Industry	Unknown
2008	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Unknown
2008	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	Agriculture & Industry	Unknown
2010	West Fork	TDS, SO ₄ ⁼	Agriculture & Industry	Unknown
2010	Fayetteville	TDS, Cl ⁻ , SO ₄ ⁼	None Listed, verbally Aquatic Life (Fisheries)	Unknown



CH2M HILL
9193 South Jamaica Street
Englewood, CO 80112
Tel 720.286.2000

February 28, 2011

Mr. David Jurgens
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Subject: Out of Scope Letter Agreement

Dear David:

As agreed upon in our previous discussions, CH2M HILL Engineers, Inc. (CH2M HILL) will provide the following Out of Scope services as per the Operations, Maintenance and Management Agreement dated December 15, 2009, executed between the Parties.

What is being provided:

- Services, work, and materials necessary to complete a Use Attainability Analysis (UAA) on the White River segment that the City of Fayetteville's Paul R. Noland Wastewater Treatment Plant (WWTP) discharges into.
- The UAA shall be performed in a manner approved by the Arkansas Department of Environmental Quality (ADEQ), according to a work plan that shall be submitted to ADEQ for approval as one of the initial steps of the process.
- The UAAA shall specifically address the current Arkansas water quality standards for minerals, i.e. Chloride, Sulfate, and Total Dissolved Solids (TDS) for the designated uses.
- A final report shall be issued on the results of the UAA suitable for submittal to ADEQ and the Arkansas Pollution Control and Ecology Commission.

When it is being provided:

Services are expected to be initiated in the spring of 2011 and will be completed according to the timeline approved by ADEQ.



Price of services: To be billed at CH2M HILL's actual cost plus 18% as per Section 3.2 and Appendix C.1.25 of our Agreement upon completion of the services. Documentation of actual costs shall be provided with invoices.

Estimate of costs: Estimated at approximately \$265,000*

Payment terms: Due upon receipt of OMI's invoice and payable within 30 days as per Section 5.2 of our Agreement.

*Note that the City will be alerted immediately if the ADEQ approved work plan or unforeseen weather or other circumstances cause the estimated costs of the project to exceed this number. No work will be performed above this price until such work is approved in writing by the City.

All other terms and conditions of the Agreement dated December 15, 2009, as amended November 16, 2010, between CH2M HILL and The City of Fayetteville remain in full force and effect.

If these terms are agreeable to you, please sign both copies of this letter. We will return one fully executed original for your files.

CH2M HILL appreciates the opportunity to provide these additional services to the City of Fayetteville.

Sincerely,

Duyen Tran
Project Manager

Both parties indicate their approval of the above-described services by their signature below.

Authorized CH2M HILL:

Authorized City of Fayetteville, Arkansas

Name: Natalie L. Eldredge
Title: Vice President
Date: _____

Name: Lionel Jordan
Title: Mayor
Date: _____

Budget Year	Division	Adjustment Number
2016	WATER SEWER (720)	
	Requestor: Cheryl Partain	

A BA is needed to move budgeted funds into the White River NPDES UAA and APCEC Action project to increase CH2M Engineers, Inc. agreement with the City. The amendment is to cover additional costs for work relating to the Use Attainability Analysis (UAA) work being done by CH2M.

	COUNCIL DATE:	11/1/2016
	LEGISTAR FILE ID#:	2016-0450
	<i>Barbara Fell</i>	
	<i>10/17/2016 8:14 AM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0479

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$390,568.20 FOR THE RELOCATION OF APPROXIMATELY 1,100 FEET OF 12-INCH WATER MAIN ASSOCIATED WITH THE RUPPLE ROAD - PERSIMMON TO CONGRESSIONAL 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 approves Change Order No. 1 to the contract with Sweetser Construction, Inc. in the amount of \$390,568.20 for the relocation of approximately 1,100 feet of 12-inch water main associated with the Ruppel Road - Persimmon to Congressional Project

City of Fayetteville Staff Review Form

2016-0479

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Casey

10/11/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Change Order No.1 for the Ruppel Rd. - Persimmon to Congressional Project for the relocation of approximately 1100 feet of 12" water main.

Budget Impact:

5400.720.5600-5808.00

Water and Sewer

Account Number

Fund

12009.1

Water System Rehabilitation/Replacement

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 3,736,723.21

Funds Obligated

Current Balance \$ 3,736,723.21

Does item have a cost? Yes

Item Cost \$ 390,568.20

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget \$ 3,346,155.01

V20140710

Previous Ordinance or Resolution # 74-16

Original Contract Number:

Approval Date:

Comments: Existing PO# 16-0000388-001

MEETING OF NOVEMBER 1, 2016

TO: Mayor and City Council

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

FROM: Matt Casey, Engineering Design Manager

DATE: October 11, 2016

SUBJECT: **Approval of Change Order #1 in the amount of \$390,568.20 with Sweetser Construction, Inc. for the Ruppel Road –Persimmon to Congressional Project.**

RECOMMENDATION:

Staff recommends City Council approval of Change Order #1 in the amount of \$390,568.20 with Sweetser Construction, Inc. for the Ruppel Road – Persimmon to Congressional Project for the relocation of approximately 1100 linear feet of 12" water main.

BACKGROUND:

The City of Fayetteville Engineering Division developed the design plans for the construction of this portion of Ruppel Road. Ruppel Road is shown on the City of Fayetteville Master Street plan as a Principal Arterial Parkway from Martin Luther King Blvd. (Highway 62) north to Howard Nickell Road. The street cross section for this project includes four lanes with a center median, a 12' trail and an 8' sidewalk.

On April 5, 2016, the City Council approved a contract with Sweetser Construction, Inc. in the amount of \$2,537,900 for the construction of this project. The notice to proceed was issued on June 20, 2016 and construction began shortly after.

DISCUSSION:

There is an existing 12" water line that runs along the east side of Ruppel along this project. The design called for the water line to remain in place with the City Water Department making some minor adjustments where needed. During the excavation for the roadway, it was discovered that the portion of existing 12" water line that runs under the proposed roadway was previously installed at a much shallower depth than expected. With the waterline being too shallow, Sweetser Construction is unable to perform the earthwork necessary for the roadway construction. City staff provided a design for the waterline relocation and Sweetser Construction has provided a cost for this work and is included in this change order.

BUDGET/STAFF IMPACT:

This change order will be funded by the Water and Sewer Fund.

Attachments:

Change Order

Water line plan sheets



CHANGE ORDER

Contract Title Ruppel Road - Persimmon to Congressional

Change Order No. 1

Date of Issuance

To Contractor: Sweetser Construction, Inc.

ORDINANCE/RESOLUTION: 74-16

The Contract is changed as follows:

Effective April 5, 2016

	Bid	Bid	Previous	Unit	Contract	Revised	Revised	Original	Revised
Contract	Item	Item	Estimated	of	Unit	Estimated	Unit	Estimated	Estimated
Changes	No.	Description	Quantity	Measure	Price	Quantity	Price	Cost	Cost
	128	1" Single Meter Setting	0	EA	\$0.00	4	\$800.00	\$0.00	\$3,200.00
	129	1" Single Meter w/PRV	0	EA	\$0.00	1	\$1,100.00	\$0.00	\$1,100.00
	130	1.5" SDR9 HDPE Sleeve	0	LF	\$0.00	30	\$30.00	\$0.00	\$900.00
	131	3" SDR9 HDPE Sleeve	0	LF	\$0.00	75	\$30.00	\$0.00	\$2,250.00
	132	24" Steel Encasement	0	LF	\$0.00	10	\$250.00	\$0.00	\$2,500.00
	133	1" SDR9 HDPE Service Line	0	LF	\$0.00	150	\$25.00	\$0.00	\$3,750.00
	134	2" SDR9 HDPE Service Line	0	LF	\$0.00	150	\$25.00	\$0.00	\$3,750.00
	135	6" PVC C-900 DR-14 Water Main	0	LF	\$0.00	100	\$44.50	\$0.00	\$4,450.00
	136	12" PVC C-900 DR-14 Water Main	0	LF	\$0.00	1100	\$237.00	\$0.00	\$260,700.00
	137	18"x12" Tapping Sleeve & Valve	0	EA	\$0.00	1	\$11,637.00	\$0.00	\$11,637.00
	138	12"x12" Tapping Sleeve & Valve	0	EA	\$0.00	1	\$11,200.00	\$0.00	\$11,200.00
	139	12" Butterfly Valve w/Box	0	EA	\$0.00	2	\$4,700.00	\$0.00	\$9,400.00
	140	Epoxy Ductile Iron Fittings	0	LBS	\$0.00	1200	\$12.00	\$0.00	\$14,400.00
	141	Cut, Cap & Brace Ex. 12" Water Main	0	EA	\$0.00	2	\$1,600.00	\$0.00	\$3,200.00
	142	Remove Ex. Fire Hydrant & Reinstall	0	EA	\$0.00	3	\$1,850.00	\$0.00	\$5,550.00
	143	3-Way Fire Hydrant Assbly w/Valve	0	EA	\$0.00	2	\$7,200.00	\$0.00	\$14,400.00
	144	Abandon Ex. Water Valve	0	EA	\$0.00	4	\$500.00	\$0.00	\$2,000.00
	145	T-Patch for Road Crossings - Water	0	EA	\$0.00	1	\$2,150.00	\$0.00	\$2,150.00
	146	R&D Privacy Fence and Install New	0	LF	\$0.00	687	\$37.60	\$0.00	\$25,831.20
	147	Driveway Patch Concrete - Water	0	EA	\$0.00	1	\$1,800.00	\$0.00	\$1,800.00
	148	Driveway Patch Asphalt - Water	0	EA	\$0.00	2	\$1,450.00	\$0.00	\$2,900.00
	149	Pothole for Existing Utilities	0	LS	\$0.00	1	\$3,500.00	\$0.00	\$3,500.00

Summation of Cost \$0.00 \$390,568.20

Net Cost for this Change Order \$390,568.20

Not valid until signed by the Owner

The original Contract Price was	\$	2,537,900.00
Net change by previously authorized change orders	\$	-
The Contract Price prior to this Change Order was	\$	2,537,900.00
The Contract Price will be [increased][decreased] by		\$390,568.20
The new Contract Price including this Change Order will be	\$	2,928,468.20
The Contract Time(s) will be [increased by][decreased by][remain unchanged]	120	calendar days
Required dates of Completion as of the date of this Change Order therefore are:		
Substantial Completion		18-Oct-17
Final Completion		17-Nov-17

NOTE: This summary does not reflect changes in the Contract Price or Time(s) which have been authorized by Work Change Directives not incorporated in this or previous Change Orders.

Sweetser Construction, Inc.

CITY OF FAYETTEVILLE

BY

DATE

BY

DATE

-
- METER SETTING PARTS TO INCLUDE:**
1. 12" X 1" TAPPING SADDLE
 2. 1" CORP. STOP
 3. 1" SDR9 HDPE PIPE WITH INSERTS
 4. 1" X 12" METER YOLK
 5. 3/4" X 16" SCH40 PVC BRACE
 6. 1" SDR9 TAIL PIECE W/INSERT, 4' LONG
 7. 24" DIA. X 24" DEEP SDR51 PVC METER BOX
 8. 24" CAST IRON FLAT METER LID
- FURNISH AND INSTALL 12" X 12" TAPPING SLEEVE AND VALVE ASSEMBLY. SEE DETAIL**
- CUT, CAP & BRACE EXISTING 12" W/L. SEE DETAIL**
- FURNISH AND INSTALL 12" BUTTERFLY VALVE**
- FURNISH AND INSTALL MJ X MJ 45° D.I. BEND WITH REACTION BACKING**
- SAWCUT EX. D/W ASPHALT AND CURB. REPLACE WITH COMPACTED CLASS 7 BASE & TEMP. ASPHALT PAVING. D/W WILL BE IMPROVED DURING ROAD CONSTRUCTION.**
- FURNISH AND INSTALL MJ X MJ 22 1/2° D.I. BEND WITH REACTION BACKING**
- STA. 16+54 FURNISH AND INSTALL 12" X 6" TEE, GATE VALVE, & FIRE HYDRANT ASSEMBLY. CENTER FH IN GREEN SPACE.**
- STA. 19+56 FURNISH AND INSTALL 12" X 2" TAPPING SADDLE & 2" BALL VALVE. APPROX. 100 L.F. OF 2" SDR9 HDPE TUBING W/ TRACER WIRE, & 3" HDPE SLEEVE. SEE DETAIL**
- NOTE:**
1. ALL WATER SERVICE CONNECTIONS MUST BE PERFORMED BY A LICENSED PLUMBER.
 2. COORDINATE WITH FAYETTEVILLE WATER AND SEWER FOR ANY TEMPORARY SHUT DOWN OF EXISTING WATERLINES.
 3. THE WATERLINE SHALL BE 12" PVC C900 WITH A CLASSIFICATION OF DR-14.
 4. THE WATERLINE SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH CITY OF FAYETTEVILLE'S WATERLINE SPECIFICATIONS.
 5. PIPE DEFLECTION SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATION.
 6. THE WATERLINE SHALL BE BURIED A MINIMUM OF 3.0 FEET BELOW THE RUPPLE ROAD CURB ELEVATION OR 3.0 FEET BELOW GROUND SURFACE WHICHEVER RESULTS IN THE LOWEST ELEVATION.
 7. ALL DISTURBED AREAS SHALL RECEIVE A MINIMUM OF 4" TOPSOIL AND BE SEEDED AND MULCHED.
 8. UTILITY LOCATIONS ARE TO BE CONSIDERED APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ARKANSAS ONE CALL PRIOR TO BEGINNING ANY CONSTRUCTION AND SHALL HAVE ALL UTILITIES FIELD LOCATED.
- NOTE:**
870 N. RUPPLE RD. NOT SERVICED BY THIS 12" W/L
- PARCEL ID# : 765-22362-000
OWNER: AIRWAYS SOUTH
ADDRESS: 3849 W. WEDINGTON DR.
FAYETTEVILLE, AR 72704
- PARCEL ID# : 765-16250-004
OWNER: AIRWAYS FREIGHT CORP.
ADDRESS: P.O. BOX 1888
FAYETTEVILLE, AR 72702

NOTE:
870 N. RUPPLE RD. NOT
SERVICED BY THIS 12" W/L

PARCEL ID# : 765-16250-004
OWNER: AIRWAYS FREIGHT CORP
ADDRESS: P.O. BOX 1888
FAYETTEVILLE AR 72702

CITY OF FAYETTEVILLE
RUPPLE ROAD STREET IMPROVEMENTS
WEST PERSIMMON ST. TO CONGRESSIONAL ST.
WATERLINE RELOCATION PLAN

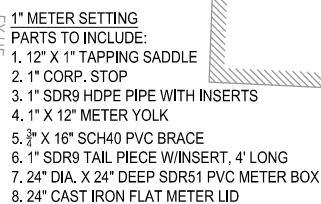
TIME:

113 W. MOUNTAIN STREET

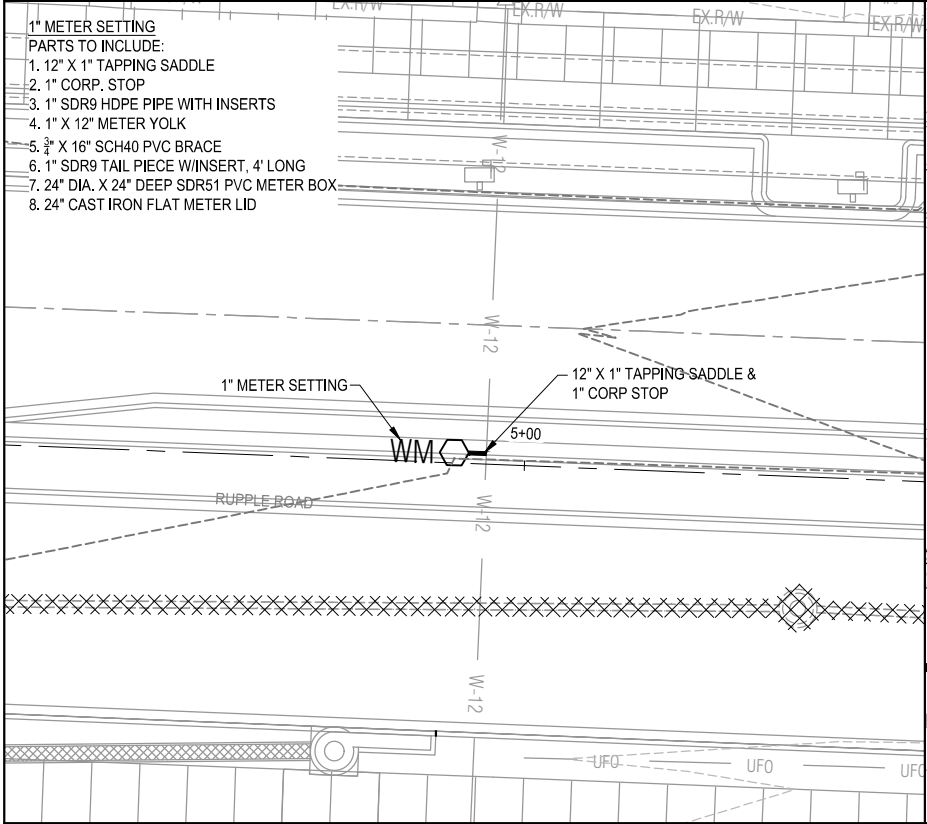
PHONE NO: (479) 575-8206

SHEET:

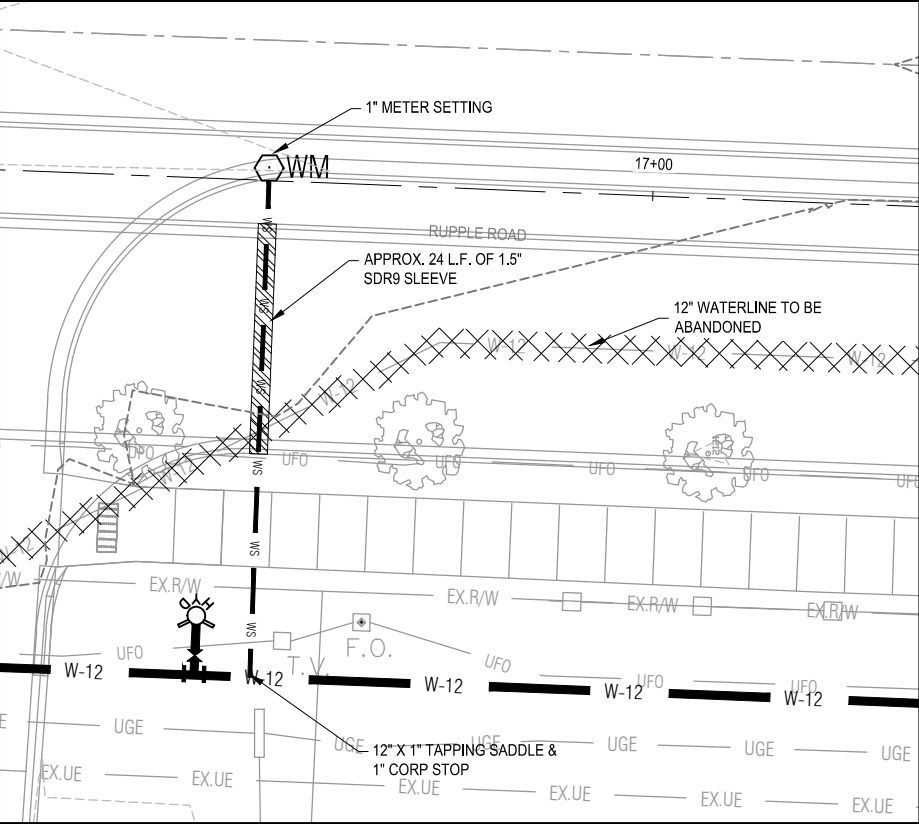
PROJECT:	Utility Relocation Plans
----------	--------------------------



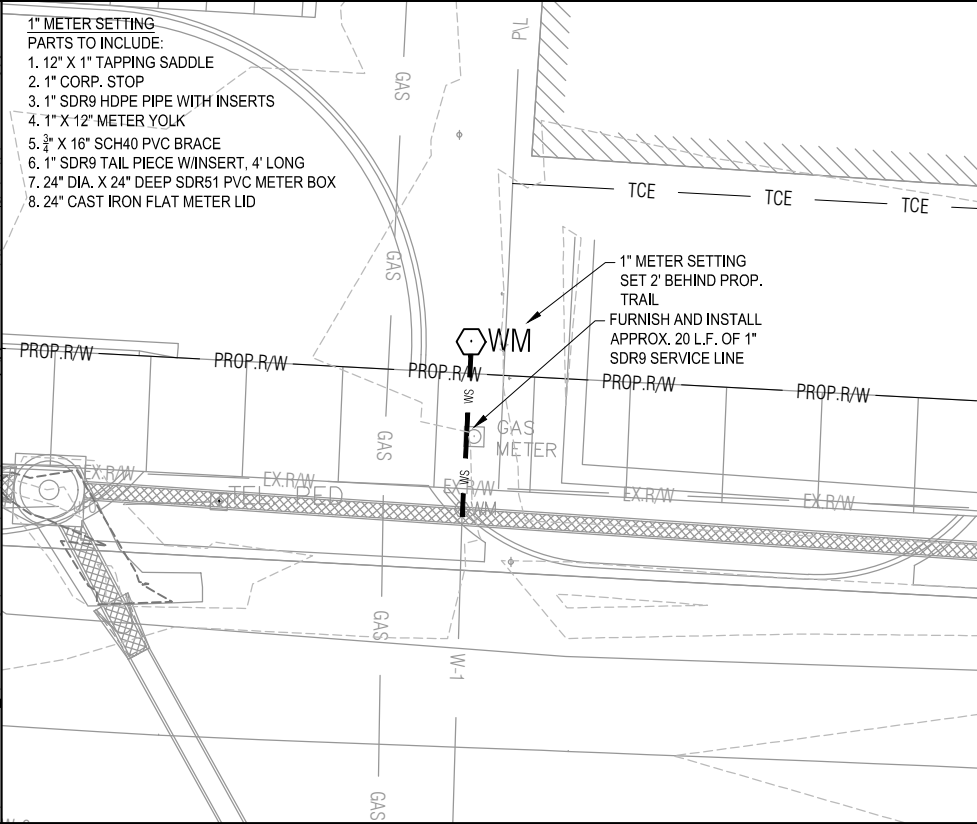
Scale: 1" = 40'



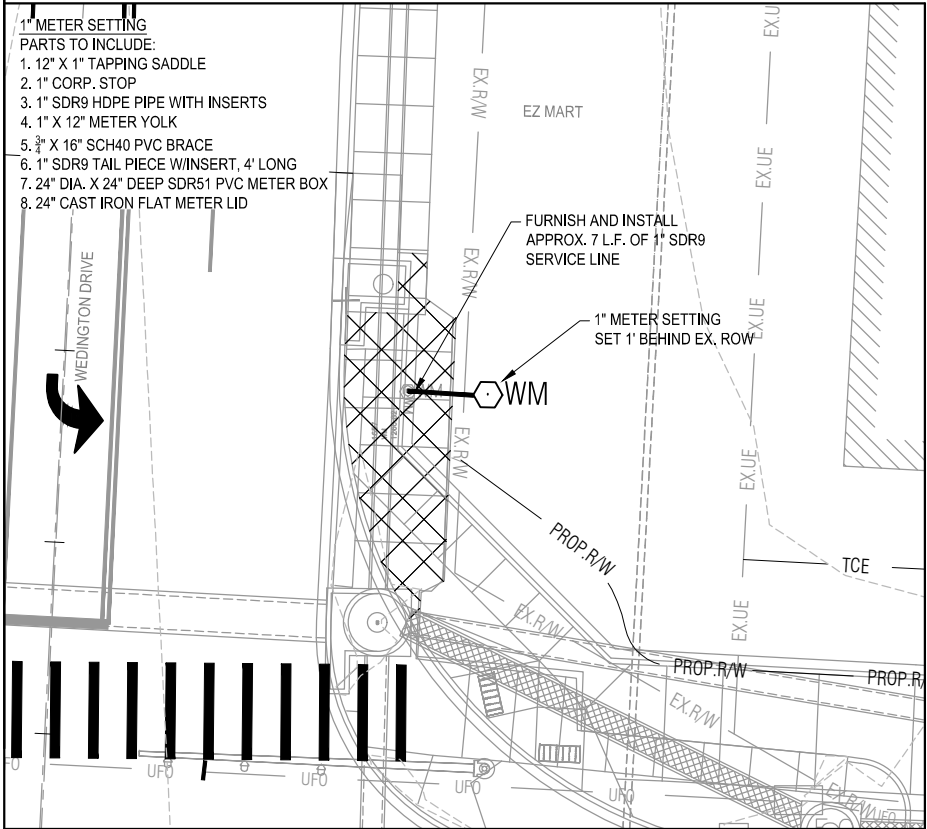
1" METER SETTING FOR IRRIGATION
RUPPLE ROAD(PERS. TO WED.)
STATION 4+95.98



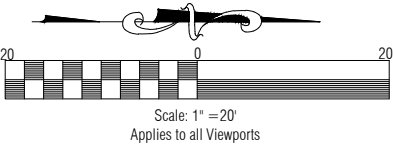
1" METER SETTING FOR IRRIGATION
RUPPLE ROAD (PERS. TO WED.)
STATION 16+60



1" METER RELOCATION
RUPPLE ROAD (WED. TO CONGR.)
STATION 2+26



WATER METER RELOCATION
SE CORNER EZ MART



SURVEYED BY: DVD/JAP	
DRAWN BY: MB	
DESIGNED BY: MC	
FILE NAME: Utility Relocation Plans.dwg	
CITY OF FAYETTEVILLE RUPPLE ROAD STREET IMPROVEMENTS WEST PERSIMMON ST. TO CONGRESSIONAL ST. WM & FH RELOCATIONS	
TITLE:	

	
 CITY OF Fayetteville ARKANSAS ENGINEERING DIVISION 113 W. MOUNTAIN STREET	
DATE:	Aug 18, 2016
SHEET:	UR-2
PROJECT:	Utility Relocation Plans



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0432

Agenda Date: 11/1/2016

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

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 SECOND READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from 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 YES

Date: September 12, 2016 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Hoskins

Second: Hoffman

Vote: 7-1-0 (Selby voted 'no')

Note: recommend approval

CITY COUNCIL ACTION: Required YES

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)
----------------	--------------

(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
----------------	---

(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
-------------------------	---------

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

(I) *Building Area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

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

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

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

161.20 - Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials

Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 feet
-------------------------	---------

(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

[illegible]

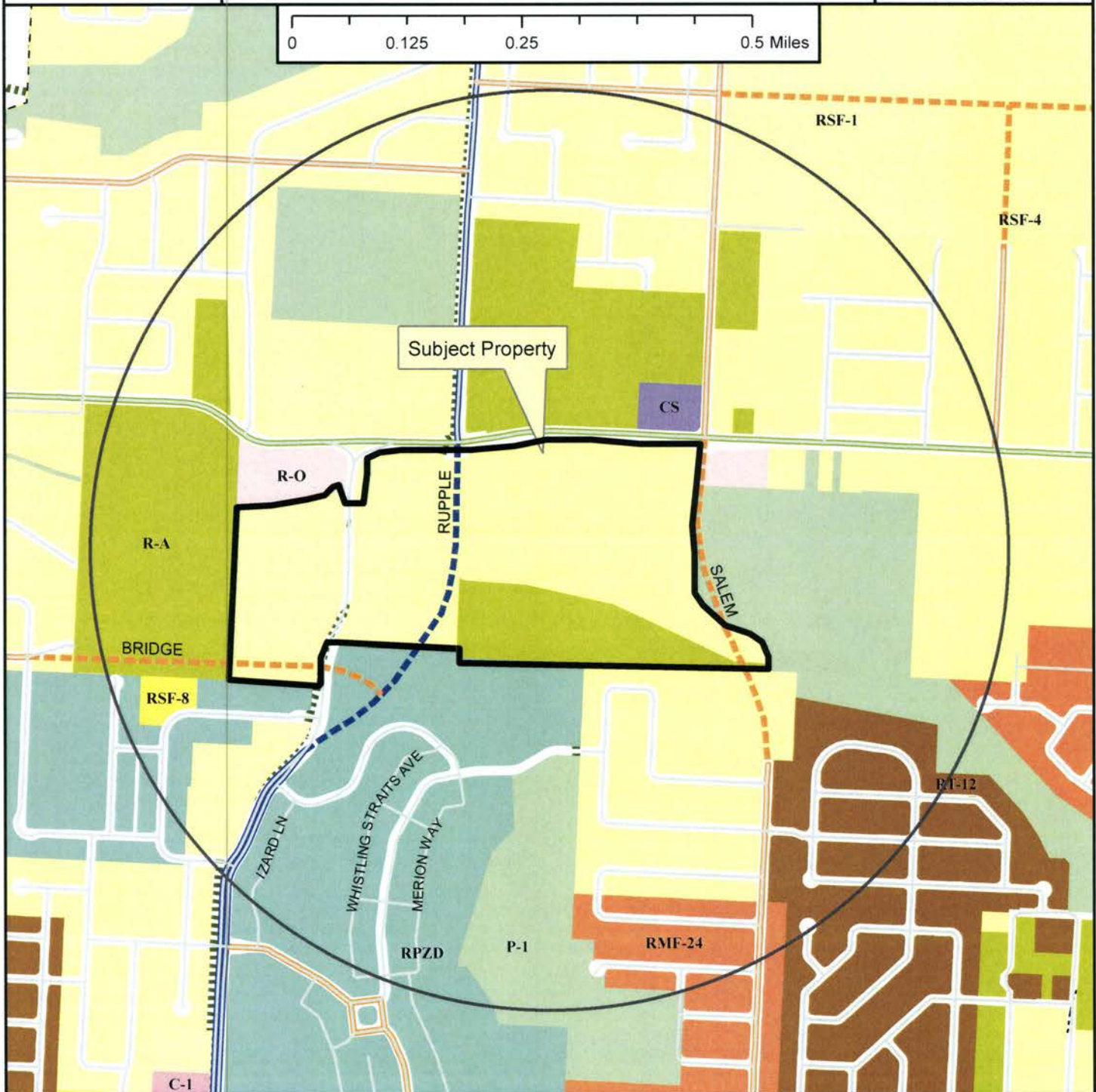
RZN 16-5550

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

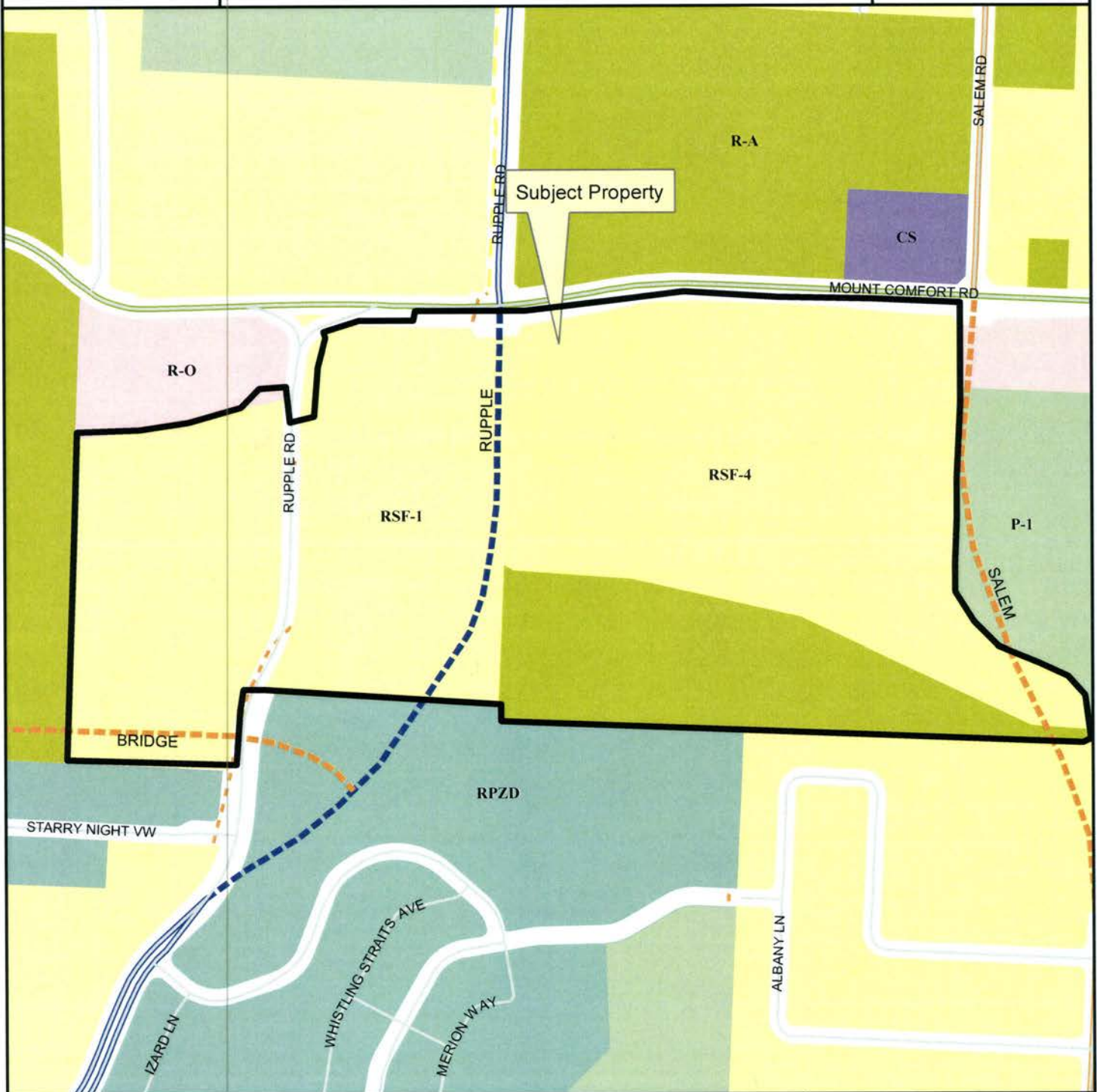
Planning Commission
September 12, 2016

Agenda Item 14
16-5550 Hazen
Page 16 of 19

RZN 16-5550

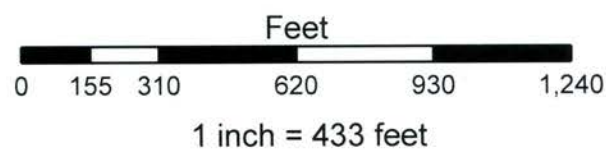
Close Up View

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

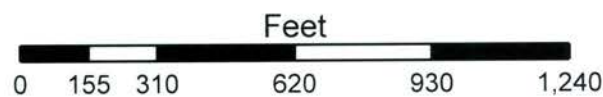
Current Land Use

2155 N. RUPPLE/HAZEN



Legend

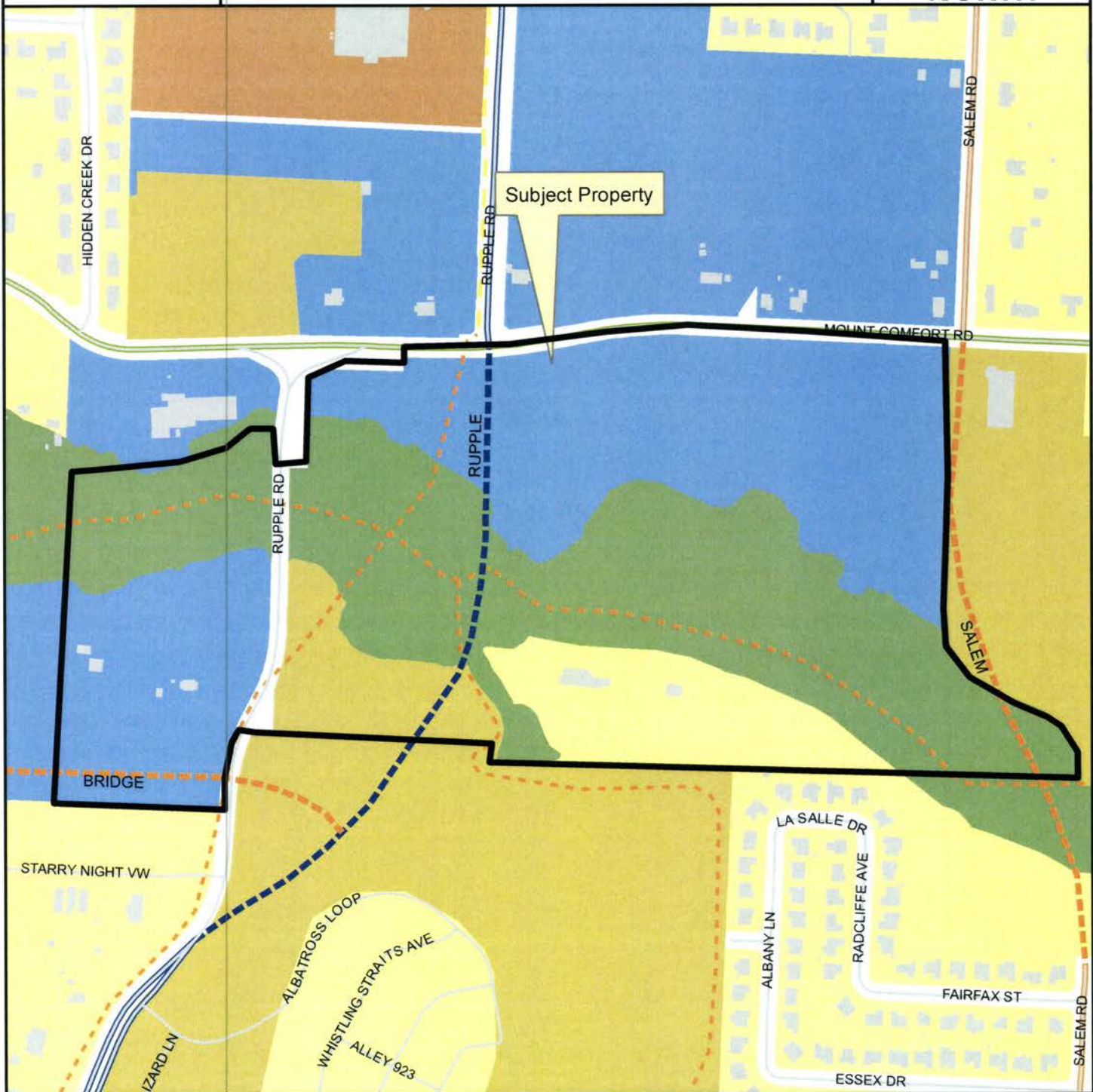
- Street
- Streets Planned**
- MSP Class**
- COLLECTOR
- PRIN ARTERIAL PKWY
- Streets Existing**
- MSP Class**
- COLLECTOR
- MINOR ARTERIAL
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)



RZN 16-5550

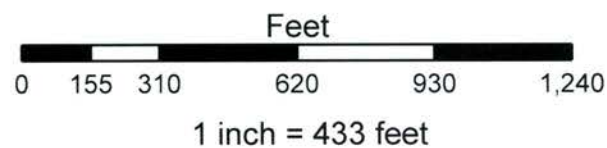
Future Land Use

2155 N. RUPPLE/HAZEN



Legend

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



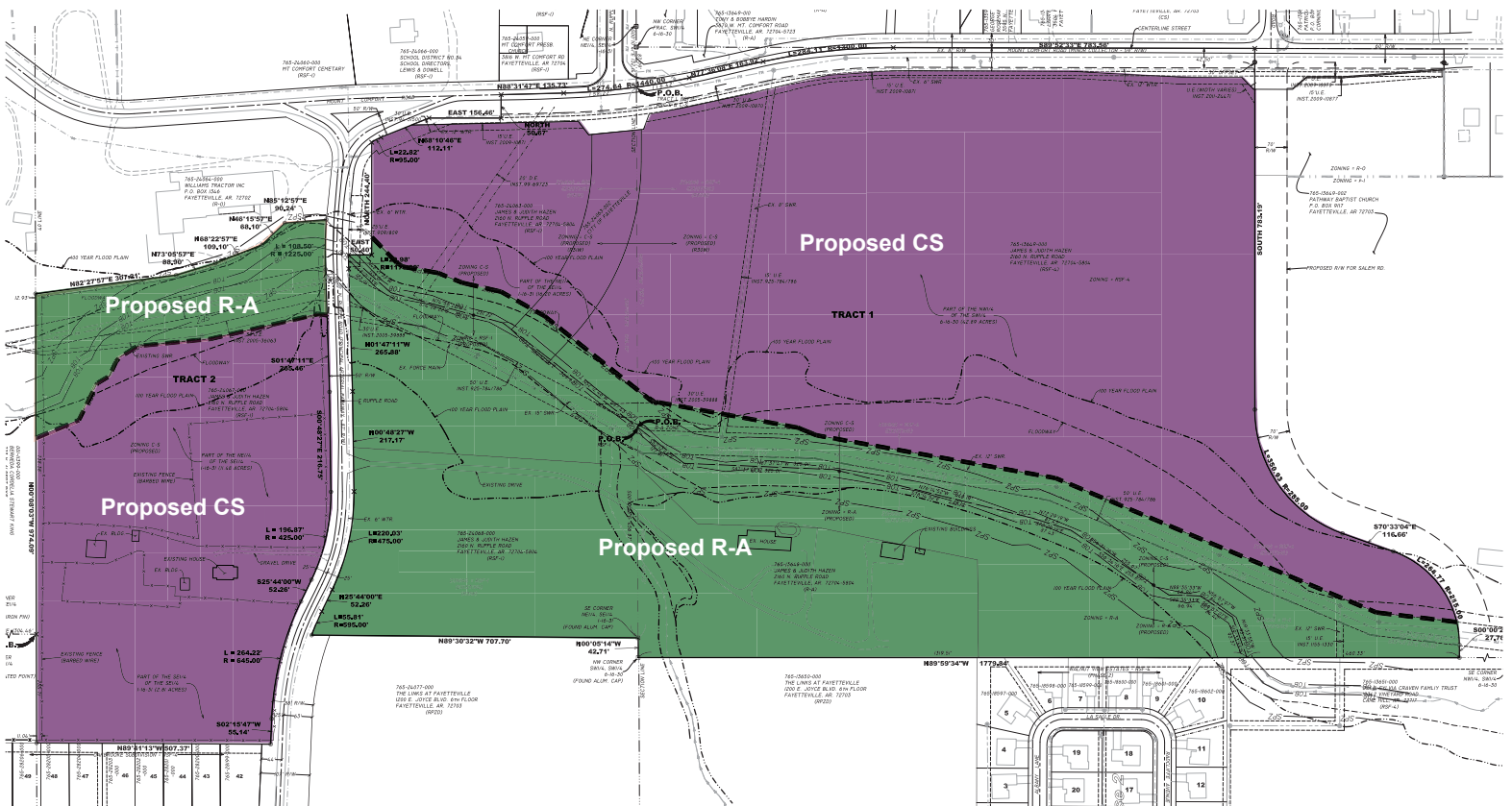
FUTURE LAND USE 2030

- 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.

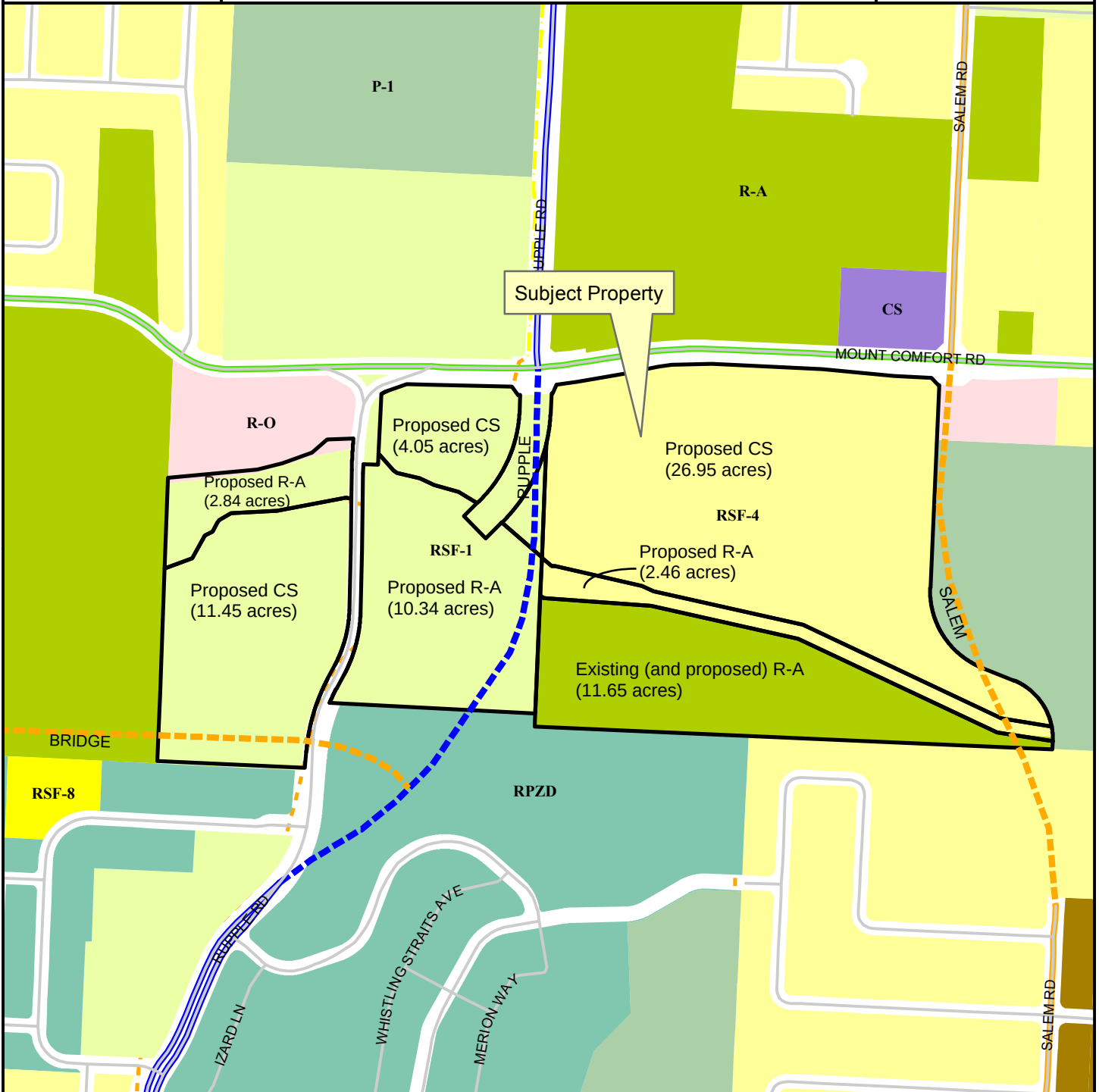
EXHIBIT 'A'

RZN 16-5550

HAZEN



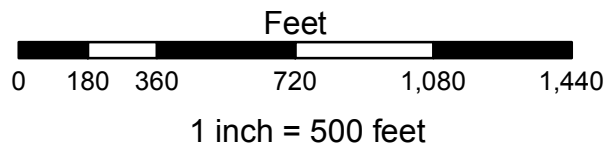
Close Up View



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)

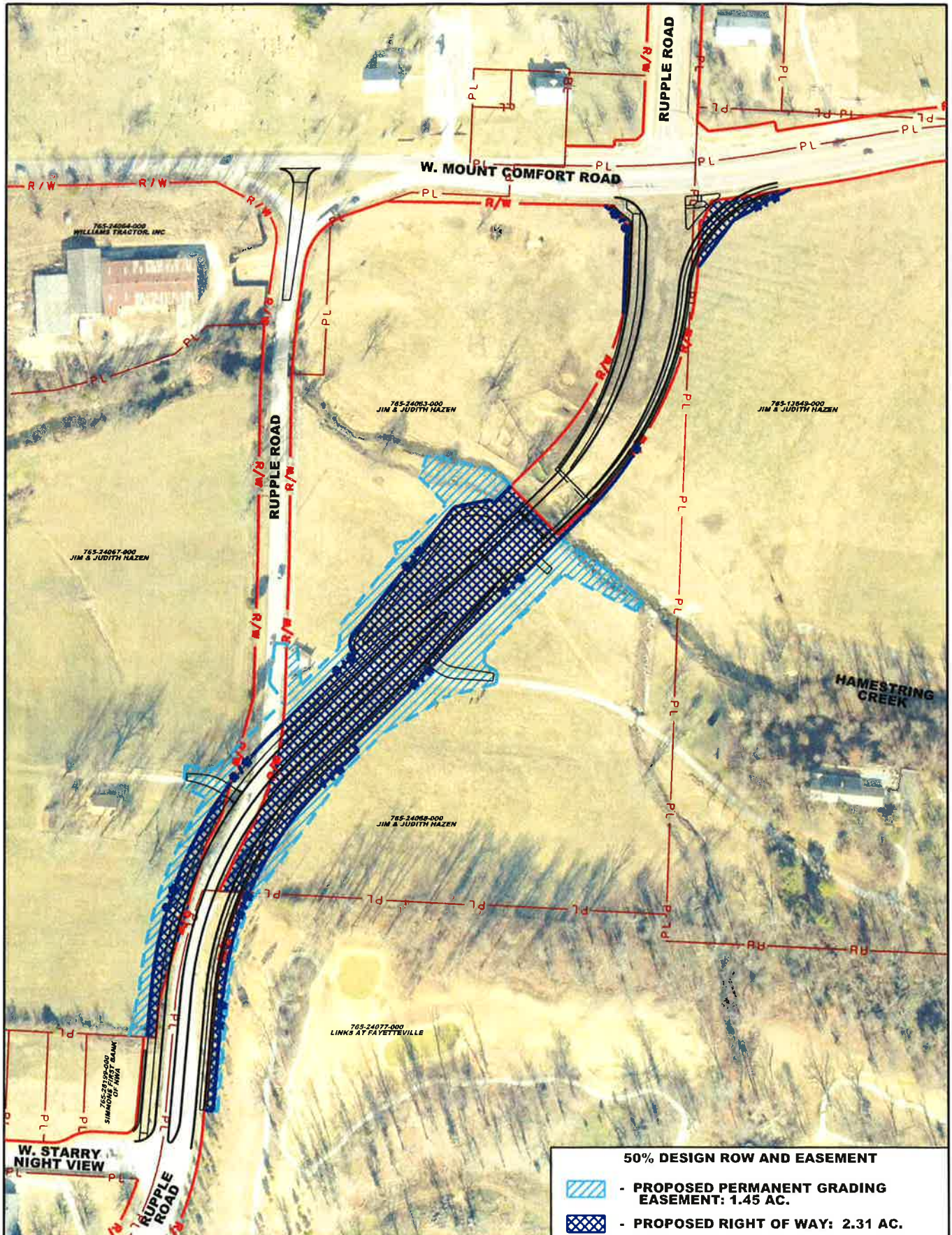
A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence 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.



LEGEND

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

0 50' 100' 200' 300'

(IN FEET)

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

AHTD JOB NO. 040657
WASHINGTON COUNTY, ARKANSAS

CityClerk

From: Longward4@gmail.com <longward4@gmail.com>
Sent: Thursday, October 20, 2016 8:20 AM
To: CityClerk; Smith, Sondra
Cc: Pate, Jeremy; Marr, Don
Subject: Fwd: Mt Comfort/Rupple rezoning ideas

Hi Sondra,

Can you forward this to the council members?

I think these are good, proactive ideas concerning the rezoning issue.

Sincerely,

Alan Long
City Council Member-Ward 4
City of Fayetteville, AR

Begin forwarded message:

From: Marilyn
Date: October 18, 2016 at 8:16:35 AM CDT
To: Alderman Long
Subject: Mt Comfort/Rupple rezoning ideas

I could not make it to City Council Meeting Tuesday because I had to work.
Thanks for your help understanding the rezoning issue.

I have 2 issues that I am the most concerned about:

I would feel better about it if there was some way to guarantee there would not be a huge 24 hour gas station with bright lights this close to homes in the neighborhood. Also the trees at the top of the hill will remain to block the view of all the Lindsey apartments. We know the apartments are there, but don't have to be confronted by the view all the time.

Thanks so much!
Marilyn



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0467

Agenda Date: 11/1/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

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

(LEFT ON THE FIRST READING)

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.

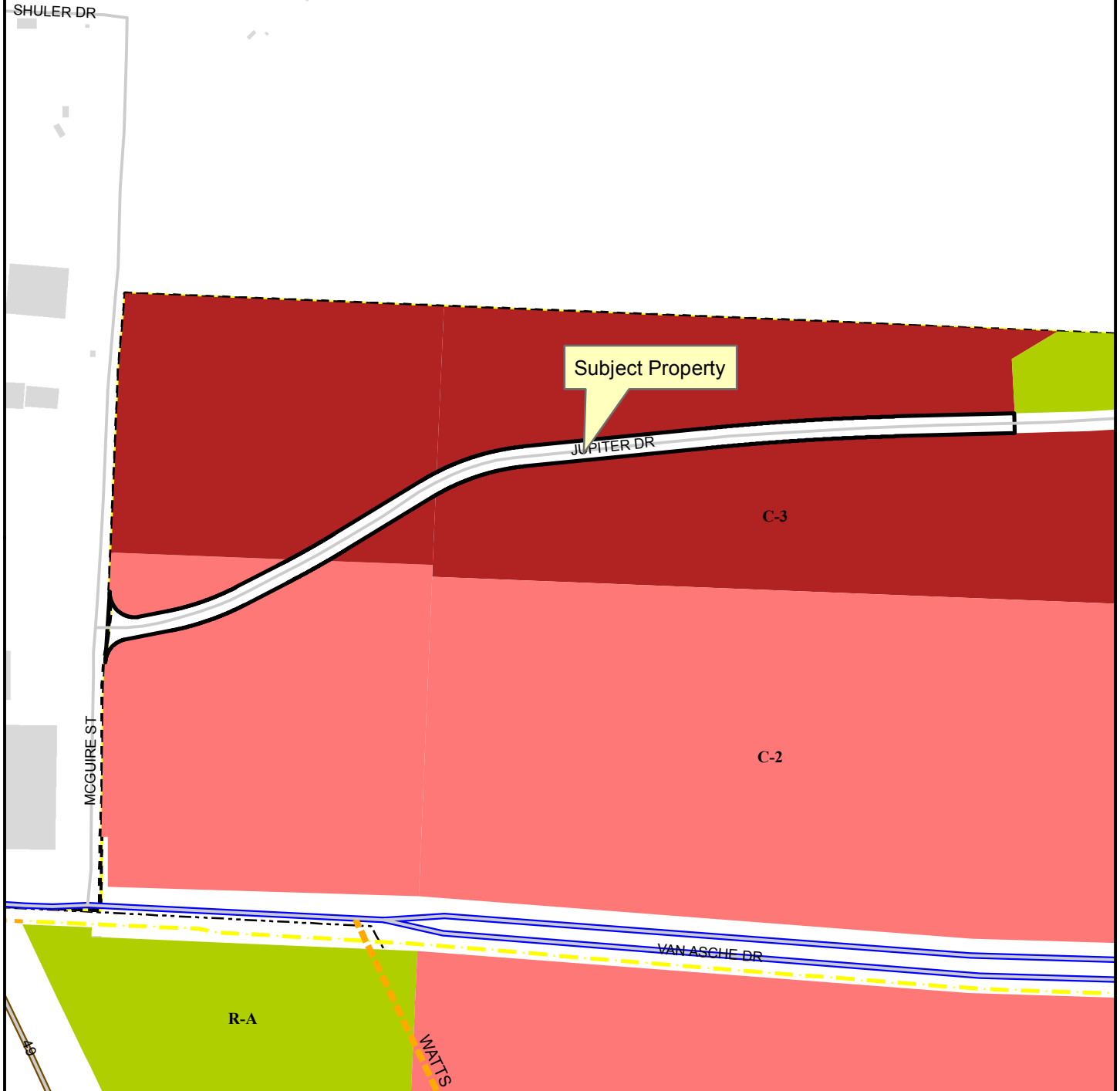
16-5571
EXHIBIT 'A'

VAC 16-5571

JUPITER STREET

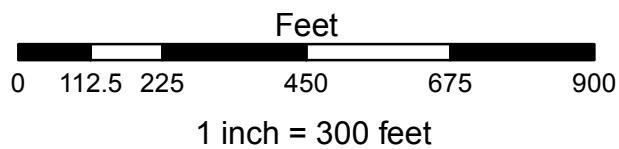


Close Up View



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.



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.

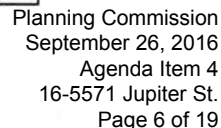
Dated this 9th day of August, 2016.

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]
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

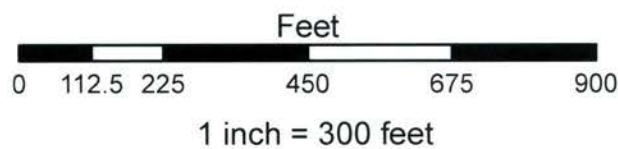
VAN ASCHIE DR

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

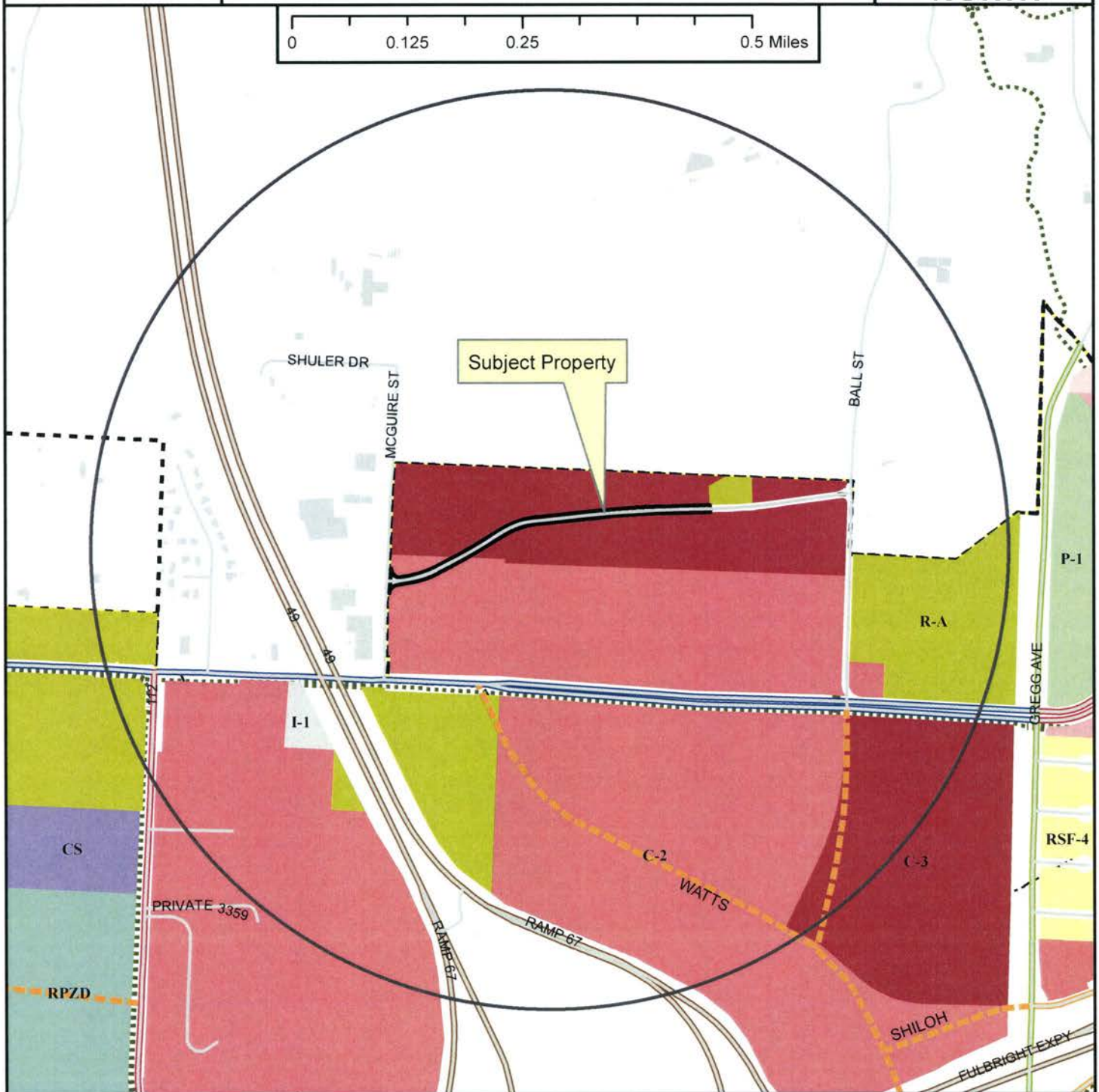
VAC 16-5571

One Mile View

JUPITER STREET



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
RSF-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
C-1 Residential-Office
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 26, 2016

Agenda Item 4
16-5571 Jupiter St.
Page 19 of 19



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0445

Agenda Date: 11/1/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 3

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

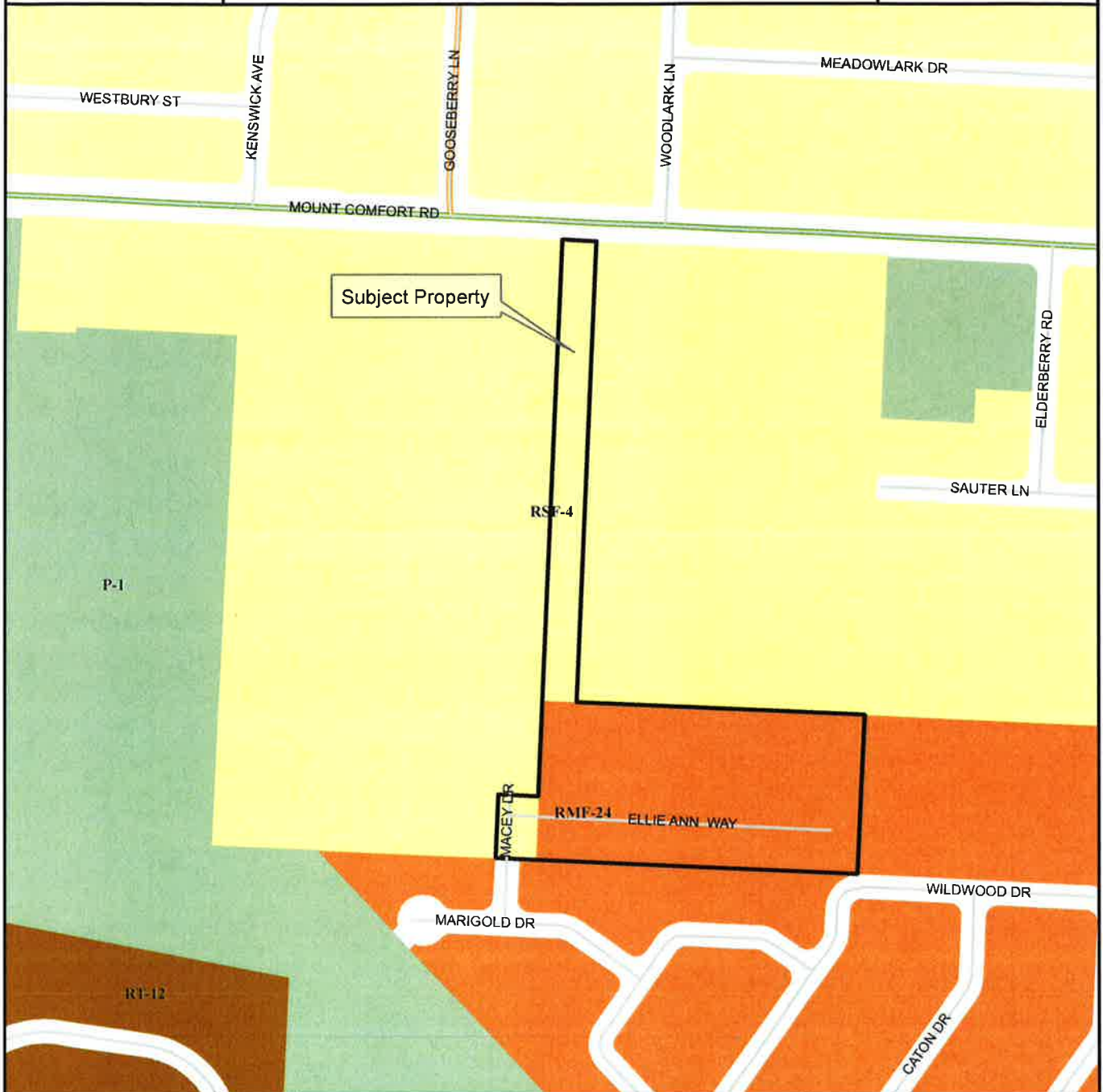
Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report
- Draft September 12, 2016 Planning Commission minutes

LSD 16-5488

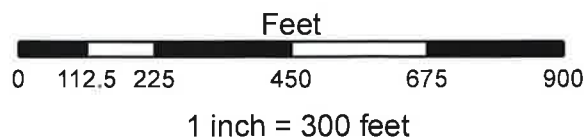
Close Up View

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: _____

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: _____

Site Address / Location: 765-13627-000

Current Zoning District: RSE-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

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: _____

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 her/his behalf.)

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:

- | | | |
|-----|---|--------------|
| (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: _____

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 her/his behalf.)

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:

- | | |
|-----|---|
| (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). |



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.

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.

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

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

Site Plan Notes:

- 1. North arrow (see legend, top right)
- 2. All dimensions are in feet unless otherwise noted
- 3. All dimensions are in feet unless otherwise noted
- 4. All dimensions are in feet unless otherwise noted
- 5. All dimensions are in feet unless otherwise noted
- 6. All dimensions are in feet unless otherwise noted
- 7. All dimensions are in feet unless otherwise noted
- 8. All dimensions are in feet unless otherwise noted
- 9. All dimensions are in feet unless otherwise noted
- 10. All dimensions are in feet unless otherwise noted
- 11. All dimensions are in feet unless otherwise noted
- 12. All dimensions are in feet unless otherwise noted

PROPERTY INFORMATION

PROPOSED SITE AREA: 204,465 S.F. OR 4.74 ACRES
 PROPOSED DEDICATED ROW: 10,877 S.F. OR 0.25 ACRES
 NET SITE AREA: 203,588 S.F. OR 4.69 ACRES
 ZONING: RMF/24.2.0 ACRES RSF: 4.176 ACRES

Public Street Information:

Street	Classification	Width
Moody Drive	Local Street	36'
10th St	Local Street	36'
11th St	Local Street	36'
12th St	Local Street	36'
13th St	Local Street	36'
14th St	Local Street	36'
15th St	Local Street	36'
16th St	Local Street	36'
17th St	Local Street	36'
18th St	Local Street	36'
19th St	Local Street	36'
20th St	Local Street	36'
21st St	Local Street	36'
22nd St	Local Street	36'
23rd St	Local Street	36'
24th St	Local Street	36'
25th St	Local Street	36'
26th St	Local Street	36'
27th St	Local Street	36'
28th St	Local Street	36'
29th St	Local Street	36'
30th St	Local Street	36'
31st St	Local Street	36'
32nd St	Local Street	36'
33rd St	Local Street	36'
34th St	Local Street	36'
35th St	Local Street	36'
36th St	Local Street	36'
37th St	Local Street	36'
38th St	Local Street	36'
39th St	Local Street	36'
40th St	Local Street	36'
41st St	Local Street	36'
42nd St	Local Street	36'
43rd St	Local Street	36'
44th St	Local Street	36'
45th St	Local Street	36'
46th St	Local Street	36'
47th St	Local Street	36'
48th St	Local Street	36'
49th St	Local Street	36'
50th St	Local Street	36'
51st St	Local Street	36'
52nd St	Local Street	36'
53rd St	Local Street	36'
54th St	Local Street	36'
55th St	Local Street	36'
56th St	Local Street	36'
57th St	Local Street	36'
58th St	Local Street	36'
59th St	Local Street	36'
60th St	Local Street	36'
61st St	Local Street	36'
62nd St	Local Street	36'
63rd St	Local Street	36'
64th St	Local Street	36'
65th St	Local Street	36'
66th St	Local Street	36'
67th St	Local Street	36'
68th St	Local Street	36'
69th St	Local Street	36'
70th St	Local Street	36'
71st St	Local Street	36'
72nd St	Local Street	36'
73rd St	Local Street	36'
74th St	Local Street	36'
75th St	Local Street	36'
76th St	Local Street	36'
77th St	Local Street	36'
78th St	Local Street	36'
79th St	Local Street	36'
80th St	Local Street	36'
81st St	Local Street	36'
82nd St	Local Street	36'
83rd St	Local Street	36'
84th St	Local Street	36'
85th St	Local Street	36'
86th St	Local Street	36'
87th St	Local Street	36'
88th St	Local Street	36'
89th St	Local Street	36'
90th St	Local Street	36'
91st St	Local Street	36'
92nd St	Local Street	36'
93rd St	Local Street	36'
94th St	Local Street	36'
95th St	Local Street	36'
96th St	Local Street	36'
97th St	Local Street	36'
98th St	Local Street	36'
99th St	Local Street	36'
100th St	Local Street	36'

ITEM	DESCRIPTION	AMOUNT	% OF SITE TOTAL
1	STREET PAVED AREA	33,569 S.F. OR 0.77 ACRES	
2	SIDEWALK AREA	4,417 S.F. OR 0.10 ACRES	
3	BUILDING & DRIVEWAY AREA	59,000 S.F. OR 1.35 ACRES	
4	TOTAL HARDSCAPE AREA	97,000 S.F. OR 2.22 ACRES	46.4%
5	SOFTSCAPE AREA	106,588 S.F. OR 2.43 ACRES	51.6%

ITEM	DESCRIPTION	AMOUNT
1	STREET LIGHTS	10
2	STREET LIGHTS	10
3	STREET LIGHTS	10
4	STREET LIGHTS	10
5	STREET LIGHTS	10
6	STREET LIGHTS	10
7	STREET LIGHTS	10
8	STREET LIGHTS	10
9	STREET LIGHTS	10
10	STREET LIGHTS	10
11	STREET LIGHTS	10
12	STREET LIGHTS	10
13	STREET LIGHTS	10
14	STREET LIGHTS	10
15	STREET LIGHTS	10
16	STREET LIGHTS	10
17	STREET LIGHTS	10
18	STREET LIGHTS	10
19	STREET LIGHTS	10
20	STREET LIGHTS	10
21	STREET LIGHTS	10
22	STREET LIGHTS	10
23	STREET LIGHTS	10
24	STREET LIGHTS	10
25	STREET LIGHTS	10
26	STREET LIGHTS	10
27	STREET LIGHTS	10
28	STREET LIGHTS	10
29	STREET LIGHTS	10
30	STREET LIGHTS	10
31	STREET LIGHTS	10
32	STREET LIGHTS	10
33	STREET LIGHTS	10
34	STREET LIGHTS	10
35	STREET LIGHTS	10
36	STREET LIGHTS	10
37	STREET LIGHTS	10
38	STREET LIGHTS	10
39	STREET LIGHTS	10
40	STREET LIGHTS	10
41	STREET LIGHTS	10
42	STREET LIGHTS	10
43	STREET LIGHTS	10
44	STREET LIGHTS	10
45	STREET LIGHTS	10
46	STREET LIGHTS	10
47	STREET LIGHTS	10
48	STREET LIGHTS	10
49	STREET LIGHTS	10
50	STREET LIGHTS	10
51	STREET LIGHTS	10
52	STREET LIGHTS	10
53	STREET LIGHTS	10
54	STREET LIGHTS	10
55	STREET LIGHTS	10
56	STREET LIGHTS	10
57	STREET LIGHTS	10
58	STREET LIGHTS	10
59	STREET LIGHTS	10
60	STREET LIGHTS	10
61	STREET LIGHTS	10
62	STREET LIGHTS	10
63	STREET LIGHTS	10
64	STREET LIGHTS	10
65	STREET LIGHTS	10
66	STREET LIGHTS	10
67	STREET LIGHTS	10
68	STREET LIGHTS	10
69	STREET LIGHTS	10
70	STREET LIGHTS	10
71	STREET LIGHTS	10
72	STREET LIGHTS	10
73	STREET LIGHTS	10
74	STREET LIGHTS	10
75	STREET LIGHTS	10
76	STREET LIGHTS	10
77	STREET LIGHTS	10
78	STREET LIGHTS	10
79	STREET LIGHTS	10
80	STREET LIGHTS	10
81	STREET LIGHTS	10
82	STREET LIGHTS	10
83	STREET LIGHTS	10
84	STREET LIGHTS	10
85	STREET LIGHTS	10
86	STREET LIGHTS	10
87	STREET LIGHTS	10
88	STREET LIGHTS	10
89	STREET LIGHTS	10
90	STREET LIGHTS	10
91	STREET LIGHTS	10
92	STREET LIGHTS	10
93	STREET LIGHTS	10
94	STREET LIGHTS	10
95	STREET LIGHTS	10
96	STREET LIGHTS	10
97	STREET LIGHTS	10
98	STREET LIGHTS	10
99	STREET LIGHTS	10
100	STREET LIGHTS	10

Existing Features:

Feature	Description
1	Existing Street
2	Existing Street
3	Existing Street
4	Existing Street
5	Existing Street
6	Existing Street
7	Existing Street
8	Existing Street
9	Existing Street
10	Existing Street
11	Existing Street
12	Existing Street
13	Existing Street
14	Existing Street
15	Existing Street
16	Existing Street
17	Existing Street
18	Existing Street
19	Existing Street
20	Existing Street
21	Existing Street
22	Existing Street
23	Existing Street
24	Existing Street
25	Existing Street
26	Existing Street
27	Existing Street
28	Existing Street
29	Existing Street
30	Existing Street
31	Existing Street
32	Existing Street
33	Existing Street
34	Existing Street
35	Existing Street
36	Existing Street
37	Existing Street
38	Existing Street
39	Existing Street
40	Existing Street
41	Existing Street
42	Existing Street
43	Existing Street
44	Existing Street
45	Existing Street
46	Existing Street
47	Existing Street
48	Existing Street
49	Existing Street
50	Existing Street
51	Existing Street
52	Existing Street
53	Existing Street
54	Existing Street
55	Existing Street
56	Existing Street
57	Existing Street
58	Existing Street
59	Existing Street
60	Existing Street
61	Existing Street
62	Existing Street
63	Existing Street
64	Existing Street
65	Existing Street
66	Existing Street
67	Existing Street
68	Existing Street
69	Existing Street
70	Existing Street
71	Existing Street
72	Existing Street
73	Existing Street
74	Existing Street
75	Existing Street
76	Existing Street
77	Existing Street
78	Existing Street
79	Existing Street
80	Existing Street
81	Existing Street
82	Existing Street
83	Existing Street
84	Existing Street
85	Existing Street
86	Existing Street
87	Existing Street
88	Existing Street
89	Existing Street
90	Existing Street
91	Existing Street
92	Existing Street
93	Existing Street
94	Existing Street
95	Existing Street
96	Existing Street
97	Existing Street
98	Existing Street
99	Existing Street
100	Existing Street

If you do the vicinity map with MSP streets, you can see the survey. That would be acceptable.

Proposed Features:

Feature	Description
1	Proposed Street
2	Proposed Street
3	Proposed Street
4	Proposed Street
5	Proposed Street
6	Proposed Street
7	Proposed Street
8	Proposed Street
9	Proposed Street
10	Proposed Street
11	Proposed Street
12	Proposed Street
13	Proposed Street
14	Proposed Street
15	Proposed Street
16	Proposed Street
17	Proposed Street
18	Proposed Street
19	Proposed Street
20	Proposed Street
21	Proposed Street
22	Proposed Street
23	Proposed Street
24	Proposed Street
25	Proposed Street
26	Proposed Street
27	Proposed Street
28	Proposed Street
29	Proposed Street
30	Proposed Street
31	Proposed Street
32	Proposed Street
33	Proposed Street
34	Proposed Street
35	Proposed Street
36	Proposed Street
37	Proposed Street
38	Proposed Street
39	Proposed Street
40	Proposed Street
41	Proposed Street
42	Proposed Street
43	Proposed Street
44	Proposed Street
45	Proposed Street
46	Proposed Street
47	Proposed Street
48	Proposed Street
49	Proposed Street
50	Proposed Street
51	Proposed Street
52	Proposed Street
53	Proposed Street
54	Proposed Street
55	Proposed Street
56	Proposed Street
57	Proposed Street
58	Proposed Street
59	Proposed Street
60	Proposed Street
61	Proposed Street
62	Proposed Street
63	Proposed Street
64	Proposed Street
65	Proposed Street
66	Proposed Street
67	Proposed Street
68	Proposed Street
69	Proposed Street
70	Proposed Street
71	Proposed Street
72	Proposed Street
73	Proposed Street
74	Proposed Street
75	Proposed Street
76	Proposed Street
77	Proposed Street
78	Proposed Street
79	Proposed Street
80	Proposed Street
81	Proposed Street
82	Proposed Street
83	Proposed Street
84	Proposed Street
85	Proposed Street
86	Proposed Street
87	Proposed Street
88	Proposed Street
89	Proposed Street
90	Proposed Street
91	Proposed Street
92	Proposed Street
93	Proposed Street
94	Proposed Street
95	Proposed Street
96	Proposed Street
97	Proposed Street
98	Proposed Street
99	Proposed Street
100	Proposed Street

Street lights ?

Site Specific Notes:

- 1. Private driveway connecting Moody Dr shall reference the L&P
- 2. All Street Lights to be placed directly behind sidewalk
- 3. Sidewalks adjacent to Moody Dr are 3' wide
- 4. Sidewalks adjacent to parking lots are 3'
- 5. Submittal to building dept. 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

Site General Notes:

- 1. REMOVE ALL VEGETATION AND TOPSOIL FROM BUILDING FOOTPRINT AND STONE FOR LATER USE. REGRADE AND FURNISH ADDITIONAL TOPSOIL AS REQUIRED. SEED AND STRAW ALL AREAS DISTURBED BY CONSTRUCTION.
- 2. SLOPE FINISH GRADES SIDEWALKS AND PAVING AWAY FROM BUILDING FOR POSITIVE DRAINAGE.
- 3. CONFORM TO ALL CITY AND STATE REQUIREMENTS, GRADES, AND DIMENSIONS ON SITE AND REPORT ALL MAJOR DISCREPANCIES TO ENGINEER OF RECORD.
- 4. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FAYETTEVILLE REGULATIONS.
- 5. ALL UTILITIES ADJACENT TO THE BUILDING SHALL BE SHOWN. ALL UTILITIES SHALL BE LOCATED IN ACCORDANCE WITH LOCAL UTILITY COMPANY.
- 6. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO THE FACE OF CURB, FACE OF BUILDING OR CENTERLINE OF STRIPE.
- 7. REPAIR TO EXISTING PAVEMENT FOR REGULAR DUTY ASPHALT, DRAINAGE, AND CURB SETTING SHALL BE IN ACCORDANCE WITH THE CITY OF FAYETTEVILLE REGULATIONS.
- 8. ALL PARKING SPACES INDICATED AS HANDICAPPED SPACES SHALL RECEIVE HANDICAP PAVEMENT MARKINGS AND SHALL BE IN ACCORDANCE WITH ADA STANDARDS OF THE CITY OF FAYETTEVILLE REGULATIONS. WHENEVER MORE RESTRICTIVE, REFER TO CITY STANDARDS.
- 9. ALL SIGNAGE, PAVEMENT MARKINGS, AND PARKING LOT STRIPING SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS AND REGULATIONS.
- 10. DIMENSIONS ARE MEASURED FROM THE FACE OF CURB, THE SIDE OF PAVEMENT, THE EDGE OF SIDEWALK, THE FACE OF CURB OF THE BUILDING OR THE CENTERLINE OF STRIPE.
- 11. ALL RADI SHALL BE 25' FROM FACE OF CURB UNLESS OTHERWISE SPECIFIED.
- 12. LAYOUT OF SITE PLAN IS BASED ON AND LIMITED TO SURVEY INFORMATION.
- 13. ALL CURB & GUTTER SHALL BE 18" WIDE PER DETAIL SHEET.
- 14. ALL PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH THE REQUIREMENTS OUTLINED IN THE MOST CURRENT EDITION OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD).
- 15. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL DRAWINGS FOR BUILDING FLOOR PLANS AND DIMENSIONS. WALL SECTIONS, DOOR OPENINGS, BUILDING UTILITY ENTRANCE POINTS, ETC. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ARCHITECT AND ENGINEER IN THE EVENT THAT THE CIVIL SITE PLANS BUILDING LAYOUT DOES NOT MATCH THE ARCHITECTURAL DRAWINGS.
- 16. ALL PAVEMENT INDICATED SHALL BE STANDARD DUTY BITUMINOUS PAVEMENT UNLESS OTHERWISE NOTED ON PLAN. THE PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PAVEMENT SECTION DETAIL.
- 17. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALCULATE CONSTRUCTION STAKING COORDINATES AND OBTAIN THE DIMENSIONS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF THE COORDINATES SHOWN ON THE PLANS AND NOTIFY THE ENGINEER OF ANY IRREGULARITIES BEFORE CONSTRUCTION STARTS.
- 18. ALL RAINWATER SHALL HAVE DETECTABLE, TRIM AND DRAIN PANELS PER A.D.A. AND CITY STANDARDS AND THE DETAIL SHEET.
- 19. ALL CURB NOT ADJACENT TO A PARKING SPACE SHALL BE PAINTED WITH RED PEBBLEBAND REFLECTING AT STREET CROSSINGS. ALL RAMP SHALL HAVE DETECTABLE TRIM; ATED DRAIN PANELS PER A.D.A. AND CITY STANDARDS AND THE DETAIL SHEET.
- 20. ANY DAMAGE TO EXISTING PUBLIC UTILITIES DUE TO CONSTRUCTION SHALL BE REPAIRED AT OWNERS RISK, UNLESS OTHERWISE NOTED.
- 21. ALL STAKING IN PUBLIC RIGHT-OF-WAY SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

City of Fayetteville Notes:

- 1. All new utilities shall be placed underground, and all existing utilities under 12" V shall be maintained underground.
- 2. All mechanical and utility equipment located



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.

1. A direction shall lead to the location of all utilities prior to starting any work.

10. $\mathbb{R}^n$ 上的二次型 $f(x_1, x_2, \dots, x_n) = x_1^2 + x_2^2 + \dots + x_n^2$ 的规范形为 $y_1^2 + y_2^2 + \dots + y_n^2$.

-

IRRIGATION SLEEVES

-
- BALL JOINT
 SOCKET JOINT

Item	Description
------	-------------

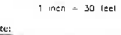
- Student: Tami Ben-Zion

Feature	Description
---------	-------------

- Landscaping Requirements



CRASH/FSCALE



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
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

Page 5

- All trees and natural areas shown on this plan to be preserved shall be protected during construction with temporary fencing and protective signage. Protective fencing shall be installed to meet frost-freeze 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 construction and until removal from project area.
- Erosion and sedimentation control barriers shall be installed or maintained in a manner which does not result in soil build-up or erosion of exposed areas.
- Protective fences shall surround the trees or groups of trees and be located at the distance 1' from 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
 - Root zone disturbances due to grade changes (greater than 2" root trenching and no more than 6" for roots)
 - Wounds to exposed trunk, trunk or limbs by mechanical equipment
 - Soil compaction detrimental to trees such as concrete storage, concrete truck cleaning and trucks
- Exceptions to installing fences at tree distances may be permitted in the following cases:
 - Where there is to be an approved grade change
 - Impermeable paving surface, tree well, or other such site development
 - Where the permeable paving is to be installed within a tree's drip-line area (since the drip line of the permeable paving area for use for wet grading so this area is graded sequentially prior to paving installation to minimize root damage)
 - Where trees are close to proposed buildings, erect the fence

- to allow 8 to 10 ft 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 stepped on protection to height of 6 ft (or 8 ft (on limits of over branching) in addition to the reduced fencing required).
- Trunks exposed for removal shall be: removed in a manner which does not impact trunks to be preserved.
- Any trunks exposed by construction activity shall be pruned (backed) to the nearest healthy trunk and good quality pruned to 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 trunk trunks as possible.
- No trenching, pruning, or other activity shall be permitted within the drip line of trunks. No cut in excess of the root flare of any trunk.
- Where possible, avoid the use of structures, vehicular traffic, and equipment shall take place before construction begins.
- All finished pruning must be done according to recognized American Standard. (ANSI A302).
- Approved standard: ANSI A302.
- A city certified tree pruner must be retained to make all pruning cuts 2 ft of notified tree pruner is available from the urban forest department. The above exceptions may be considered reasonable violations if there is a substantial non-compliance or if these violations damage to a result.

Year	Age	Sex	Height	Weight	Body Fat	Heart Rate	VO2 Max	Max Power	Max Speed	Max Acceleration	Max Deceleration	Max Force	Max Torque	Max Moment	Max Energy
1990	18	M	175	70	12	160	35	150	10	1.5	1.5	1.5	1.5	1.5	1.5
1991	19	M	178	75	13	165	36	155	10	1.5	1.5	1.5	1.5	1.5	1.5
1992	20	M	180	80	14	170	37	160	10	1.5	1.5	1.5	1.5	1.5	1.5
1993	21	M	182	85	15	175	38	165	10	1.5	1.5	1.5	1.5	1.5	1.5
1994	22	M	185	90	16	180	39	170	10	1.5	1.5	1.5	1.5	1.5	1.5
1995	23	M	188	95	17	185	40	175	10	1.5	1.5	1.5	1.5	1.5	1.5
1996	24	M	190	100	18	190	41	180	10	1.5	1.5	1.5	1.5	1.5	1.5
1997	25	M	192	105	19	195	42	185	10	1.5	1.5	1.5	1.5	1.5	1.5
1998	26	M	195	110	20	200	43	190	10	1.5	1.5	1.5	1.5	1.5	1.5
1999	27	M	198	115	21	205	44	195	10	1.5	1.5	1.5	1.5	1.5	1.5
2000	28	M	200	120	22	210	45	200	10	1.5	1.5	1.5	1.5	1.5	1.5
2001	29	M	202	125	23	215	46	205	10	1.5	1.5	1.5	1.5	1.5	1.5
2002	30	M	205	130	24	220	47	210	10	1.5	1.5	1.5	1.5	1.5	1.5
2003	31	M	208	135	25	225	48	215	10	1.5	1.5	1.5	1.5	1.5	1.5
2004	32	M	210	140	26	230	49	220	10	1.5	1.5	1.5	1.5	1.5	1.5
2005	33	M	212	145	27	235	50	225	10	1.5	1.5	1.5	1.5	1.5	1.5
2006	34	M	215	150	28	240	51	230	10	1.5	1.5	1.5	1.5	1.5	1.5
2007	35	M	218	155	29	245	52	235	10	1.5	1.5	1.5	1.5	1.5	1.5
2008	36	M	220	160	30	250	53	240	10	1.5	1.5	1.5	1.5	1.5	1.5
2009	37	M	222	165	31	255	54	245	10	1.5	1.5	1.5	1.5	1.5	1.5
2010	38	M	225	170	32	260	55	250	10	1.5	1.5	1.5	1.5	1.5	1.5
2011	39	M	228	175	33	265	56	255	10	1.5	1.5	1.5	1.5	1.5	1.5
2012	40	M	230	180	34	270	57	260	10	1.5	1.5	1.5	1.5	1.5	1.5
2013	41	M	232	185	35	275	58	265	10	1.5	1.5	1.5	1.5	1.5	1.5
2014	42	M	235	190	36	280	59	270	10	1.5	1.5	1.5	1.5	1.5	1.5
2015	43	M	238	195	37	285	60	275	10	1.5	1.5	1.5	1.5	1.5	1.5
2016	44	M	240	200	38	290	61	280	10	1.5	1.5	1.5	1.5	1.5	1.5
2017	45	M	242	205	39	295	62	285	10	1.5	1.5	1.5	1.5	1.5	1.5
2018	46	M	245	210	40	300	63	290	10	1.5	1.5	1.5	1.5	1.5	1.5
2019	47	M	248	215	41	305	64	295	10	1.5	1.5	1.5	1.5	1.5	1.5
2020	48	M	250	220	42	310	65	300	10	1.5	1.5	1.5	1.5	1.5	1.5
2021	49	M	252	225	43	315	66	305	10	1.5	1.5	1.5	1.5	1.5	1.5
2022	50	M	255	230	44	320	67	310	10	1.5	1.5	1.5	1.5	1.5	1.5
2023	51	M	258	235	45	325	68	315	10	1.5	1.5	1.5	1.5	1.5	1.5
2024	52	M	260	240	46	330	69	320	10	1.5	1.5	1.5	1.5	1.5	1.5
2025	53	M	262	245	47	335	70	325	10	1.5	1.5	1.5	1.5	1.5	1.5
2026	54	M	265	250	48	340	71	330	10	1.5	1.5	1.5	1.5	1.5	1.5
2027	55	M	268	255	49	345	72	335	10	1.5	1.5	1.5	1.5	1.5	1.5
2028	56	M	270	260	50	350	73	340	10	1.5	1.5	1.5	1.5	1.5	1.5
2029	57	M	272	265	51	355	74	345	10	1.5	1.5	1.5	1.5	1.5	1.5
2030	58	M	275	270	52	360	75	350	10	1.5	1.5	1.5	1.5	1.5	1.5
2031	59	M	278	275	53	365	76	355	10	1.5	1.5	1.5	1.5	1.5	1.5
2032	60	M	280	280	54	370	77	360	10	1.5	1.5	1.5	1.5	1.5	1.5
2033	61	M	282	285	55	375	78	365	10	1.5	1.5	1.5	1.5	1.5	1.5
2034	62	M	285	290	56	380	79	370	10	1.5	1.5	1.5	1.5	1.5	1.5
2035	63	M	288	295	57	385	80	375	10	1.5	1.5	1.5	1.5	1.5	1.5
2036	64	M	290	300	58	390	81	380	10	1.5	1.5	1.5	1.5	1.5	1.5
2037	65	M	292	305	59	395	82	385	10	1.5	1.5	1.5	1.5	1.5	1.5
2038	66	M	295	310	60	400	83	390	10	1.5	1.5	1.5	1.5	1.5	1.5
2039	67	M	298	315	61	405	84	395	10	1.5	1.5	1.5	1.5	1.5	1.5
2040	68	M	300	320	62	410	85	400	10	1.5	1.5	1.5	1.5	1.5	1.5
2041	69	M	302	325	63	415	86	405	10	1.5	1.5	1.5	1.5	1.5	1.5
2042	70	M	305	330	64	420	87	410	10	1.5	1.5	1.5	1.5	1.5	1.5
2043	71	M	308	335	65	425	88	415	10	1.5	1.5	1.5	1.5	1.5	1.5
2044	72	M	310	340	66	430	89	420	10	1.5	1.5	1.5	1.5	1.5	1.5
2045	73	M	312	345	67	435	90	425	10	1.5	1.5	1.5	1.5	1.5	1.5
2046	74	M	315	350	68	440	91	430	10	1.5	1.5	1.5	1.5	1.5	1.5
2047	75	M	318	355	69	445	92	435	10	1.5	1.5	1.5	1.5	1.5	1.5
2048	76	M	320	360	70	450	93	440	10	1.5	1.5	1.5	1.5	1.5	1.5
2049	77	M	322	365	71	455	94	445	10	1.5	1.5	1.5	1.5	1.5	1.5
2050	78	M	325	370	72	460	95	450	10	1.5	1.5	1.5	1.5	1.5	1.5
2051	79	M	328	375	73	465	96	455	10	1.5	1.5	1.5	1.5	1.5	1.5
2052	80	M	330	380	74	470	97	460	10	1.5	1.5	1.5	1.5	1.5	1.5
2053	81	M	332	385	75	475	98	465	10	1.5	1.5	1.5	1.5	1.5	1.5
2054	82	M	335	390	76	480	99	470	10	1.5	1.5	1.5	1.5	1.5	1.5
2055	83	M	338	395	77	485	100	475	10	1.5	1.5	1.5	1.5	1.5	1.5
2056	84	M	340	400	78	490	101	480	10	1.5	1.5	1.5	1.5	1.5	1.5
2057	85	M	342	405	79	495	102	485	10	1.5	1.5	1.5	1.5	1.5	1.5
2058	86	M	345	410	80	500	103	490	10	1.5	1.5	1.5	1.5	1.5	1.5
2059	87	M	348	415	81	505	104	495	10	1.5	1.5	1.5	1.5	1.5	1.5
2060	88	M	350	420	82	510	105	500	10	1.5	1.5	1.5	1.5	1.5	1.5
2061	89	M	352	425	83	515	106	505	10	1.5	1.5	1.5	1.5	1.5	1.5
2062	90	M	355	430	84	520	107	510	10	1.5	1.5	1.5	1.5	1.5	1.5
2063	91	M	358	435	85	525	108	515	10	1.5	1.5	1.5	1.5	1.5	1.5
2064	92	M	360	440	86	530	109	520	10	1.5	1.5	1.5	1.5	1.5	1.5
2065	93	M	362	445	87	535	110	525	10	1.5	1.5	1.5	1.5	1.5	1.5
2066	94	M	365	450	88	540	111	530	10	1.5	1.5	1.5	1.5	1.5	1.5
2067	95	M	368	455	89	545	112	535	10	1.5	1.5	1.5	1.5	1.5	1.5
2068	96	M	370	460	90	550	113	540	10	1.5	1.5	1.5	1.5	1.5	1.5
2069	97	M	372	465	91	555	114	545	10	1.5	1.5	1.5	1.5	1.5	1.5
2070	98	M	375	470	92	560	115	550	10	1.5	1.5	1.5	1.5	1.5	1.5
2071	99	M	378	475	93	565	116	555	10	1.5	1.5	1.5	1.5	1.5	1.5
2072	100	M	380	480	94	570	117	560	10	1.5	1.5	1.5	1.5	1.5	1.5
2073	101	M	382	485	95	575	118	565	10	1.5	1.5	1.5	1.5	1.5	1.5
2074	102	M	385	490	96	580	119	570	10	1.5	1.5	1.5	1.5	1.5	1.5
2075	103	M	388	495	97	585	120	575	10	1.5	1.5	1.5	1.5	1.5	1.5
2076	104	M	390	500	98	590	121	580	10	1.5	1.5	1.5	1.5	1.5	1.5
2077	105	M	392	505	99	595	122	585	10	1.5	1.5	1.5	1.5	1.5	1.5
2078	106	M	395	510	100	600	123	590	10	1.5	1.5	1.5	1.5	1.5	1.5
2079	107	M	398	515	101	605	124	595	10	1.5	1.5	1.5	1.5	1.5	1.5
2080	108	M	400	520	102	610	125	600	10	1.5	1.5	1.5	1.5	1.5	1.5
2081	109	M	402	525	103	615	126	605	10	1.5	1.5	1.5	1.5	1.5	1.5
2082	110	M	405	530	104	620	127	610	10	1.5	1.5	1.5	1.5	1.5	1.5
2083	111	M	408	535	105	625	128	615	10	1.5	1.5	1.5	1.5	1.5	1.5
2084	112	M	410	540	106	630	129	620	10	1.5	1.5	1.5	1.5	1.5	1.5
2085	113	M	412	545	107	635	130	625	10	1.5	1.5	1.5	1.5	1.5	1.5
2086	114	M	415	550	108	640	131	630	10	1.5	1.5	1.5	1.5	1.5	1.

[illegible][illegible]

Line	Presumption Calculation	Dollar Test	Percent of yte
Total Vol Area "Netus Right of Way and Easements"		226,512	100%
Less: "Dedication" (same below with drop down arrow)			
Net Vol Area "Landscaping, Fencing, Fire Lines, etc."		46,262	20%
Added "Setback" below with Drop Down Arrow			
		0	0%
Total Surface for Minimum Presumption Requirements		66,262	29.2%
Less: "Tree Canopy" "Min. Right of Way"			
		124,000	54.4%
Tree Canopy Increased		13,760	6.0%
Tree Canopy Increased "Up to 10"		6,200	2.8%
Tree Canopy Increased "10 to 15"		7,560	3.3%
Tree Canopy Increased Total		61,616	27.2%
Remaining Below Min. amount		5,046	2.2%
Minimum Requirements		1,468	0.6%

																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					</
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	----

Land Use	Land Use Requirements	Stormwater Fees	Stormwater Fees	Stormwater Fees
Office/Industrial	Area of 30,000 sq. ft. or more. The area is measured from the top contour plus 10 feet.	Stormwater Fees (Stormwater or Sewerage)	Stormwater Fees (Stormwater or Sewerage)	Stormwater Fees (Stormwater or Sewerage)
	20%	10	10	10

PLANNING & ZONING DEPARTMENT
MOUNTAIN VIEW CITY
1250 N. CANBY
MOUNTAIN VIEW CITY, OKLAHOMA
74001-1250

(3) (2)

Paper

One Hundred (100) Sheets, 8-1/2" x 11"

Drawings

Property Line
Offset Property Line
Right Of Way Line
Surveyors' Drive Centerline
Curb And Gutter
Easement Plan (See Note)

Thickened Joint (If Payment Is Over \$100)
Final Elevation
Frontier Striping
Asphalt Pavement (See Detail Sheet For Payment Schedule)
Intersect Pavement (See Detail Sheet For Payment Schedule)
Concrete Sidewalk
(See Note For Dimensions)

See Utility Plan In Lane Sizes

C/S&W Water Line
Water Line
& Sewer
Fire Hydrant & Assembly
S/W Single Water Header
Sanitary Sewer Line
Sanitary Sewer Service
Sanitary Sewer Manhole

Notes:

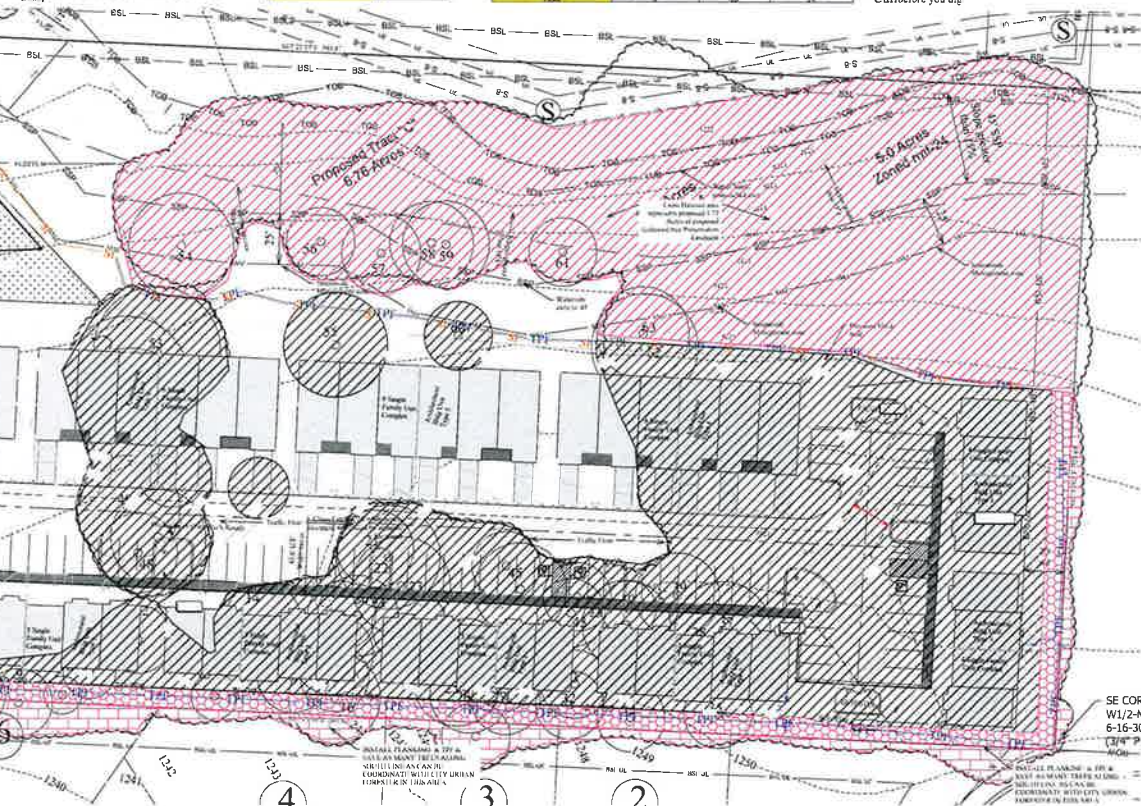
See Cover Sheet For Abbreviations List



DATE

Feature	Description
G	- Graphical - Easy to use - Not a 1-way test - Good for the eye
R-W	- Ranking of the scores - Good for the eye - Good for the eye - Good for the eye
Sign test	- Good for the eye - Good for the eye - Good for the eye - Good for the eye

-



Know what's below
Call before you dig

Large Scale Development of
MACEY DR. TOWNHOMES
Development for
Legacy Ventures NWA c/o Tim Brisel
PO Box 8216
Fayetteville, AR 72712
Ph. 479.400.4001



SWOPE CONSULTING
the difference

Michael Swope, Director
 10000 E. 1st Avenue, Suite 100
 Denver, CO 80231
 303.751.4444
www.swopeconsulting.com

Project No.	16-205	Scale	1"=30'
Date	6/11/2016		
Sheet Description	TREE PRESERVATION PLAN		
Sheet #	C1.2		



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 Wavier 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
-----------	----	----	---------------------------------

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



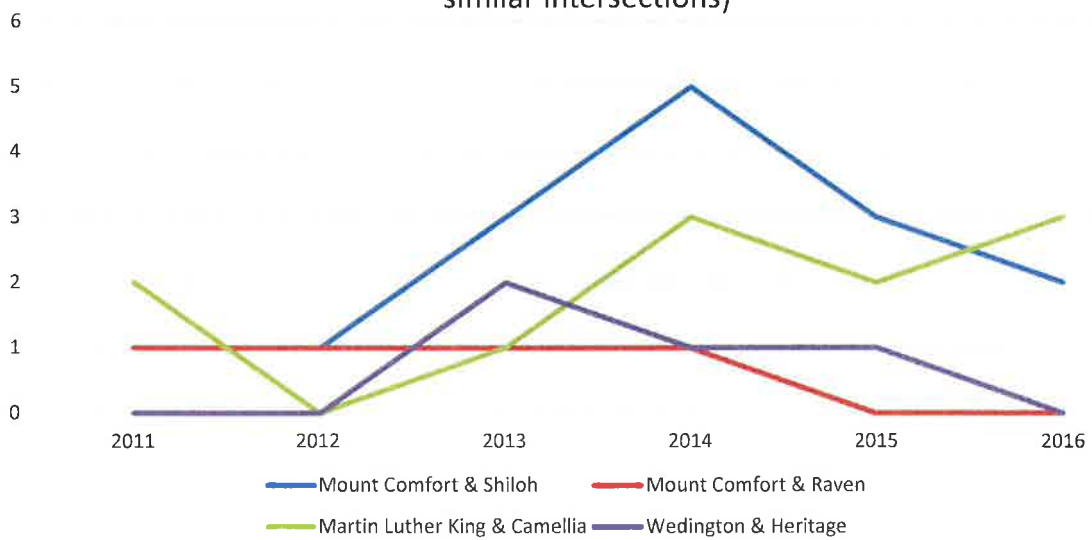
- Preliminary Address
- Street
- Project Area
- County Parcel

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

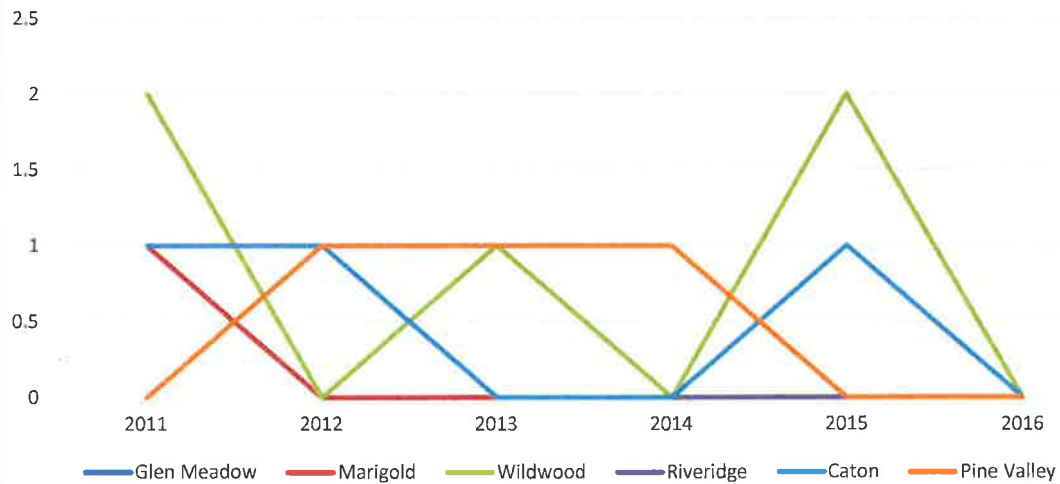
ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101894	20111003	75200	MOUNT COMFORT	RAVEN
201202027	20121012	143700	MOUNT COMFORT	RAVEN
201300191	20130201	161500	MOUNT COMFORT	RAVEN
201401856	20140915	75500	MOUNT COMFORT	RAVEN

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.

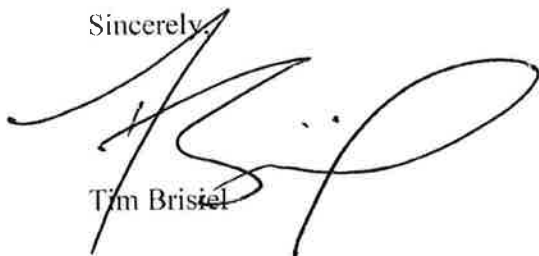
This development consists of 58 townhome units that will each be two bedrooms and two and a half baths and approximately 1300 square feet each. They will be traditional in style and design with the use of variations of James Hardie siding, brick, and stone. The objective is to make each unit look different 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



NA-01	Which country has the highest unemployment rate?
NA-02	Which country is the largest by population in Europe?
NA-03	Which country has the highest unemployment rate in the world?
NA-04	Which country has the highest unemployment rate in the world?
NA-05	Which country has the highest unemployment rate in the world?
NA-06	Which country has the highest unemployment rate in the world?
NA-07	Which country has the highest unemployment rate in the world?
NA-08	Which country has the highest unemployment rate in the world?
NA-09	Which country has the highest unemployment rate in the world?
NA-10	Which country has the highest unemployment rate in the world?
NA-11	Which country has the highest unemployment rate in the world?
NA-12	Which country has the highest unemployment rate in the world?

Mossy Drive	
Street Classification	Local Street
Total ROW	50'
POC to POC w/ Parallel Parking	25'
Clearance	14'
Shoulder	5'

SITE INFORMATION	2021 SQUARE FEET	AC	% OF SITE TOTAL
SITE AREA LESS DEDICATED RIGHT-OF-WAY	20,545 S.F.	OR 0.51 ACRES	100%
STREET PAVED AREA	23,560 S.F.	OR 0.57 ACRES	
SIDEWALK AREA	4,447 S.F.	OR 0.10 ACRES	
BUILDING & DRIVEWAY AREA	89,600 S.F.	OR 2.27 ACRES	
TOTAL Hardscape AREA	137,607 S.F.	OR 3.14 ACRES	48.4%
SOFTSCAPE AREA	146,581 S.F.	OR 3.37 ACRES	51.6%

GROSS SITE AREA	294 485 6 S F OR 6 75 ACRES
PROPOSED DEDICATED ROW	10 877 56 S F OR 0 25 ACRES
NET SITE AREA	283 587 95 S F OR 6 51 ACRES
ZONING	SVF 24 3 0 ACRES 837 4 17 ACRES

TOTAL NUMBER OF DWELLING UNITS	18
NUMBER OF BEDROOMS	36
REQUIRED PARKING SPACES 1 PER BEDROOM PROVIDED	36
REQUIRED ADA ACCESSIBLE SPACES PROVIDED	4
REQUIRED BIKE RACKS 1/30 UNIT PROVIDED	6
REQUIRED SCOOTER 125 UNIT PROVIDED	2

FRONT 15 Feet
RESIDENTIAL SIDE 5 Feet
REAR 15 Feet

REAR DRIVE/REAR PORCH AREA

DRIVE-4 TRACKS

FRONTARY 25 Feet
SIDE OTHER USES 8 Feet
REAR OTHER USES 20 Feet
REAR DOUBLE LANE Y'S 16 FT

DRIVEING III GIFT MAX

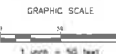
0'11" DR R/W 30'
0'20" DR R/W 44'
20' CIRCULAR DR R/W 50'

Feature	Description
	Standard 256-color VGA
	High-Speed Graphics (over 100MB/sec)
	Displaying Large
	High-Resolution (up to 1024x768)
	Comprehensive Graphics Data
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio
	High-Speed Graphics & Audio

Feature	Description
	Property Line
	Easement
	Right of Way Line
	Street / Drive Centerline
	Curbs and Gutter
	(See Site Plan for Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Pavement Striping
	Asphalt Pavement (See Detail)
	Sheet In Pavement (Sections)
	Concrete Pavement (See Detail)
	Sheet For Pavement (Sections)
	Concrete Sidewalk
	(See Site Plan For Dimensions)
	Gate Valve
	Fire Hydrant & Assembly
	Sanitary Sewer Manhole



Know what's below
Call before you dig



THIS DRAWING IS "PRELIMINARY - NOT
FOR CONSTRUCTION" UNLESS ABOVE
SEAL HOLDER ACKNOWLEDGES THE
CANCELLATION OF THIS DISCLAIMER
BELOW

[illegible]

- All new utilities shall be placed underground, and all existing utilities under 12 kV shall be reburied underground.
- All mechanical and safety equipment located on the wall surface on ground shall be secured. All fixed mechanical utilities and mechanical equipment shall be secured by bolting or welding activity into the structure. All equipment shall be secured in a manner that is compatible with the supporting building. Mechanical and safety equipment on 20 inches or height shall meet building setbacks. Smaller ground-mounted equipment may be secured with tall guy wires.
- Each unsecured shall be secured on three sides with materials complimentary in and compatible with the principal structure, with access visible from the street. An elevation depicting the materials and color of the screen will be required to be approved by Planning Division and building permit.
- All signs by separate permit



MACEY DR. TOWNHOMES
Legacy Ventures NWA C/O Tim Brisel
PO Box 8216
Fayetteville, AR 72712



SWOPE CONSULTING

One for many

With edge jobs
people make you
a lot better.

Project No.	16-205	Scale	1"=30'
Date	8/9/2016		
Sheet Description	SITE PLAN		
Drawn by			

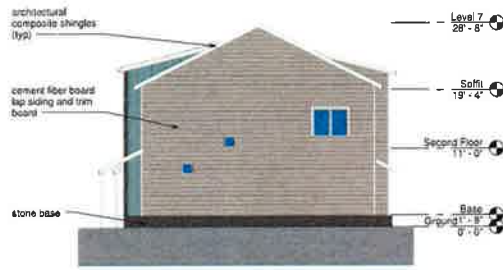
C1.0



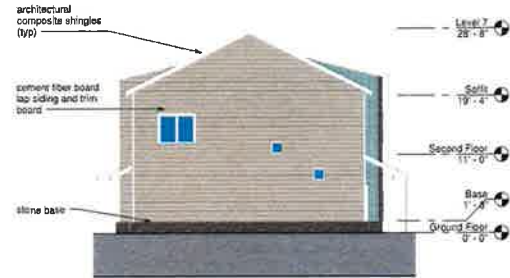
1 North Elevation
1/4" = 1'-0"



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

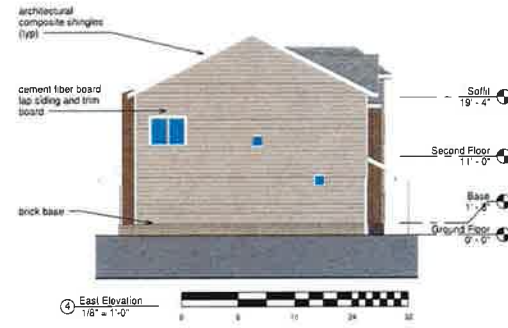
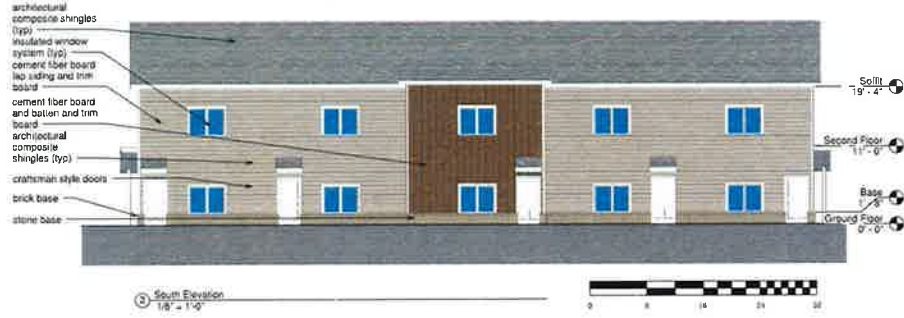
5 Unit Townhouse-Elevation 1

8-30-2016

HENRY ARCHITECTURE
1722N COLLEGE AVE SUITE C • BOX 153
FAYETTEVILLE, AR 72701
PHONE: 479.534.9923 EMAIL: henry@henryarchitecture.com

DESIGNED BY: JH	CHECKED BY: JH
DATE: 8/30/16	DATE: 8/30/16
PROJECT: Macey Drive Townhomes	PROJECT: Macey Drive Townhomes
SHEET: 16-007	SHEET: 16-007

EL-1



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

DATE	16-007
BY	AK
CHECKED BY	AK





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: +1 479 558 9633 EMAIL: henry@henryarchitecture.com

DRAWN BY: AC
CHECKED BY: AS

15-007

Fayetteville, AR





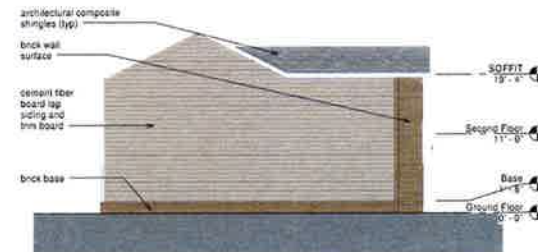
1 South Elevation
1/4" = 1'-0"



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



DATE	7-19-2016
BY	sherry
CHECKED	sherry
DATE	
BY	
CHECKED	
DATE	
BY	
CHECKED	

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

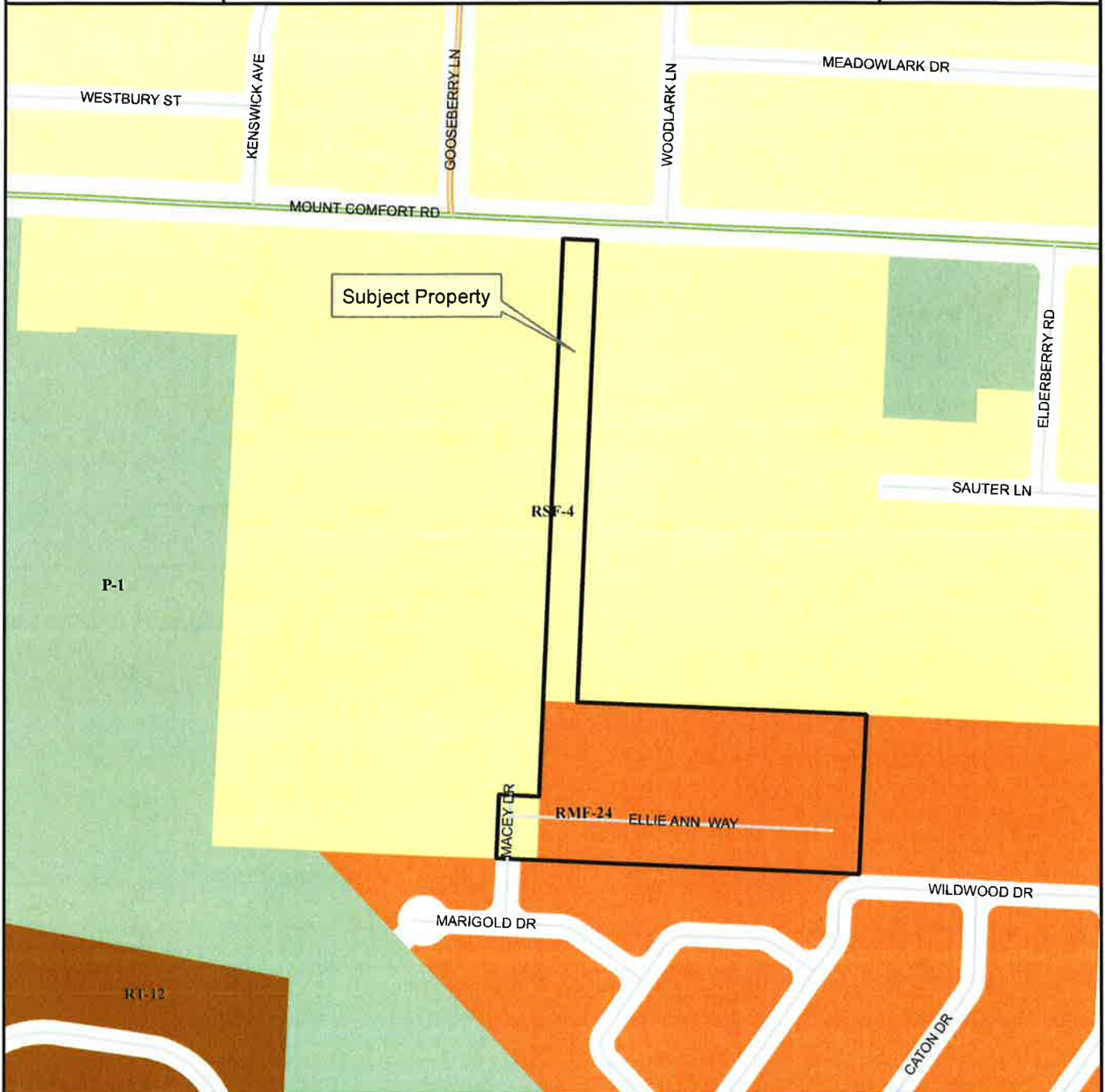


EL-5

LSD 16-5488

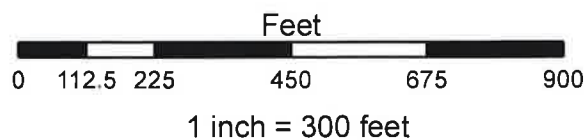
Close Up View

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

Branson, Lisa

From: Smith, Sondra
Sent: Wednesday, October 19, 2016 1:45 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Macey Drive Townhomes

FYI

From: Rosa Edwards [mailto:rosajedwards@gmail.com]
Sent: Wednesday, October 19, 2016 7:34 AM
To: Longward4@gmail.com; La Tour, John <ward4_pos1@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Macey Drive Townhomes

Good morning,

I read in the newspaper today that officials are seeking residents' voices on the Macey Drive Townhomes near Shiloh and Mt. Comfort Road. As a Ward 4 homeowner and resident, I wish to **oppose** this townhouse development for the following reasons:

- The limited access point (just through Point West Street) is clearly not designed for the heavy traffic load. The current townhouses/duplexes in the subdivisions off of Shiloh current have 2-4 vehicles per unit, so an additional 57 units would logically bring a MINIMUM of 114 additional vehicles through this area.
- There is a theft problem in the area. As I walk through the area to access the Hamestring Creek trail, I see signs that residents have placed warning individuals to lock their cars. Adding additional traffic and residents does not seem wise in light of this issue.
- The frequent on-street parking really limits the ability for two-way traffic flow.
- Generally, many homeowners - ourselves included - along Mt. Comfort Road purchased homes in that area due to its ease of access without the congestion of Wedington Drive. We want to maintain the uniqueness of that area and that requires it not becoming overdeveloped.
- Overall, Fayetteville needs more affordable family housing in the form of individual homes. Too many people are purchasing homes outside the city while the city develops more and more multi-family units. If a development is to be seriously considered, it needs to be single family housing, not multi-units.

Thank you for your time.

Rosa Edwards

--

Rosa Edwards
my blog: <http://surpassingglory.blogspot.com>

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

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0462

Agenda Date: 11/1/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 4

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

(LEFT ON THE FIRST READING)

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:

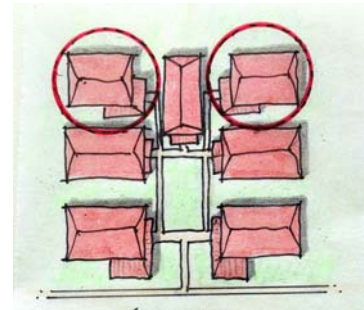
Despite no cottage courts yet constructed, the structure of the existing ordinance is generally sound. Its flexibility in allowing for the creation of fee-simple lots or entitlement as a single site improvement is an innovation that should be replicated in other cities. However, the current code contains 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)



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0489

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5588 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 407 NORTH MOUNTAIN RANCH BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY TO NC, NEIGHBORHOOD CONSERVATION

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 to NC, Neighborhood Conservation.

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

2016-0489

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5588: Rezone (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT, 479): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 407 N. MTN. RANCH BLVD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION.

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 NOVEMBER 1, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: October 14, 2016

SUBJECT: **RZN 16-5588: Rezone (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT, 479):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 407 N. MTN. RANCH BLVD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff and the Planning Commission recommend approval rezoning the property from RSF-4 to the NC zoning district as proposed according to exhibits A and B.

BACKGROUND:

The subject property contains portions of phase I and II-a of the large master-planned Mountain Ranch development and contains 3.65 acres. Mountain Ranch Phase I was approved in 2005 and contains 117 single-family lots. Phase II was approved in 2009, and contains 30 single-family lots, 3 multi-family lots, and 2 commercial out-lots. The subject rezone request will affect 5 of the single-family lots.

Request The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation. The applicant has indicated the rezoning is needed to allow for development of homes on smaller lots similar to the Park Hill at Mountain Ranch R-PZD adjacent to the north.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of residential uses. The immediate area contains a range of single-family and multi-family development types with low to moderate densities. The NC zone allows a density of 10 units per acre, which would provide an appropriate transition from the 24 units per acre allowed to the east, 6 units per acre single family to the north, and the 4 units per acre single-family to the west.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map designation of this site as a Residential Area, which anticipates a mixture of residential densities and units types in this area.

DISCUSSION:

On October 10, 2016 the Planning Commission forwarded the applicant's request for a rezoning to NC, Neighborhood Conservation. A motion by Commissioner Hoffman 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:

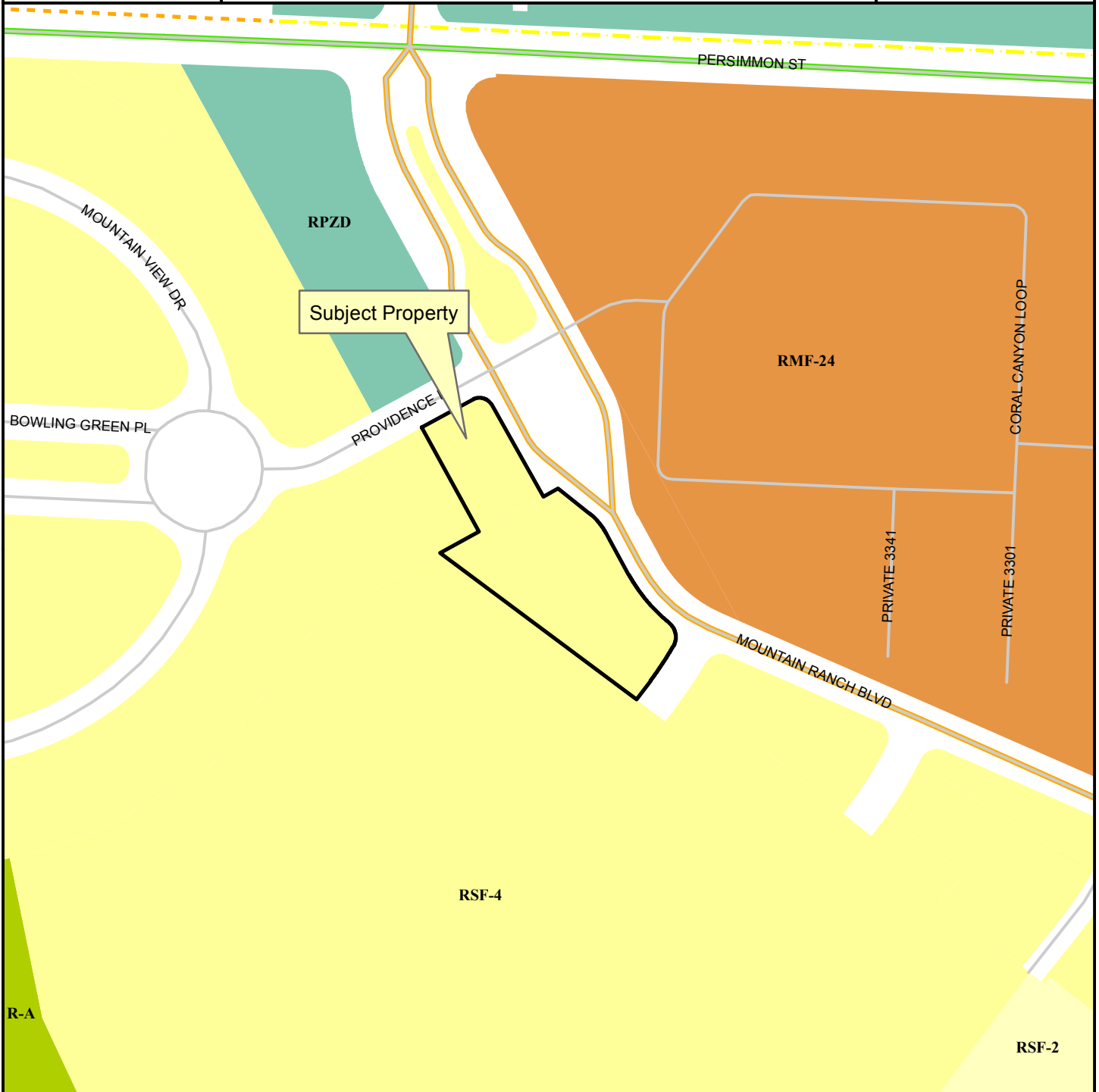
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5588
EXHIBIT 'A'

RZN 16-5588

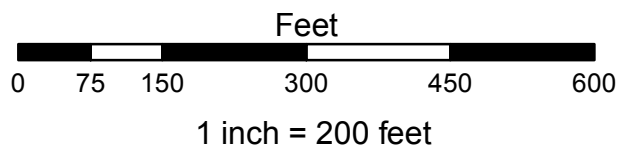
Close Up View

STRIKER DEVELOPMENT



Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4
- RMF-24
- Commercial, Industrial, Residential

16-5588
EXHIBIT 'B'

LEGAL DESCRIPTION: (PARK HILL II @ MOUNTAIN RANCH)

All of Lot 98 of Mountain Ranch Subdivision Phase I and all of Lots 1, 2, and 3 of Mountain Ranch Subdivision Phase II as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Beginning at the NW Corner of Lot 98, thence N61°15'54"E 79.47 feet, thence along a curve to the right 31.42 feet, said curve having a radius of 20.00 feet and a chord bearing and distance of S73°44'06"E 28.28 feet, thence S29°12'25"E 143.70 feet, thence N61°21'48"E 23.37 feet, thence S51°14'06"E 55.32 feet, thence along a curve to the right 34.95 feet, said curve having a radius of 89.00 feet and a chord bearing and distance of S39°59'06"E 34.73 feet, thence S28°44'06"E 11.62 feet; thence S28°44'06"E 53.39 feet, thence along a curve to the left 87.46 feet, said curve having a radius of 225.00 feet and a chord bearing and distance of S39°52'17"E 86.92 feet, thence along a curve to the right 35.28 feet, said curve having a radius of 25.00 feet and a chord bearing and distance of S10°34'49"E 32.42 feet, thence along a curve to the right 57.47 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of S33°18'47"W 57.43 feet, thence S36°46'45"W 31.76 feet, thence N53°13'15"W 336.97 feet, thence N61°21'48"E 60.65 feet, thence N28°44'06"W 163.52 feet to the POINT OF BEGINNING: Containing 1.35 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:

FEE: \$325.00
Sign Fee: \$5.00

S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: Striker, Dev. Inc.

Address: PO Box 180428
Fr. Smith Ar 72915

E-mail: _____

Phone:

() _____

() _____

Fax:

() _____

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

Name: Jorgensen & Assoc

Address: 124 W. Sunbridge
Fayetteville, Ar 72703

E-mail: dave@jorgensenassoc.com

Phone:

() _____

() _____

Fax:

() _____

Site Address / Location: _____

Current Zoning District: RSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: _____

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): TC. Aaron L. Smith Date: 8/24/16

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, 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): G. Owner Address: _____
Signature: _____ Phone: _____
Date: _____ ()

Name (printed): _____ Address: _____
Signature: _____ Phone: _____
Date: _____ ()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~October 10, 2016~~ **UPDATED 10-13-2016**

SUBJECT: **RZN 16-5588: Rezone (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT, 479):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 407 N. MTN. RANCH BLVD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.65 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5588** to the City Council with a recommendation for approval of NC as proposed.

BACKGROUND:

The subject property contains portions of phase I and II-a of the large master-planned Mountain Ranch development and contains 3.65 acres. Mountain Ranch Phase I was approved in 2005 and contained 117 single-family lots. Phase II was approved in 2009, and contains 30 single-family lots, 3 multi-family lots, and 2 commercial out-lots. The subject rezone request will affect 5 of the single-family lots. 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 and Multi-family Residential	R-PZD, Park Hill at Mountain Ranch
South	Single-family Residential	RSF-4, Residential Single-Family
East	Multi-family Residential	RMF-24, Residential Multi-family
West	Single-family Residential	RSF-4, Residential Single-Family

Request: The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation. The applicant has indicated the rezoning is needed to allow for development of homes on smaller lots similar to the Park Hill at Mountain Ranch R-PZD adjacent to the north.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Mountain Ranch Boulevard and Providence Drive, both fully improved with curb/gutter and storm drainage. Any street improvements (including sidewalk construction) would be determined at time of development.

Water: Public water is available to the subject parcel. An 8" water main exists in the Mountain Ranch Boulevard right-of-way.

Sewer: Public sewer is available to the subject parcel. An 8" sewer main exists in the Mountain Ranch Boulevard right-of-way.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. No portions of these parcels lie within the HHOD.

Fire: The Fire Department did not express any concerns with the request.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone 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*

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 residential uses. The immediate area contains a range of single-family and multi-family development types with low to moderate densities. The NC zone allows a density of 10 units per acre, which would provide an appropriate transition from the 24 units per acre allowed to the east, 6 units per acre single family to the north, and the 4 units per acre single-family to the west.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map, which anticipates a mixture of residential densities and units types in this area.

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 higher density of single-family residences. The proposed zoning district would beneficially increase residential densities above those allowed under the current four unit per acre limit. The City as a whole benefits from higher residential densities in areas with existing infrastructure such as the subject property. This allows a greater number of residents to share the same amount of City maintained infrastructure, such as water and sewer service and streets and sidewalks.

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

Finding: The site has access to Mountain Ranch Boulevard, a fully improved 'Collector' street. The rezone encourages development that would increase traffic on this property slightly, however, development of the area is not expected to have significant negative impact on safety and congestion 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 the property from RSF-4 to NC would more than double potential future population density, but should not undesirably affect 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

RECOMMENDATION: Staff recommends forwarding RZN 16-5588 to the City Council with a recommendation for approval of NC as proposed.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>October 10, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOFFMAN			
Second: AUTRY			
Vote: 8-0-0			
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>November 1, 2016</u>	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07 & 161.27
- 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
-------------------------	---------

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)

161.27 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

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

Rear, from center line of an alley	12 feet
--	---------

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

August 24, 2016

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Att: Planning Dept
Re: Rezoning for Cobblestone Homes

Attached please find information pertaining to a rezoning for four lots in Mountain Ranch. These four lots face Mountain Ranch Apartments and the owner would like to rezone this from RSF-4 to Neighborhood Conservation. This would allow for single family houses to be built similar to those in Parkhill. There is a demand for this product. Water and sewer presently exists for this.

Please review and contact me concerning any questions you may have.

Thank you.

Sincerely;


David L. Jorgensen, P.E.

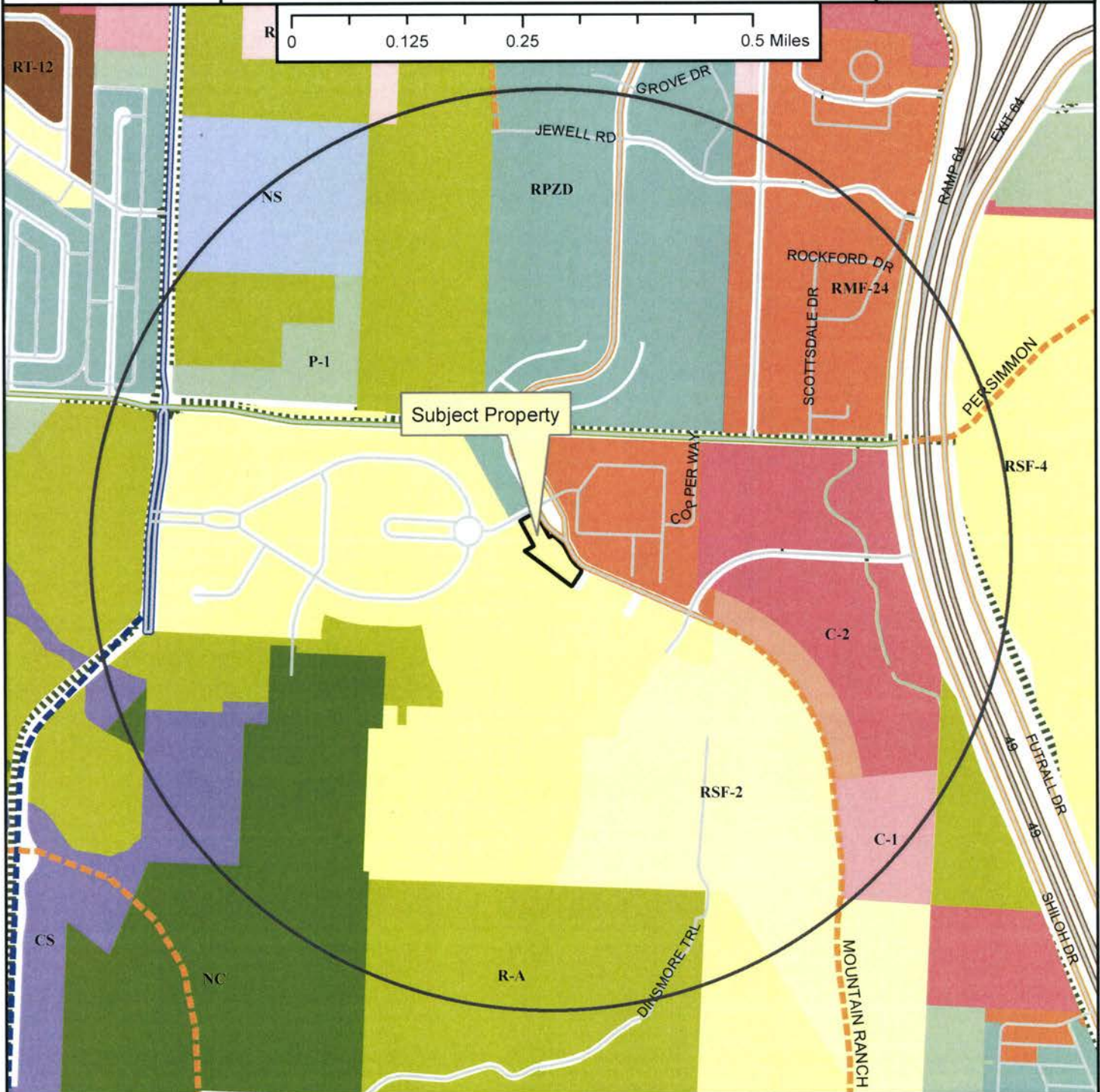
RZN 16-5588

STRIKER DEVELOPMENT

One Mile View



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



- | | |
|--|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> RT-12 Residential Single-Family 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"> 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 |
|--|---|

RZN 16-5588

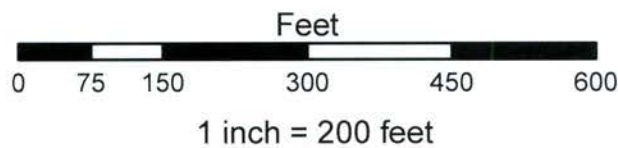
Close Up View

STRIKER DEVELOPMENT



Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4
- RMF-24
- Commercial, Industrial, Residential

RZN 16-5588

Current Land Use

STRIKER DEVELOPMENT



Legend

— Street

Streets Existing

MSP Class

— COLLECTOR

— MINOR ARTERIAL

.... Shared Use Paved Trail

.... Trail (Proposed)

□ RZN16-5588

□ Planning Area

□ Fayetteville City Limits

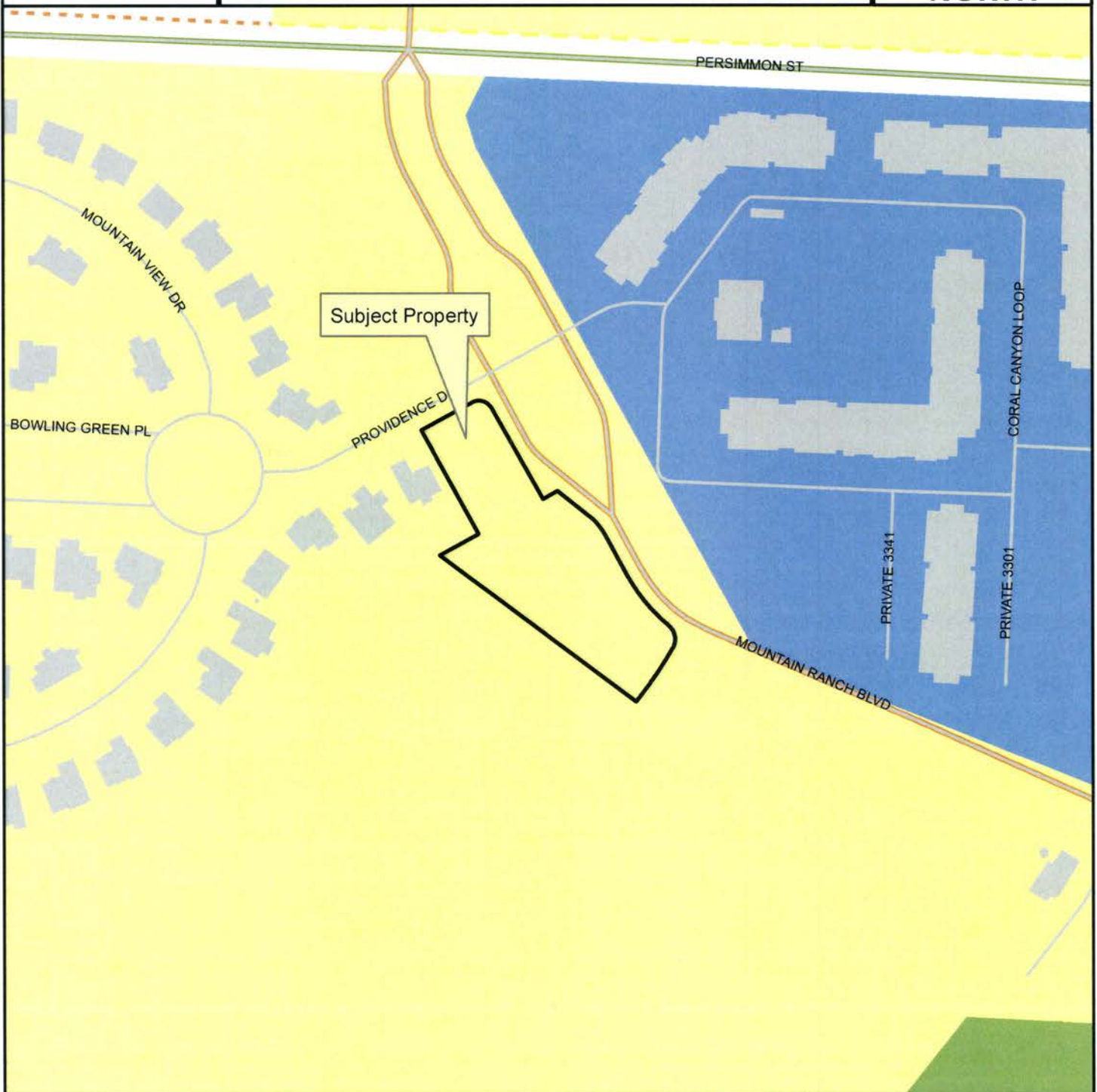
Feet



RZN 16-5588

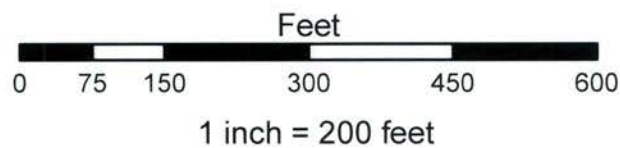
Future Land Use

STRIKER DEVELOPMENT



Legend

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



FUTURE LAND USE 2030

- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0460

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 16-5594 (15 S. WEST/KOLBERG):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5594 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 15 SOUTH WEST AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO MSC, MAIN STREET/CENTER

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 NC, Neighborhood Conservation to MSC, Main Street/Center.

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

2016-0460

Legistar File ID

11/1/2016

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

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5594: Rezone (15 S. WEST AVE./KOLBERG, 523): Submitted by MARK KOLBERG for property at 15 S. WEST AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.37 acres. The request is to rezone the property to MSC, MAIN STREET/CENTER.

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 NOVEMBER 1, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: October 14, 2016

SUBJECT: **RZN 16-5594: Rezone (15 S. WEST AVE./KOLBERG, 523):** Submitted by MARK KOLBERG for property at 15 S. WEST AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.37 acres. The request is to rezone the property to MSC, MAIN STREET/CENTER.

RECOMMENDATION:

The City Planning staff recommend approval of an ordinance to rezone the subject properties to MSC, Main Street/Center, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property includes approximately 0.37 acres located on the west side of West Avenue, between Center and Mountain Streets. The property is zoned NC, Neighborhood Conservation, and represents a portion of Block 22 of the original Fayetteville town plat. There is currently one single-family dwelling on site, built in 1885 and served by a paved driveway off of West Avenue. To the south of the property is City of Fayetteville right-of-way that includes pedestrian and bicycle access from West Avenue to the Frisco Trail. Although no portion of this property is identified as Hillside/Hilltop Overlay District, the terrain beginning at West Avenue descends rapidly, decreasing by approximately 30 feet from east to the west.

The subject property is within the Downtown Master Plan Boundary. This document was adopted in 2004 and included the recommendation that a series of new zoning districts be created to both preserve those characteristics that participants in the planning process deemed desirable, and to facilitate new development with appropriate physical context. The resulting zoning districts were subsequently developed and modified with public input before ultimately being put in place. The current NC zoning of the subject property is the result of this process and replaced the existing R-O, Residential Office zoning.

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to MSC, Main Street/Center. The applicant indicated the rezoning is needed to enhance development opportunities.

Land Use Compatibility: A rezoning to MSC will allow for residential and commercial development that is generally comparable to other housing and businesses in the vicinity. While the MSC

zoning district allows for commercial activities of greater intensity than would generally be appropriate at this location, the size and terrain of the property can limit the scale of any new development.

On the other hand, the Fayetteville Downtown Master Plan and its associated rezoning were deliberately enacted to preserve pockets of single-family housing that have existed for decades, and in some cases over a century. In addition to the Mount Nord area adjacent to Lafayette Street, the block of single-family homes that range southward from the subject property along West Avenue were deliberately zoned NC, Neighborhood Conservation. A rezoning to MSC comes with no density requirements, no side setbacks, and a higher building height maximum than the requirements in an NC district. Coupled with multi-family dwellings and numerous commercial uses being permitted in the DG zoning district, the requested rezoning has the potential to dramatically change the character of this portion of downtown.

There are numerous properties in close proximity to the subject address that are not single-family in use or appearance. While to the north and west there are single-family homes, to the east there is a jewelry business operating out of a residential structure. Along Mountain Street further to the east is the Fayetteville Public Library and KUAF radio station. Other uses in the area vary, including many residential structures that have been modified to house multiple tenants or businesses. Given the variety of surrounding land uses, staff finds the MSC zoning would be compatible.

Land Use Plan Analysis: As noted, the Downtown Master Plan led to the subject property's current zoning and was approved by City Council with the support of many Downtown residents. The Neighborhood Conservation zoning seeks to preserve the existing single-family housing stock in pockets of the downtown area.

At the same time, the Downtown Master Plan identifies the goal of pursuing redevelopment opportunities along West Avenue. Classified in the Plan as a "signature connection" in downtown, West Avenue is called-out as important to the area's pedestrian network with redevelopment needed to fully leverage amenities like the Frisco Trail and the library. The Plan goes even further by outlining an implementation strategy that involves a policy to "target properties along West Avenue for infill development." Rezoning the subject property to the proposed Main Street/Center district can support this goal by allowing for increased housing opportunities through redevelopment to a greater density or, alternatively, permitting a greater spectrum of retail and service uses that can serve the neighborhood or greater downtown.

While the goals of infill redevelopment and preservation may often seem at odds, in this instance they are complementary. Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, so to can the Main Street/Center zoning district preserve the character of the Fayetteville downtown. Both are designed with build-to-zones that complement the area's historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District's architectural standards. The proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan.

DISCUSSION:

On October 10, 2016 the Planning Commission forwarded the applicant's request for a rezoning to MSC, Main Street/Center. A motion by Commissioner Selby 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 dissenting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

16-5594
EXHIBIT 'A'

RZN 16-5594

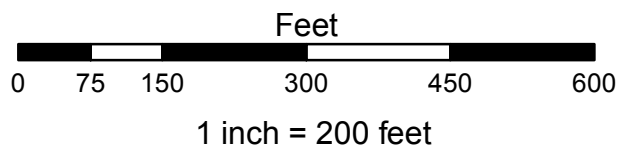
Close Up View

KOLBERG



Legend

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



- RSF-4
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

16-5594
EXHIBIT 'B'

(2)

Legal Description of the Property to be Rezoned:

A PART OF BLOCK 22, IN THE ORIGINAL PLAT OF THE TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT OF RECORD, IN PLAT BOOK 4, AT PAGE 4, AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 110 FEET SOUTH OF THE NE CORNER OF SAID BLOCK, AND RUNNING THENCE SOUTH 104 FEET TO THE SE CORNER OF SAID BLOCK, THENCE WEST 156 FEET, THENCE NORTH 104 FEET, THENCE EAST 156 FEET TO THE POINT OF BEGINNING.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

597A

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

527

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: Mark Kolberg

Name:

Address: 2484 N Surtees Place

Address:

Fayetteville, AR 72704

E-mail: marktkolberg@gmail.com

E-mail:

Phone:

(360) 433-1090

Phone:

()

()

()

Fax:

()

Fax:

()

Site Address / Location: 15 S. West Avenue

Fayetteville, AR 72701

Current Zoning District: NC

Requested Zoning District: MSC

Assessor's Parcel Number(s) for subject property: 765-01891-000

0.371 ac

FINANCIAL INTERESTS

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

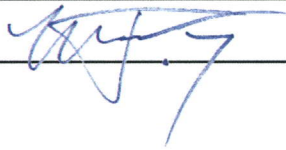
Mark and Doug Kolberg

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): Mark Kolberg

Date: 8/26/2016

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): Billy Wayne and Lena Sue
Batson Revocable Trust

Address: 611 Mundale Road
Eureka Springs, AR 72631

Signature: *Billy W. Batson* Executor

Phone:
(479) 981-1791

Date: 8/26/2016 1:00 PM CDT

Name (printed):

Address:

Signature:

Phone:

Date:

()

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 10, 2016 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 16-5594: Rezone (15 S. WEST AVE./KOLBERG, 523):** Submitted by MARK KOLBERG for property at 15 S. WEST AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.37 acres. The request is to rezone the property to MSC, MAIN STREET/CENTER.

RECOMMENDATION:

Staff recommends forwarding of **RZN 16-5594** to the City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject property includes approximately 0.37 acres located on the west side of West Avenue, between Center and Mountain Streets. The property is zoned NC, Neighborhood Conservation, and represents a portion of Block 22 of the original Fayetteville town plat. There is currently one single-family dwelling on site, built in 1885 and served by a paved driveway off of West Avenue. To the south of the property is City of Fayetteville right-of-way that includes pedestrian and bicycle access from West Avenue to the Frisco Trail. Although no portion of this property is identified as Hillside/Hilltop Overlay District, the terrain beginning at West Avenue descends rapidly, decreasing by approximately 30 feet from east to the west.

The subject property is within the Downtown Master Plan Boundary. This document was adopted in 2004 and included the recommendation that a series of new zoning districts be created to both preserve those characteristics that participants in the planning process deemed desirable, and to facilitate new development with appropriate physical context. The resulting zoning districts were subsequently developed and modified with public input before ultimately being put in place. The current NC zoning of the subject property is the result of this process and replaced the existing R-O, Residential Office zoning. 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 Single-family	MSC, Main Street/Center
South	Frisco Trail Access	NC, Neighborhood Conservation
East	Residential Single-family; Business in a Single-family Structure	MSC, Main Street/Center
West	Residential Single-family	NC, Neighborhood Conservation

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to MSC, Main Street/Center. The applicant indicated the rezoning is needed to enhance development opportunities.

Public Comment: Staff has received public comment from neighboring property owners that are both opposed and concerned with the requested rezoning. They have cited the appropriately contextual character of the existing structure, along with the investment made in their property and the adverse effects that may result from reduced setbacks and increasing the density on the subject property to the levels permitted under the Main Street/Center zoning district. As evidence, one property owner notes other housing in the area that has resulted in suspected non-compliant occupation levels and non-compliant parking on lawns and sidewalks.

INFRASTRUCTURE:

Streets: The subject parcel has access to West Avenue, a two-lane city street with existing poor-condition sidewalks at the back of curb. Any street improvements would be determined at time of development.

Water: Public water is available to the site. There is an existing 4-inch water along the parcel frontage of West Avenue.

Sewer: Sanitary Sewer is available to the site. There is an existing 8-inch sewer main in the West Avenue right-of-way on the uphill side of this parcel.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. No portion of this parcel lies within the HHOD, however slopes greater than 15% exist on much of this parcel which would require a residential grading permit to accompany any residential building permits.

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 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map* designates the properties as part of a **Complete Neighborhood Plan** Area associated with the Fayetteville Downtown Master Plan.

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 requested rezoning is generally consistent and compatible with both current land use and City land use plans.

Land Use Compatibility: A rezoning to MSC will allow for residential and commercial development that is generally comparable to other housing and businesses in the vicinity. Furthermore, while the MSC zoning district allows for commercial activities of greater intensity than would generally be

appropriate at this location, the size and terrain of the property can limit the scale of any new development.

On the other hand, the Fayetteville Downtown Master Plan and its associated rezoning were deliberately enacted to preserve pockets of single-family housing that have existed for decades, and in some cases over a century. In addition to the Mount Nord area along Lafayette Street, the block of single-family homes that range southward from the subject property along West Avenue were deliberately zoned NC, Neighborhood Conservation. The Illustrative Master Plan (attached) indicated preservation of the property for a single-family dwelling. A rezoning to MSC comes with no density requirements, no side setbacks, and a higher building height maximum than the requirements in an NC district. Coupled with multi-family dwellings and numerous commercial uses being permitted in the DG zoning district, the requested rezoning has the potential to dramatically change the character of this portion of downtown.

There are numerous properties in close proximity to the subject address that are not single-family in use or appearance. To the north and west there are single-family homes, and to the east is a jewelry business operating out of a residential structure. Along Mountain Street to the east is the Fayetteville Public Library and KUAF radio station. Other uses in the area vary, including many residential structures that have been modified to house multiple tenants or businesses. Given the variety of surrounding land uses, staff finds the MSC zoning would be compatible.

Land Use Plan Analysis: The Downtown Master Plan led to the current zoning that was approved by City Council with the support of many Downtown residents. This zoning seeks to preserve the existing single-family housing stock in pockets of the downtown area. The Neighborhood Conservation zoning currently applied to the subject property and those south of it are evidence of that objective.

The Downtown Master Plan also identified the goal of pursuing redevelopment opportunities along West Avenue. Classified in the Plan as a “signature connection” in downtown, West Avenue is called-out as important to the area’s pedestrian network with redevelopment needed to fully leverage amenities like the Frisco Trail and the library. The Plan goes even further by outlining an implementation strategy that involves a policy to “target properties along West Avenue for infill development.” Rezoning the subject property to the proposed Main Street/Center district can support this goal by allowing for increased housing opportunities through redevelopment to a greater density or, alternatively, permitting a greater spectrum of retail and service uses that can serve the neighborhood or greater downtown.

While the goals of infill redevelopment and preservation may often seem at odds, in this instance they are complementary. Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, so to can the Main Street/Center zoning district preserve the character of the Fayetteville downtown. Both are designed with

build-to-zones that complement the area's historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District's architectural standards. The proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan.

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

Finding: Based on the applicants' submittal, the rezoning is justified and needed to enhance the development opportunities for the subject property. The existing Neighborhood Conservation zoning only permits development of the property to single-family dwellings, accessory dwellings, and City-wide uses by right. All other uses allowed in the district, including but not limited to 2- and 3-family dwellings, offices, and limited businesses are only permitted with the approval of a conditional use permit. The applicant feels that a rezoning to Main Street/Center will positively address the goals of City Plan 2030.

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

Finding: The subject property has access to West Avenue, which was classified during the Downtown Master Plan process as ST 45. This classification includes two lanes for traffic movement and one for on-street parking in addition to tree wells and sidewalks. Given this, a rezoning of the property to Main Street/Center, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. However, given the small size of the property, any increase in vehicular trips in the area will likely not appreciably increase traffic danger or 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: The overall size of the property will limit the density of future development, thereby also limiting undesirable increases of the burden on schools or City services.

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 16-5594 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>October 10, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Selby	Second: Autry	Vote: 7-1-0 (Brown Dissented)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code §161.25 (MSC zoning)
- Unified Development Code §161.27 (NC zoning)
- Request Letter
- Letter from the Public
- Downtown Master Plan Illustrative Map
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.25 - Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
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 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments

Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum*.

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum*. None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage*. 75% of lot width.

(G) *Building Height Regulations*.

Building Height Maximum	56/84 feet*
-------------------------	-------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; 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)

161.27 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

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

Rear, from center line of an alley	12 feet
--	---------

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

Request Letter

(5)

- a. The property is currently owned by the Billy Wayne and Lena Sue Batson Revocable Trust. The property has a pending sale to Doug Kolberg.
- b. The zone change is being requested to enhance the development opportunities in the future.
- c. The proposed zoning is compatible with the surrounding properties. The properties to the north and east are already zoned MSC. The properties south and west are still single family residential NC, but when time comes for their development, they will likely change to MSC also. Other nearby properties are also MSC. This relatively small tract has an existing residence in need of structural and cosmetic repairs that may not be economically feasible. Any future land use will improve the property in appearance, and any change in traffic or signage would be insignificant.
- d. There is an existing 4" water line on West Street. There is an existing 8" sewer line on West Street.
- e. The MSC zone change is complementary with the existing MSC existing zoning north and east and with other MSC zoned properties in the immediate area. The change to MSC also addresses the City planning objectives, principles, and policies for increased housing density and infill development in a positive manner.
- f. The MSC zone change is justified as it positively addresses the goals of the long term comprehensive plan.
- g. The MSC zone change will not create or appreciably increase traffic danger and congestion.
- h. This relatively small tract will not alter the population density and will not increase the load on public services including schools, water, and sewage facilities.
- i. It is impractical to use the land under it's existing zoning classification NC because this zone stresses single family residential development and does not support the City goal for infill development with increased housing density.

RZN 16-5594

Public Comment

Bob and Patty Besom
15 N. West Avenue
Fayetteville, Arkansas 72701

Planning Commission
City of Fayetteville
125 W. Mountain
Fayetteville, Arkansas 72701

Dear Commissioners,

We wonder if it is a good idea to change the zoning at 15 S. West Avenue in Fayetteville from Neighborhood Conservation to Main Street/Center (RZN 16-5594).

The home that has been at 15 S. West Avenue for decades was designed for the site, is architecturally interesting, and contributes in a positive way to the neighborhood. The changes allowed by Main Street/Center could encourage development that detracts from the character of the neighborhood. As a home owner one block north of the site under consideration, we prefer that a developer be required to request a variance for changes not allowed by Neighborhood Conservation so that we all might judge whether a plan is compatible with the rest of the neighborhood.

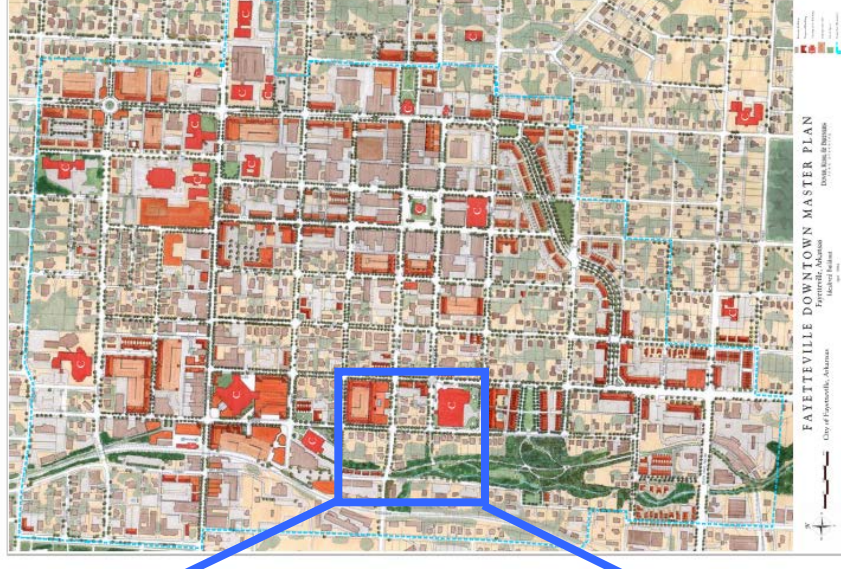
Thank you.

Sincerely,

Handwritten signatures of Patty Besom and Bob Besom in blue ink. The signatures are written in a cursive style, with 'Patty Besom' on the top line and 'Bob Besom' on the bottom line.

Illustrative Fayetteville Downtown Master Plan

As Related to 15 S. West Avenue



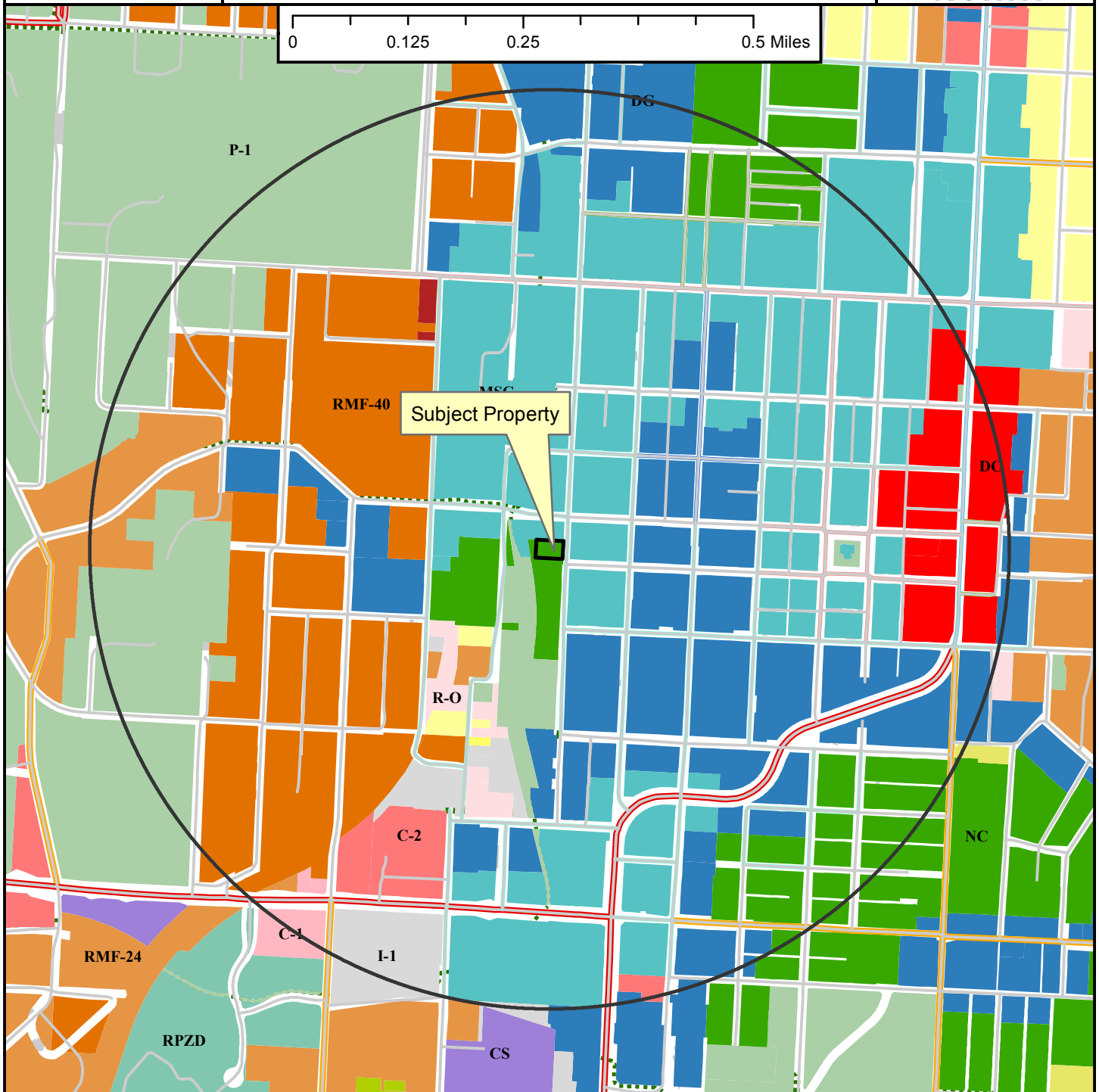
RZN 16-5594

One Mile View

KOLBERG

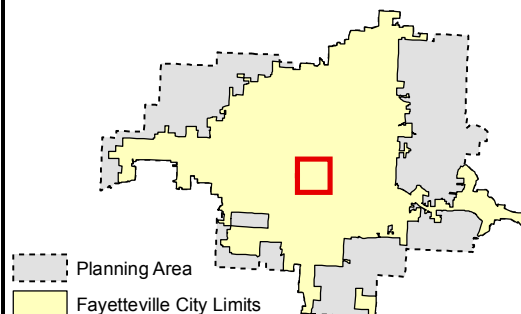


0 0.125 0.25 0.5 Miles



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-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

RZN 16-5594

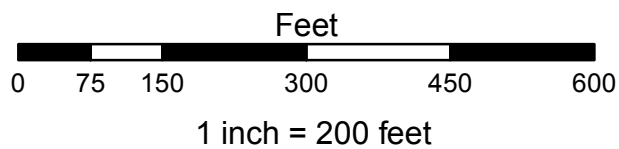
Close Up View

KOLBERG



Legend

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



- RSF-4
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

RZN 16-5594

Current Land Use

KOLBERG



Legend

— Street

Downtown Master Plan

MSP Class

— STREET 40 ONE WAY

— STREET 45

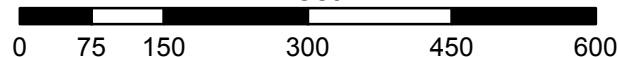
--- Shared Use Paved Trail

□ RZN16-5594

□ Planning Area

□ Fayetteville City Limits

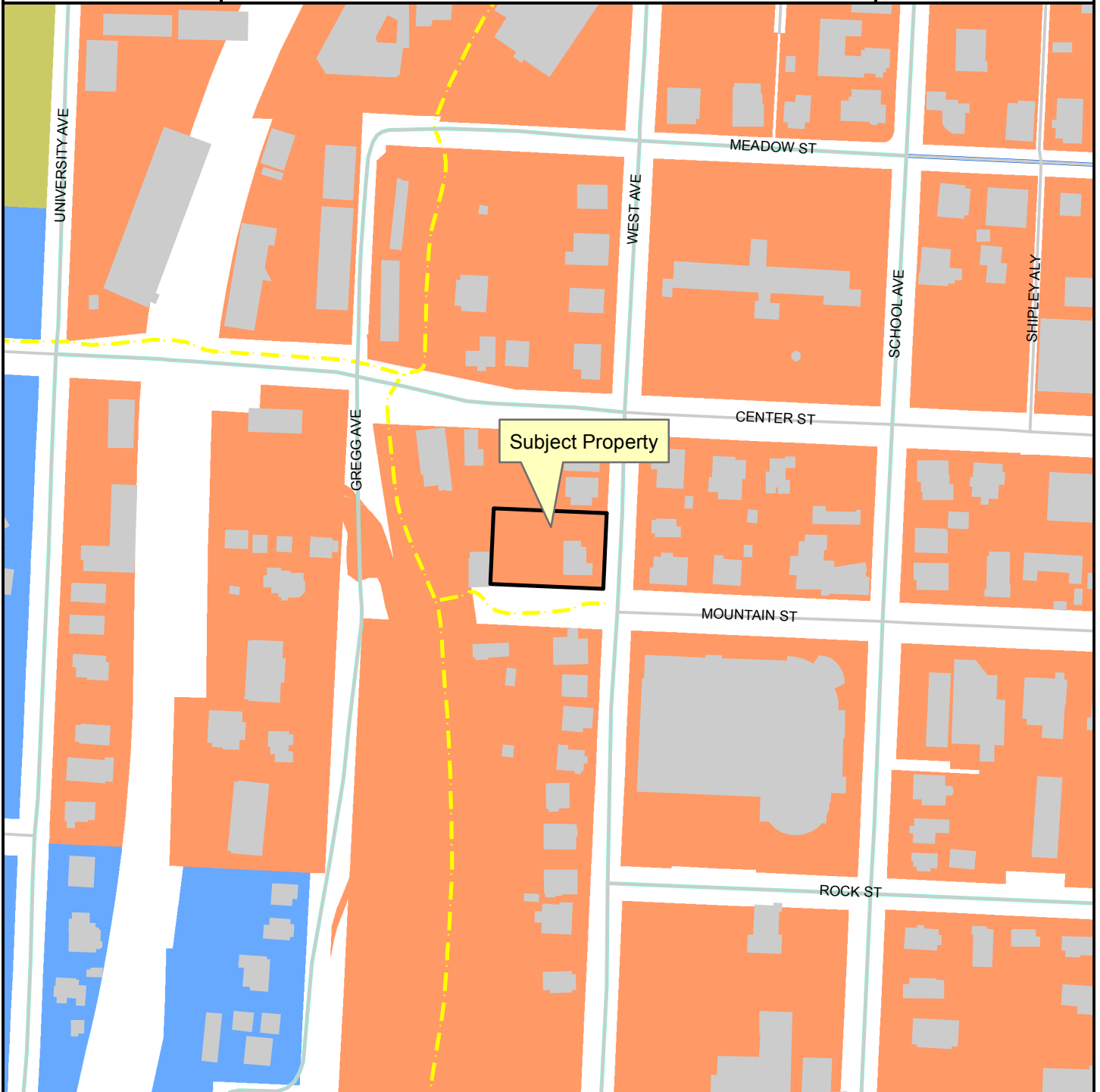
Feet



RZN 16-5594

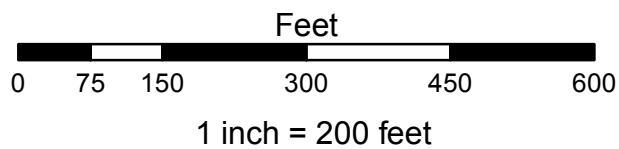
Future Land Use

KOLBERG



Legend

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



FUTURE LAND USE 2030

- City Neighborhood Area
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0494

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

AMENDMENT TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):

AN ORDINANCE TO AMEND ORDINANCE NO. 5897 BY MODIFYING THE BILL OF ASSURANCE TO PERMIT THE REALIGNMENT OF A PROTECTED STREAM

WHEREAS, Ordinance No. 5897 was passed on August 16, 2016, in reliance upon and subject to the offered Bill of Assurance which provided for the protection and enhancement of two stream channels, including a 60-foot streamside protection zone centered on each stream channel; and

WHEREAS, the owner/developer wishes to realign a portion of the westernmost stream.

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 Ordinance No. 5897 by modifying the Bill of Assurance, attached to the Planning Department's Agenda Memo as Exhibit A, only to the extent that the owner/developer may realign a portion of the westernmost stream in accordance with the letters, maps, and drawings attached to the Planning Department's Agenda Memo as Exhibit B. All other terms and conditions of the Bill of Assurance and Ordinance No. 5897, including the 60-foot streamside protection zone centered on the westernmost stream channel as realigned, remain in full force and effect.

City of Fayetteville Staff Review Form

2016-0494

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Amendment to a Bill of Assurance: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564): Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 1, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

DATE: October 14, 2016

SUBJECT: **Amendment to a Bill of Assurance: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564):** Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

RECOMMENDATION:

Planning staff recommend approval of an ordinance to amend the existing Bill of Assurance as described by exhibits A and B.

BACKGROUND:

On August 16, 2016 the City Council approved rezoning this property from RSF-4 to NC, subject to a Bill of Assurance, with a recommendation for approval by a vote of 6-0-0. -

The subject property is a 36 acre parcel located on the northeast corner of Morningside Drive and 15th Street. A small portion of the parcel extends to the south side of 15th Street. The property is undeveloped pasture, and remains in agricultural use. The parcel contains some flood plain, and a string of ponds that become a protected stream immediately to the south. These valuable natural resources are classified as 'Natural Area' on the 2030 Future Land Use Plan, and were protected from development according to the terms of a Bill of Assurance.

Request: The request is to amend the approved Bill of Assurance, as shown in the attached Exhibits 'A' and 'B', in order to allow the applicant to re-align the existing protected drainage.

The proposed zoning, as limited by the proposed Bill of Assurance, is also consistent with that portion of the property designated as Natural Area.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Ordinance 5897

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

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Charles P. Rose Testamentary Trust, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____

The uses permitted within the requested Neighborhood Conservation zone, with the exception that the stream channels on the property will be enhanced and preserved, as described in the attached letter and exhibits.

2. Other restrictions including number and type of structures upon the property are limited to Once the western stream channel has been realigned in conformance with Army Corp of

Engineer's regulations and as described in the attached letter, a 60' Streamside Protection Zone shall be centered on each stream channel and recorded with the final plat(s) of the subdivision. The easement and channels shall thereafter be regulated according to the standards of 168.12 Streamside Protection Zones.

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

4. (Any other terms or conditions) _____

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

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

October 17, 2016
Date

75 N. East Ave, Ste 402
Address
Fayetteville, AR 72701

Curtis E. Hogue, Trustee
Printed Name Charles P. Rose Test Trust

Curtis E. Hogue, Trustee
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 17 day of October, 2016, appeared before me, Curtis E. Hogue and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

ANN M. HOBIN
Notary Public-Arkansas
Benton County
My Commission Expires 05-29-2019
Commission # 12371412
My Commission Expires 5-29-19

Ann M. Hobin
NOTARY PUBLIC

2016-0494
EXHIBIT B

October 13, 2016

Mayor and City Council

RE: Huntsville Road Bill of Assurance
Ordinance No. 5897

Please accept this request to be placed on the agenda for the November 1, 2016 City Council meeting. The intent of this request is for an amendment to the Bill of Assurance that was submitted and approved with Ordinance No. 5897, for approximately 36 acres located at the northeast corner of Morningside and 15th Street.

In the Bill of Assurance, Rausch Coleman Homes made a commitment to protect and preserve two stream channels on the subject property. Since the meeting in August, our engineers have developed a comprehensive development plan for the overall 68-acre property, and through this exercise we have preserved all of the waterways on the property, with the exception of one small section. The areas preserved include the pond and pools on the north end of the property.

The channel that exits the farm pond at the southwest corner runs directly adjacent to an old fence-row and makes two 90 degree turns before it enters a culvert that runs under 15th Street. Based on the pattern of the channel, the location adjacent to a fence row, and some indications from historic aerial photographs, we have concluded that this channel was hand-dug in order to maximum the land that could be farmed. Regardless, however, this drainage channel provides a positive environmental benefit. Additionally, this small channel continues south where it eventually connects to the Town Branch Creek and then the West Fork of the White River, making it a jurisdictional waterway, regulated by the Army Corp of Engineers.

The challenge we are facing is not the fact that the channel exists, but rather the two 90-degree bends that were created. As the volume of water increases through this channel, which will occur as part of the overall drainage plan for the project, the water will not be able to remain within the banks as it approaches these two 90 degree turns. Our proposal and the reason for this request is to straighten out this channel, so that drainage will stay within the banks and continue through the existing culvert and on to the West Fork of the White River.

In addition to our engineering team, we have a Soil Scientist that conducted a wetland study, and we've meet on several occasions with Scott Kelly from the US Army Corp of Engineers. Our soil scientist will be designing a new stream corridor (something like a streambank restoration project), that will include new vegetation, pools and riffles, so the channel will function more like a stream than a hand-dug channel. The Corp Office has evaluated our preliminary proposal and approval appears likely as long as there is no net loss of stream and the overall project improves the quality of the stream channel.

This project will modify approximately 300 feet of the existing channel, but the end result will be an improved water system that will also convey water within the banks.

Regards,

A handwritten signature in blue ink, appearing to read 'J. Fulcher', with a stylized, cursive script.

Jesse Fulcher
Director of Land Planning
Rausch Coleman Homes



Herron
Soil
Interpretations, LLC

Post Office Box 1086 Phone 479•267•3991
Farmington, Arkansas 72730 Fax 479•267•0079

October 17, 2016

City of Fayetteville

RE: Huntsville/Morningside Rd Proposed Development, Fayetteville

To Whom It May Concern,

We are an environmental consulting firm, contracted with Rausch Coleman to conduct wetland delineations based on the US Army Corps of Engineers (USACE) guidelines.

In conducting the wetland delineation on the subject property, we determined that the intermittent stream on the west side of the property, and planned to be preserved as part of a conservation area, requires redesigning in order to properly transmit water during heavy rainfall periods. In its current state, during flood events the stream will overflow its banks. If left in this condition, there is the potential for the stream to erode the adjacent soil and flood adjacent properties. We have met with Scott Kelly with USACE to discuss this concept. He verbally supported our plan and has indicated that he will approve a design that improves the stream and adjacent vegetation.

We are proposing to deepen and widen the stream, and increase its length by expanding its meanders. As part of the design, we will add riffle pools to slow flow, and establish and maintain for five years suitable vegetation adjacent to the stream.

Sincerely,

Sheri Herron
Principal Soil Scientist

Channel Depth Approximately 12 Inches



Channel Width Approximately 15 Inches



Channel Bottom

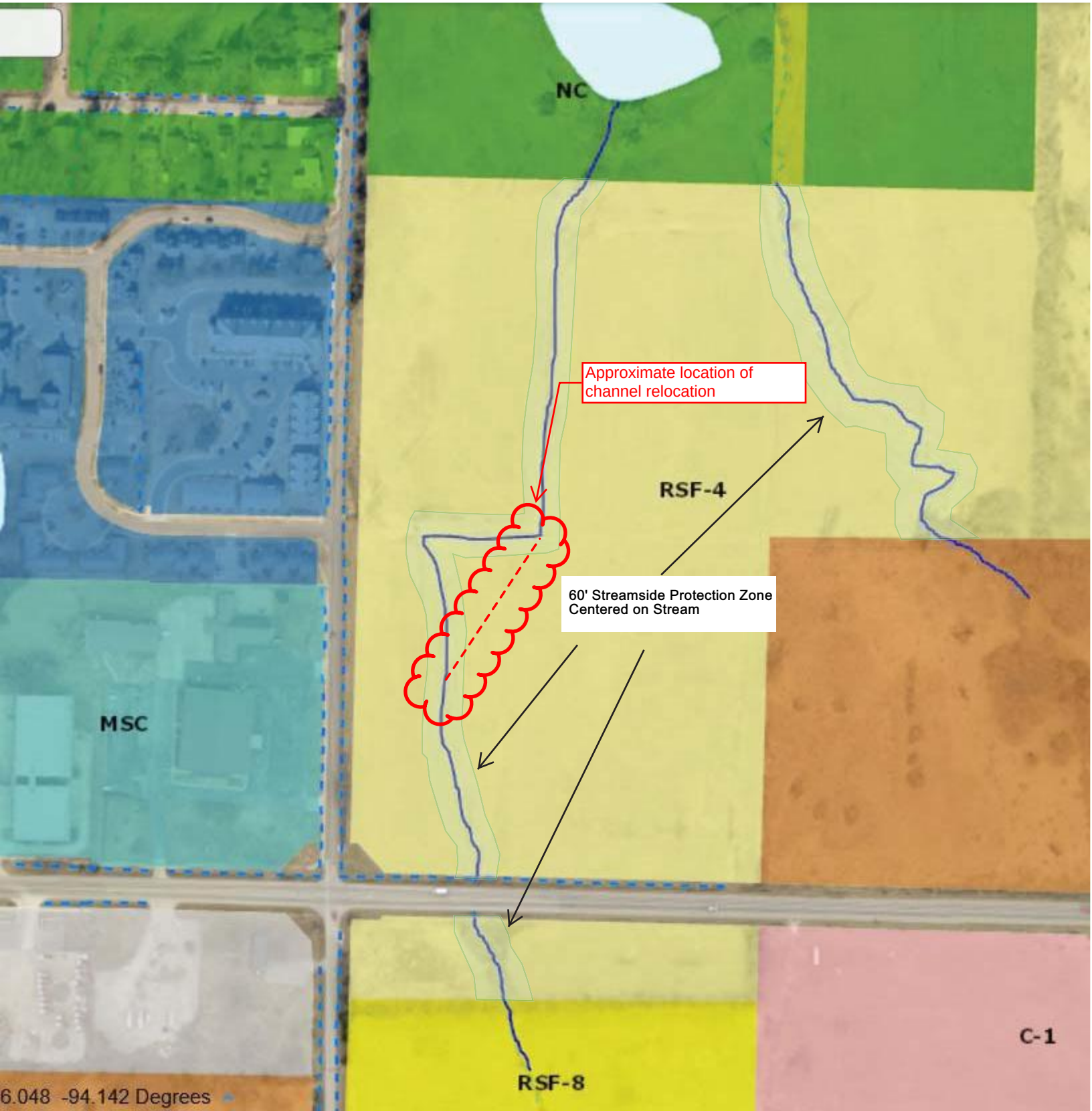


Fence Row - Channel Within Vegetation.



Aerial of Channel with Realignment







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

Ordinance: 5897

File Number: 2016-0367

RZN 16-5483: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5483 FOR APPROXIMATELY 36 ACRES LOCATED AT THE NORTHEAST CORNER OF MORNINGSIDE AND FIFTEENTH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION, SUBJECT TO A BILL OF ASSURANCE

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

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

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

PASSED and APPROVED on 8/16/2016

Approved:


Lioneld Jordan, Mayor

Attest:



Sondra E. Smith, City Clerk Treasurer



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0367

Agenda Date: 8/16/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 16-5483: (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5483 FOR APPROXIMATELY 36 ACRES LOCATED AT THE NORTHEAST CORNER OF MORNINGSIDE AND FIFTEENTH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION, SUBJECT TO A BILL OF ASSURANCE

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

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

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

2016-0367

Legistar File ID

8/16/2016

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

Jeremy Pate

7/29/2016

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

RZN 16-5483: Rezone (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564): Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 36.00 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$

Funds Obligated \$

Current Balance

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 16, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

DATE: July 29, 2016

SUBJECT: **RZN 16-5483: Rezone (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564):** Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 36.00 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to NC, Neighborhood Conservation as shown in the attached Exhibits 'A' and 'B' and subject to a Bill of Assurance, Exhibit 'C'.

BACKGROUND:

The subject property is a 36 acre parcel located on the northeast corner of Morningside Drive and 15th Street. A small portion of the parcel extends to the south side of 15th Street. The parcel is currently zoned RSF-4. The property is undeveloped pasture, and remains in agricultural use. The parcel contains some flood plain, and a string of ponds that become a protected stream immediately to the south. These valuable natural resources are classified as Natural Area on the 2030 Future Land Use Plan, the remainder of the site is classified as City Neighborhood Area.

Request: The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation, subject to a Bill of Assurance placing land classified as Natural Area within a Conservation Easement approximately as shown in the attached Exhibit 'C', in order to allow development of higher density single-family housing. The proposed Bill of Assurance allows a maximum of 5 road/utility crossings and trail construction over the area conserved.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture primarily of residential uses. The immediate area contains a range of single-family and multi-family development types, and all share a low to moderate densities, a residential development pattern that would be continued in the NC zone.

Land Use Plan Analysis: A majority of the site is classified as City Neighborhood Area. The proposed zoning for higher density single family development (NC permits 10 units per acre) is

generally compatible with the City Neighborhood designation that encourages higher density and a wide spectrum of housing types. The proposed NC zoning is possibly too low of a density with a lack of permitted uses other than single family. However, given the setting of this site adjacent to the Walker Park Neighborhood with similar development patterns the zoning is appropriate. The proposed zoning, as limited by the proposed Bill of Assurance, is also consistent with that portion of the property designated as Natural Area.

DISCUSSION:

On July 25, 2016 the Planning Commission forwarded the applicant's request rezoning with a recommendation for approval by a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

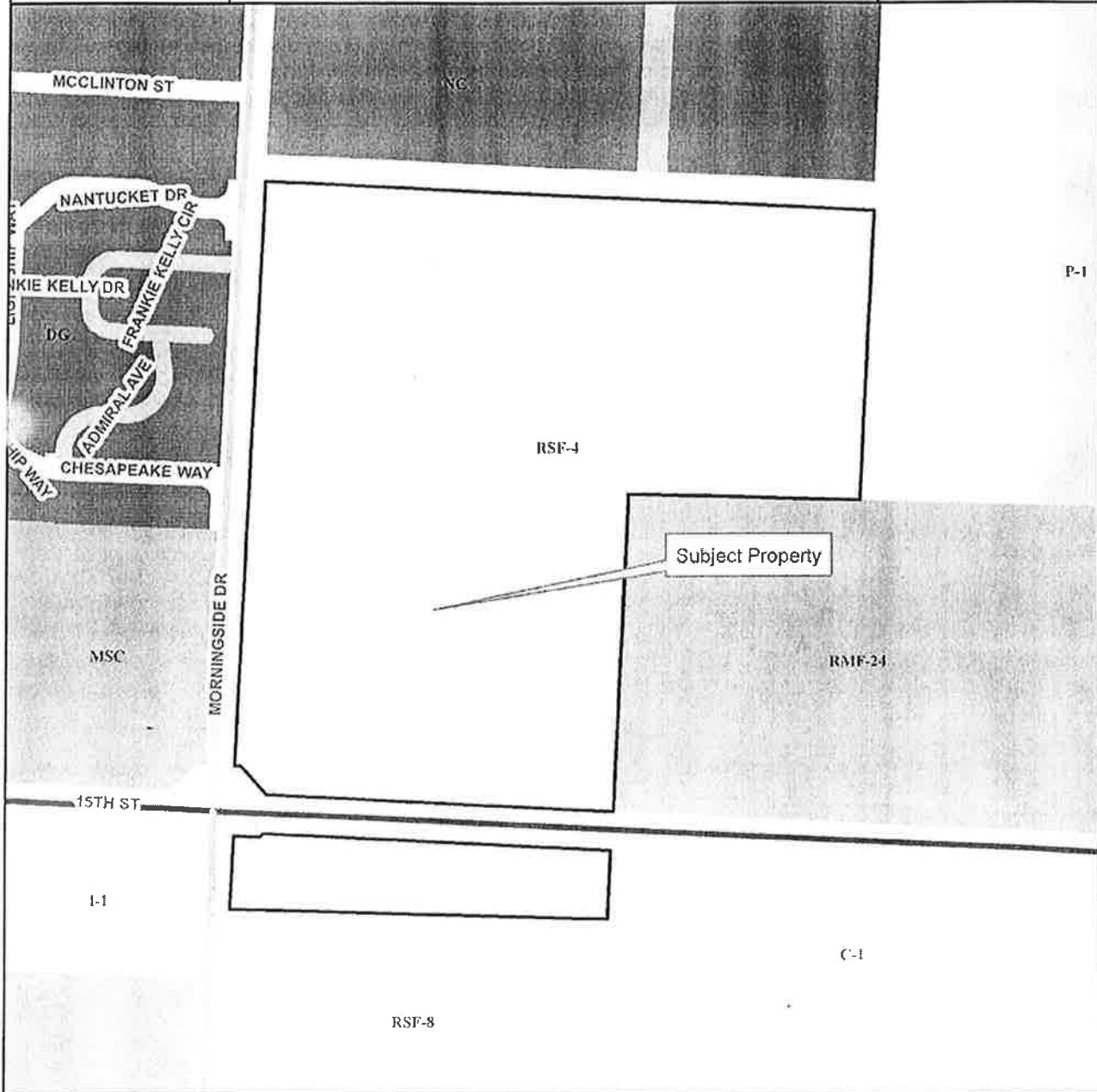
- Exhibit A
- Exhibit B
- Exhibit C
- Application
- Planning Commission Staff Report

RZN 16-5483
EXHIBIT 'A'

RZN 16-5483

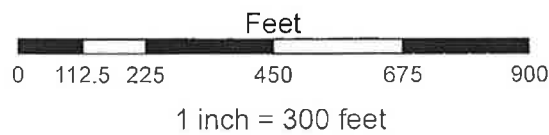
Close Up View

RAUSCH COLEMAN



Legend

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



- Residential-Agricultural
- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-1
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

RZN 16-5483
EXHIBIT 'B'
page 1 of 2

TRACT "A"

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, THAT LAYS NORTH OF THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY #16, ALSO KNOWN AS 15TH STREET AND EAST OF THE EAST RIGHT OF WAY OF MORNINGSIDE DRIVE. LESS AND EXCEPT THE FOLLOWING: COMMENCING AT THE NORTH EAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 02°47'36" WEST A DISTANCE OF 582.75 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°44'15" WEST A DISTANCE OF 663.92 FEET; THENCE NORTH 87°15'49" WEST A DISTANCE OF 470.22 FEET; THENCE NORTH 02°44'15" EAST A DISTANCE OF 654.87 FEET; THENCE SOUTH 88°21'58" EAST A DISTANCE OF 470.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.6 ACRES MORE OR LESS.

SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

RZN 16-5483
EXHIBIT 'B'
page 2 of 2

TRACT "B"

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS.

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 02°52'58" WEST A DISTANCE OF 27.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°03'55" EAST A DISTANCE OF 849.45 FEET; THENCE SOUTH 02°46'10" WEST A DISTANCE OF 152.24 FEET; THENCE NORTH 87°15'33" WEST A DISTANCE OF 849.75 FEET; THENCE NORTH 02°52'58" EAST A DISTANCE OF 155.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.99 ACRES MORE OR LESS.

SUBJECT TO HWY #16 ALONG THE NORTH SIDE AND MORNINGSIDE DRIVE ALONG THE WEST SIDE AND ANY EASEMENTS OF RECORD OR FACT.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Charles P Rose 163/4000/1000 71631, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____

No restrictions are being placed on this property, with the exception of a 60-foot wide conservation easement centered on the two stream channels, as generally shown on the attached exhibit.

2. Other restrictions including number and type of structures upon the property are limited to Development within the conservation easements shall be limited to a maximum of 5 road/utility crossings and trail construction. The Planning Commission may approve 1 additional crossing at the time of preliminary lot. Minor grading along the edge of the easement may be allowed to tie in grading lines.

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

4. (Any other terms or conditions) _____

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

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

July 21, 2016
Date

Curtis E. Hague, Trustee
Printed Name Charles P. Rose Test Trust

75 W. East Ave, St. 462
Address
Fayetteville, AR 72704

Curtis E. Hague, Trustee
Signature

NOTARY OATH

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this the 21st day of July, 2016, appeared before me, Curtis E. Hague, Trustee Charles P. Rose Test. Trust and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Robin K. Matlock
NOTARY PUBLIC

My Commission Expires:
Feb. 13, 2024

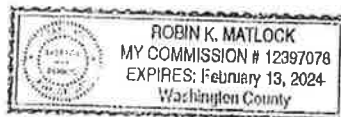
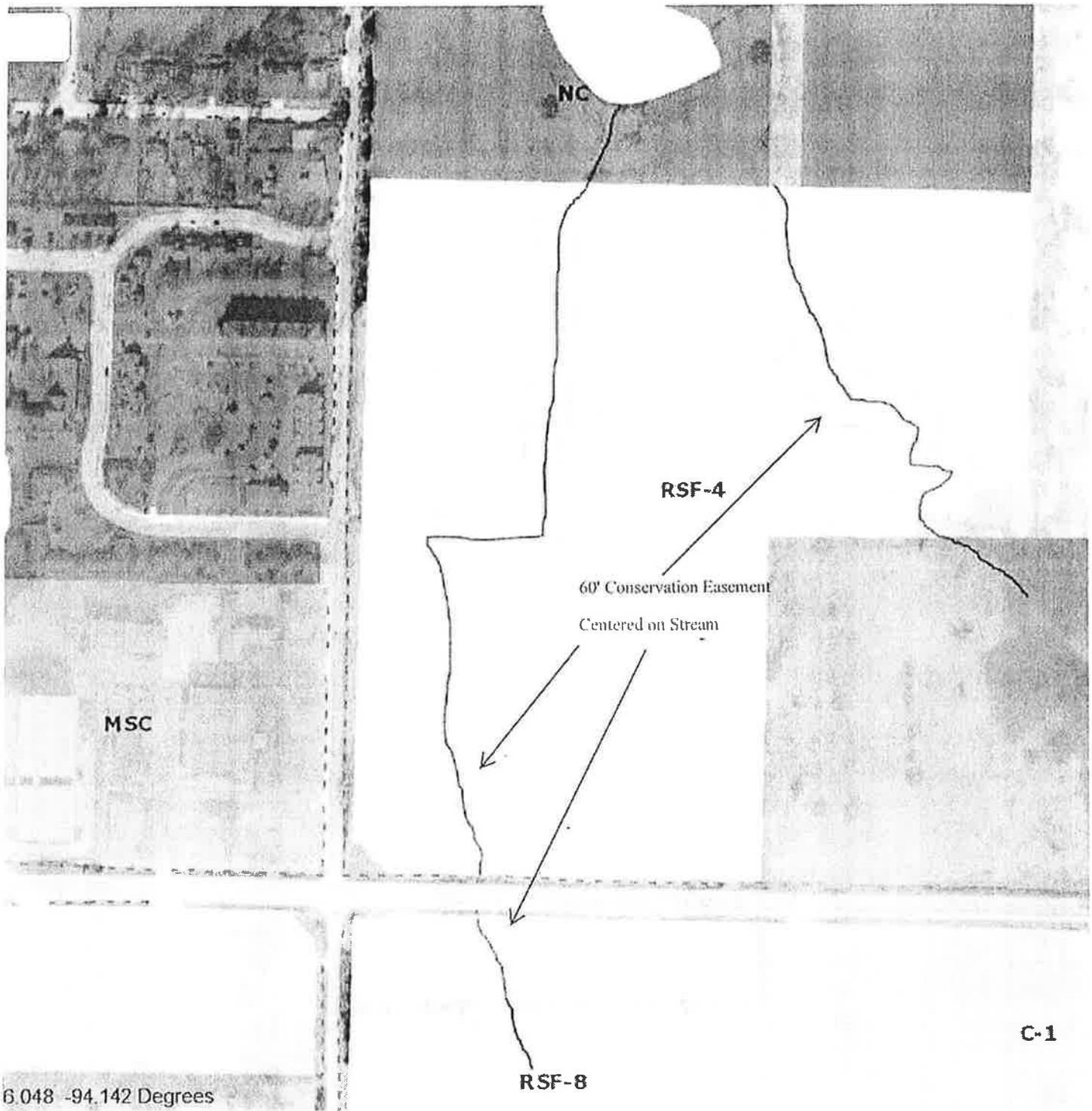


EXHIBIT FOR BILL OF ASSURANCE



CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY	FEE: \$325.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

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

Application:

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

Applicant (person making request):

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

Name: Jesse Fulcher

Name:

Address: 4058 N. College Avenue
Fayetteville, AR 72701

Address:

E-mail: jesse.fulcher@nuschenleunn.com

E-mail:

Phone: () 479-301-6639

Phone: ()

Fax:

Fax:

Site Address / Location: Northeast corner of 15th Street and Morningside Parcel #765-15088-000

Current Zoning District: RSF-4

Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 36 Acres

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) Josse Fulcher Date: 6/10/14
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, 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) Charles E. Hager, Jr. Address: 25 N. 3rd Ave, Suite 200
Charleston, WV 25301
Signature: [Signature] Phone: (479) 473-5000
Date: 6/10/14

Name (printed): _____ Address: _____
Signature: _____
Date: _____ Phone: _____

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: July 25, 2016 (*Updated with Planning Commission results*)

SUBJECT: **RZN 16-5483: Rezone (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN 564):** Submitted by RAUSCH-COLEMAN, INC. for property at the NE CORNER OF MORNINGSIDE & 15TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 36.00 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION, subject to a Bill of Assurance.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5483** to the City Council with a recommendation for approval of NC as proposed, subject to a Bill of Assurance.

BACKGROUND:

The subject property is a 36 acre parcel located on the northeast corner of Morningside Drive and 15th Street. A small portion of the parcel extends to the south side of 15th Street. The parcel is currently zoned RSF-4. The property is undeveloped pasture, and remains in agricultural use. The parcel contains some flood plain, and a string of ponds that become a protected stream immediately to the south. These valuable natural resources are classified as Natural Area on the 2030 Future Land Use Plan.

On March 1, 2016 the City Council approved a rezone for the northern 34 acre portion of this property. The property was rezoned from RSF-4 to a mixture of Commercial Services (CS), Neighborhood Conservation (NC), and Residential-Agricultural (R-A). The R-A portion was created in an effort to encourage conservation of the connected ponds that cross the property and to provide a green belt connection between natural areas to the north and south of the property. The rezoning configuration was intended to concentrate development more densely onto portions of land away from sensitive environmental resources. The zoning of CS and NC allows for a residential density of more than double that permitted in a typical single family (RSF-4) zoning. This provides the opportunity to preserve remaining land zoned R-A for conservation, public and neighborhood use. Although not required under the R-A zoning, one of the benefits of this type of zoning pattern is that it allows a significant amount of greenways and linkages through a neighborhood and access to these amenities for a large number of residents. The R-A zoning is a low density zoning that will reduce impacts to sensitive environmental resources compared to standard zoning districts. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Agricultural	NC, Neighborhood Conservation
South	Undeveloped	RSF-8, Residential Single-Family/RMF-24, Residential Multi-family
East	City of Fayetteville/Undeveloped	RSF-4, Residential Single-Family/RMF-12, Residential Multi-family
West	Residential/Senior Housing	NC, Neighborhood Conservation/DG, Downtown General

Request: The request is to rezone the property from RSF-4 to NC, Neighborhood Conservation, subject to a Bill of Assurance placing land classified as Natural Area within a Conservation Easement approximately as shown in the attached exhibit, in order to allow development of higher density single-family housing. The proposed Bill of Assurance allows a maximum of 5 road/utility crossings and trail construction over the area conserved.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to both Morningside Drive, and 15th Street (Hwy 16). Morningside Drive is a partially improved two lane road with curb/gutter and sidewalk along the west side, as well as open ditches along the east. 15th Street is also State Highway 16, and is an unimproved two lane roadway with open ditches on both sides. Any further street improvements would be determined at time of development.
- Water:** Public water is available to the site. A 24" water main exists along the property frontage of Morningside Drive on the east. In addition, a 12" water main exists along the property frontage of 15th Street on the south.
- Sewer:** Public sewer is not available to the site. GIS indicates the nearest accessible sanitary sewer main to be located approximately 400 feet south of the property on Morningside Drive. An off-site sanitary sewer extension would be required to service the property at the time of development.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. Portions of this parcel lie within the FEMA designated 100-yr floodplain. No protected streams are present on this parcel. No portions of this parcel lie within the HHOD.
- Fire:** The Fire Department did not express any concerns with the request.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area** and **Natural Area**.*

- **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.

- **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.

The portion of this site designated on the Future Land Use Map as 'Natural Area' has been identified as having high environmental value by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. As a result of the FNHA work and other City staff research, this study area was included on the Enduring Green Network (EGN) map. The EGN map resulted in designation of portions of this area as Natural Area on the Future Land Use Map. Due to the environmental sensitivity of the study area, Staff recommends in favor of the applicant's proposal that portions of the land identified as **Natural Area** be placed within a 60 foot wide conservation easement that will be centered on the drainage/stream. This easement should result in conservation along these greenway corridors in exchange for higher density in other areas.

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 residential and institutional uses. The immediate area contains a range of single-family and multi-family development types, and all share a low to moderate densities, a residential development pattern that would be continued in the NC zone.

Land Use Plan Analysis: The proposed zoning with the Bill of Assurance for a conservation easement over land classified as Natural Area is generally compatible with the Future Land Use Map for the portion of property designated as City Neighborhood Area. The proposed zoning, as limited by the proposed Bill of Assurance, is also consistent with that portion of the property designated as Natural Area.

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 moderately dense single-residential neighborhood. The proposed zoning district would beneficially increase residential densities above those allowed under the current 4 unit per acre limit, a goal of the City Plan 2030 for infill in the core of the City. The property is located less than one mile from the city center, and in staff opinion, the pattern of development should reflect that with increased density and traditional town form as indicated by the goals of City Plan 2030.

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

Finding: The site has access to 15th Street and Morningside Drive. Morningside Drive is a partially improved 'Collector' street. 15th Street is an unimproved 'Principal Arterial' Street. The rezone encourages development that would increase traffic on this property, however, development of the area is unlikely to have significant negative impact on safety and congestion 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 the property from RSF-4 to NC would certainly alter future population density, but should not undesirably affect load on public services. The Police and Fire Departments have expressed no objections to the proposal. A significant amount of street improvement would likely be required to fully develop this site, and would be reviewed in detail at the time of development.

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 16-5483** to the City Council with a recommendation for approval of NC as proposed, subject to a Bill of Assurance.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: July 25, 2016 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Hoskins

Second: Hoffman

Vote: 6-0-0 Note: recommend approval

CITY COUNCIL ACTION: **Required** **YES**

Date: August 16, 2016 ☐ Approved ☐ Denied

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03, 161.07 & 161.27
- Request letter
- Bill of Assurance
- Proposed Conservation Easement Area
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

161.03 - District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2 City-wide uses by conditional use permit

Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
----------------	--------------

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres

Lot area per dwelling unit	2 acres
----------------------------	---------

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

Unit 41	Accessory dwellings
---------	---------------------

(2) *Conditional Uses.*

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

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

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)

161.27 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.* Ten (10) Units Per Acre.(D) *Bulk and Area Regulations.*(1) *Lot Width Minimum.*

Single Family

40 feet

Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)



410 205 0 410 Feet

To the Fayetteville Planning Commission:

- a. The property is currently owned by the Testamentary Trust A. Rausch Coleman Homes has the property under contract.
- b. We are requesting the rezoning to allow for single-family home development. The increased density allowed under Neighborhood Conservation is more appropriate than RSF-4, given the properties close proximity to schools, parks and downtown Fayetteville, which is less than 1 mile to the west.
- c. The Neighborhood Conservation zoning district will be very compatible with surrounding land uses, which are primarily residential. Land uses to the west include a church, multi-family housing and single-family housing. Property to the south and east are primarily undeveloped, with the exception of the 7-Hills development adjacent to the east property line. There is a large, single-family residence to the north that was approved for educational services. A small business occupies land at the corner of Huntsville and Morningside.
- d. There is adequate water and sewer capacity adjacent to this site to serve future development. This includes 6-inch, 8-inch, 12-inch and 24-inch water lines; and 6-inch and 8-inch sewer lines.
- e. The proposed zoning of Neighborhood Conservation is very consistent with land use planning objectives and policies and with the Future Land Use Plan. Specifically, the Neighborhood Conservation district is intended to promote and protect neighborhood character. Although much of the adjacent land is undeveloped, the subject property is within reach of the Walker Park Neighborhood Plan and the overall downtown area of Fayetteville. There are many established neighborhoods, primarily consisting of small lot, single-family residences, to the west of this land. The Neighborhood Conservation district allows for smaller, single-family lots that are consistent with the historical context of surrounding neighborhoods.

Further, the Future Land Use Plan designates the site as a City Neighborhood Area, which are more densely developed areas, providing for a spectrum of uses and densities in all housing types. The Neighborhood Conservation zoning district allows for a more-dense, single-family development pattern than the existing RSF-4 zoning district, which typically averages less than 3 units per acre.

In addition to compliance with the Future Land Use Map and surrounding land uses, the Neighborhood Conservation zoning district will also allow the site to be developed in accordance with all of the goals of City Plan 2030.

- Goal 1: The subject property is adjacent to the Walker Park Neighborhood, and in close proximity to downtown Fayetteville. While being a greenfield site, the location most certainly qualifies it for infill development and certainly not suburban sprawl.
- Goal 2: As noted above, the proximity of the site to existing public infrastructure, established neighborhoods and downtown make this an infill location.
- Goal 3: The neighborhood conservation zoning district provides a build-to zone, which requires a more traditional building placement along the street and sidewalk edge. In addition to building placement, this neighborhood is within walking distance of small-scale commercial uses, churches, parks and jobs.

- Goal 4: The subject property is located along and adjacent to Ozark Regional Transit Services and the Fayetteville Trail System. Additionally, interior streets will be designed with short block lengths, narrow travel ways and an eye for slow traffic speeds.
 - Goal 5: Approximately 2.2 acres of waterways and pools within the overall 73-acre property have already been set aside as preserved greenspace. Additionally, areas within the subject 36-acre property will also be set aside as a riparian buffer and neighborhood park. An overall goal of this development is to preserve and enhance natural drainage features.
 - Goal 6: Housing within close proximity to downtown Fayetteville is primarily unaffordable for the average family. There is an opportunity with this property to provide new housing, at a price point that is attainable for small families, young professionals, single-parent households, or even baby boomers looking to downsize and who want to live in a location that is close to schools, parks, and jobs, and all of the amenities offered on the Square and Dickson Street.
- f. Rezoning the property to allow for increased residential density is justified at this time. The property provides an opportunity to create new housing that is compatible with surrounding land uses and place homes in close proximity to jobs and amenities.
 - g. Any development on this property will increase traffic on surrounding streets. However, the site has direct access to Huntsville Road, which is primary collector street that connects into downtown Fayetteville and east to Crossover Road; and 15th Street which is a primary east/west corridor. There is sufficient infrastructure in place to support development of this property.
 - h. Development of the property will increase the population of the area. However, this property is in close proximity to all of these services: Fire Station, Police Station, Happy Hollow Elementary, Commerce Park, Downtown Fayetteville, University of Arkansas, Walker Park and Fayetteville High School, to name a few.
 - i. The land is currently zoned for residential development. However, as has been seen, the RSF-4 zoning district is very inefficient, provided less than 3 units per acre of land. The Neighborhood Conservation zoning district will likely permit approximately 6 units per acre, which is much more in line with traditional development patterns found in Walker Park. Further, increasing the density of this property will allow for an appropriate infill development that will support and be supported by schools, parks, jobs and services that are all within close proximity of the property.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Charles P. Rose Testamentary Trust, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____

No restrictions are being placed on this property, with the exception of a 60-foot wide conservation easement centered on the two stream channels, as generally shown on the attached exhibit.

2. Other restrictions including number and type of structures upon the property are limited to Development within the conservation easements shall be limited to a maximum of 5 road/utility crossings and trail construction. The Planning Commission may approve 1 additional crossing at the time of preliminary lot. Minor grading along the edge of the easement may be allowed to tie in grading lines.

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

4. (Any other terms or conditions) _____

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

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

July 21, 2016
Date

Curtis E. Hogue, Trustee
Printed Name Charles P. Rose Test Trust

75 N. East Ave, Ste 402
Address
Fayetteville, AR 72701

Curtis E. Hogue, Trustee
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 21st day of July, 2016, appeared before me, Curtis E. Hogue, Trustee Charles P. Rose Test. Trust and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Robin K. Matlock
NOTARY PUBLIC

My Commission Expires:
Feb. 13, 2024

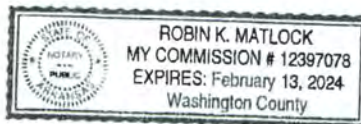
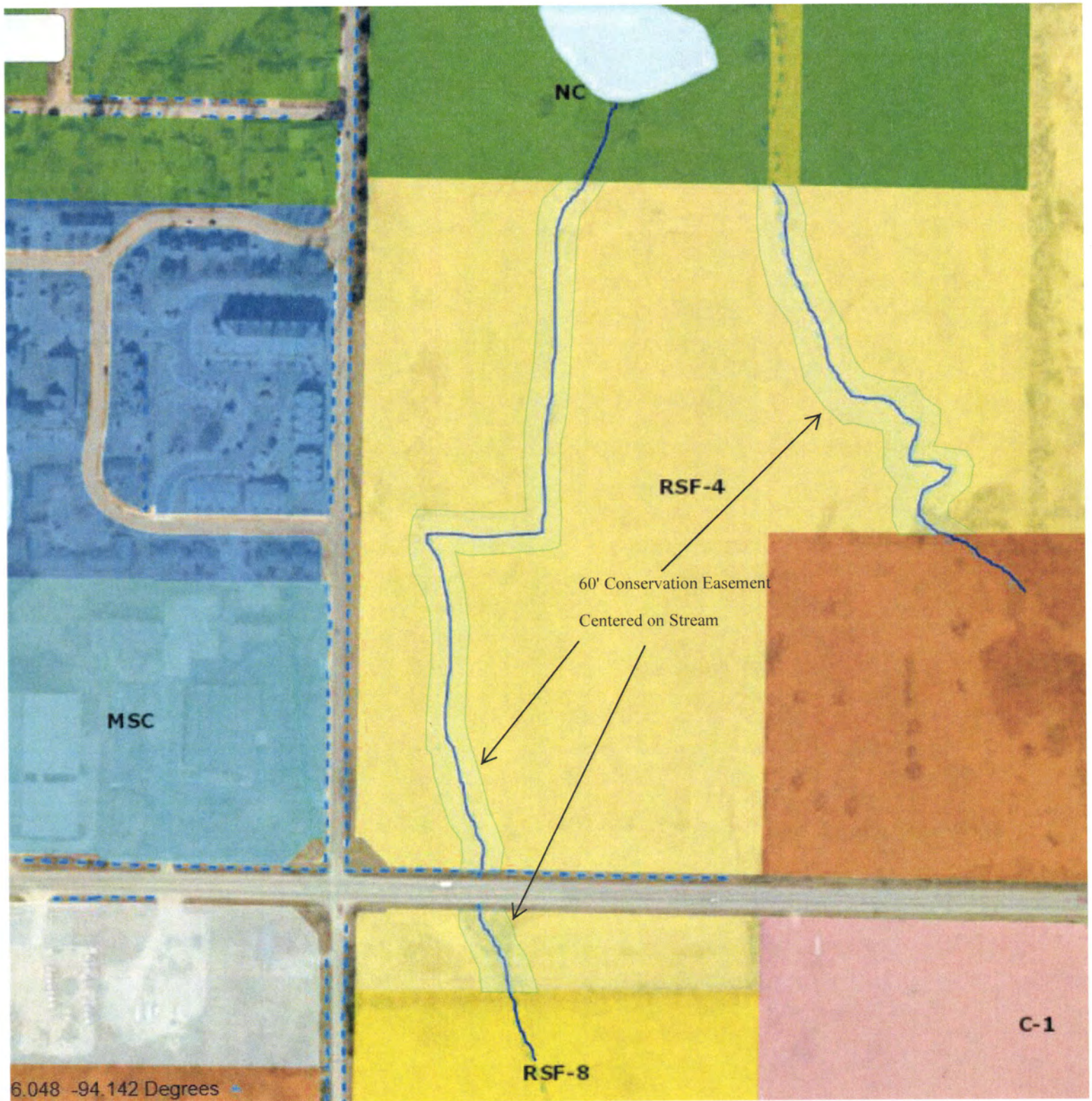


EXHIBIT FOR BILL OF ASSURANCE



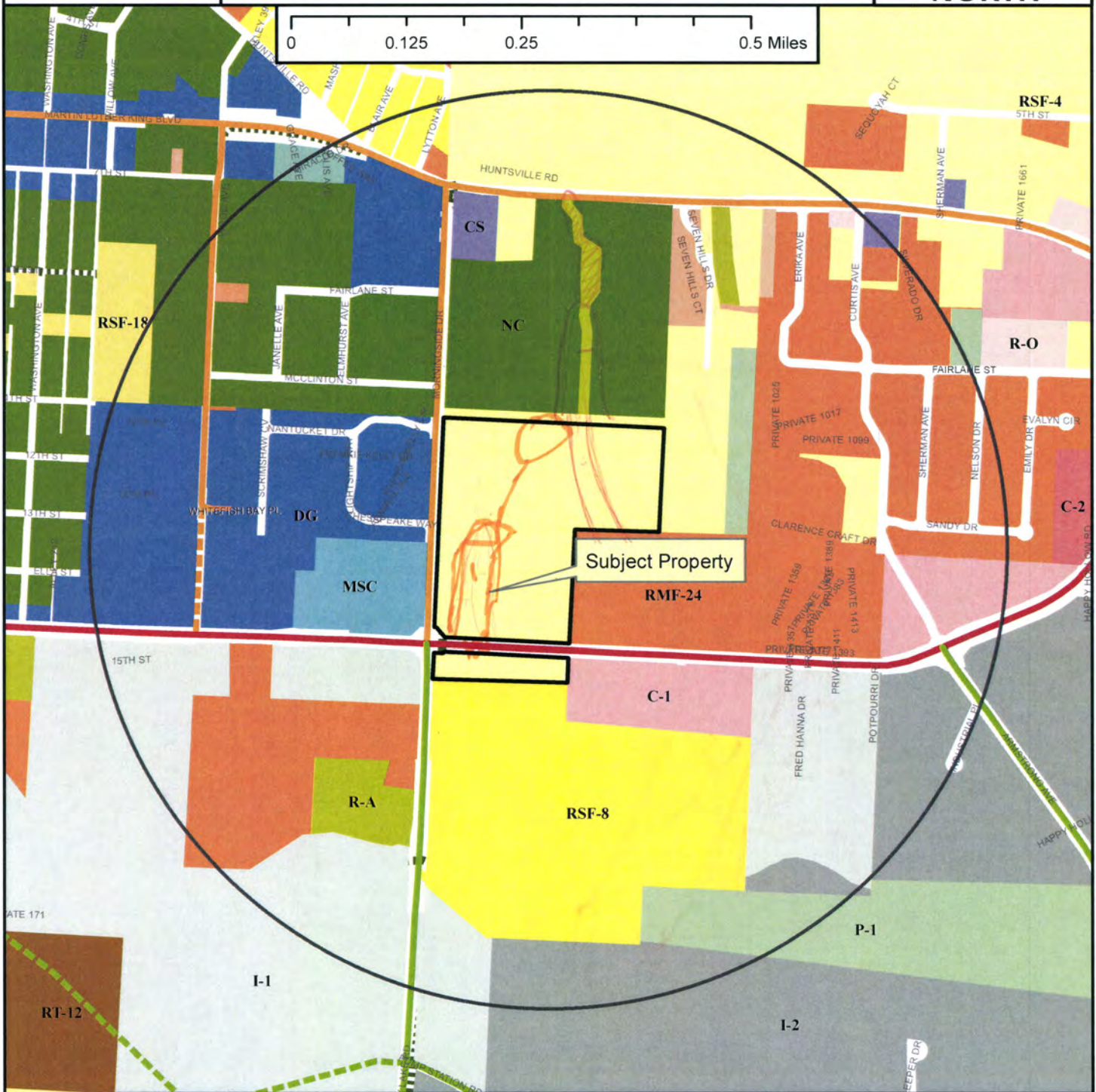
RZN 16-5483

One Mile View

RAUSCH COLEMAN



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"> 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

July 25, 2016

Agenda Item 5

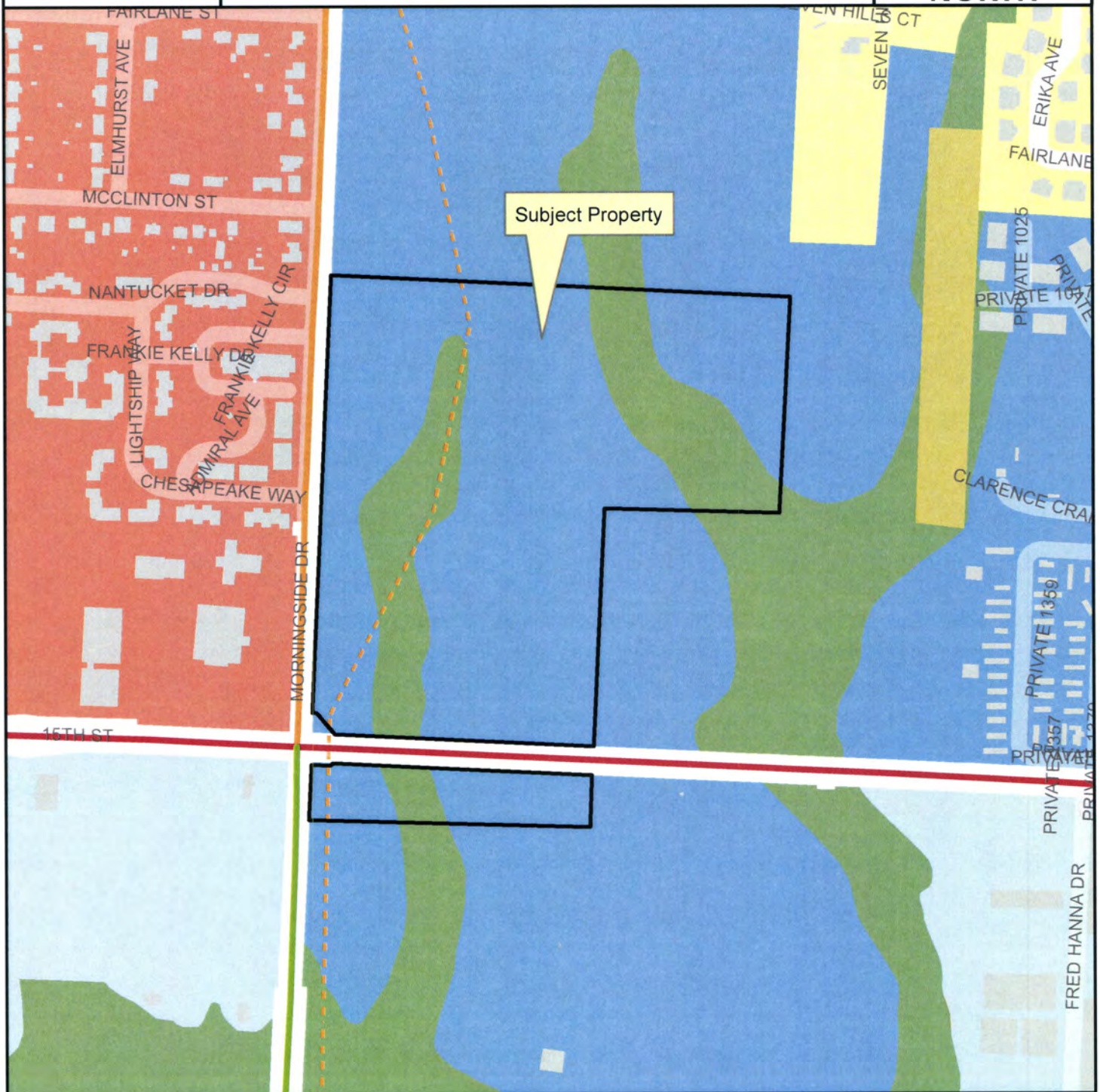
16-5483 Rausch Coleman

Page 20 of 23

RZN 16-5483

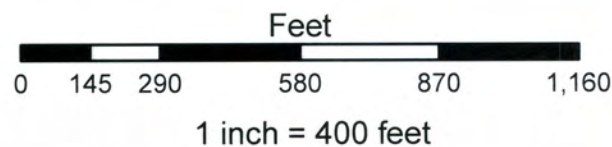
Future Land Use

RAUSCH COLEMAN



Legend

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



FUTURE LAND USE 2030

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

Planning Commission

July 25, 2016

Agenda Item 5

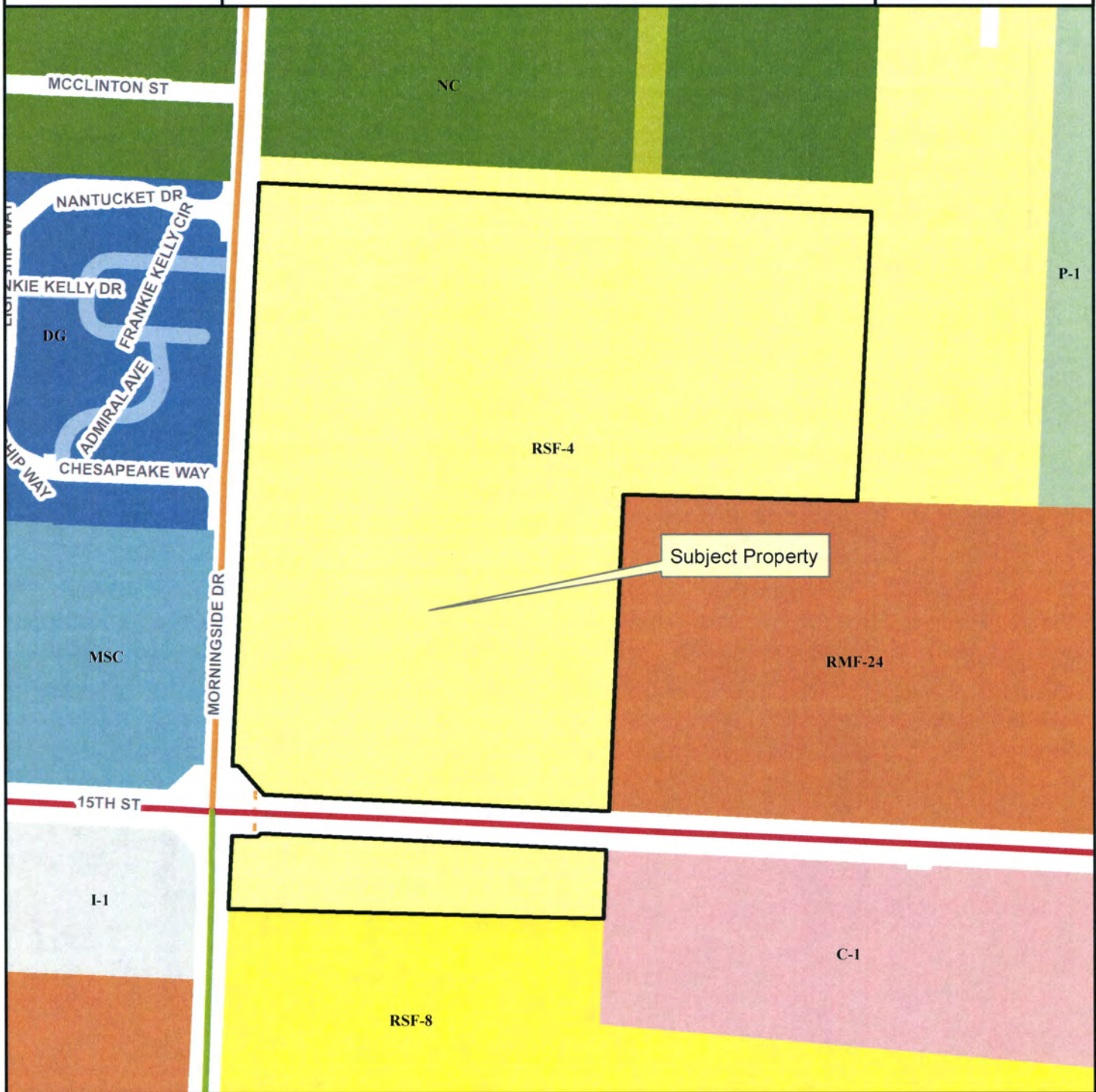
16-5483 Rausch Coleman

Page 21 of 23

RZN 16-5483

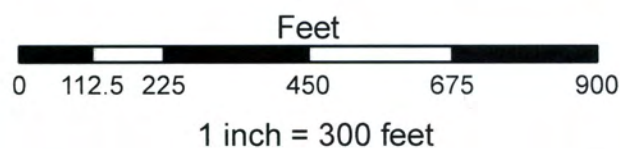
Close Up View

RAUSCH COLEMAN



Legend

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



- Residential-Agricultural
- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-1
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

RZN 16-5483

Current Land Use

RAUSCH COLEMAN



Legend

Streets Existing

MSP Class

COLLECTOR

MINOR ARTERIAL

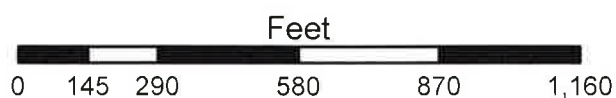
PRINCIPAL ARTERIAL

Trail (Proposed)

RZN16-5483

Planning Area

Fayetteville City Limits



Planning Commission

July 26, 2016

Agenda Item 5

16-5483 Rausch Coleman

Page 23 of 23



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0488

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

UARK CREDIT UNION REZONING APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

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 RMF-40, Residential Multi Family, 40 Units Per Acre to C-1, Neighborhood Commercial.

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.



**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

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED
OCT 11 2016
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Re: UARK Credit Union Rezoning

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5589.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0488

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/13/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

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 NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 13, 2016

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-1, Neighborhood Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-1 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop.

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is

appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' the larger undeveloped existing C-1 property on the corner into a more feasible development site, staff recommends that the proposal is appropriate.

DISCUSSION:

On September 26, 2016 the Planning Commission discussed and tabled the rezoning request as they requested the applicant discuss with the developer potential to rezone the property to a form-based zoning district. On October 10, 2016 the applicant indicated to the Commission the owner/developer's continued desire for C-1 zoning. A member of the public spoke against the C-1 request citing a preference for a form-based zoning. Commissioners that voted against the C-1 request generally discussed a desire for a form-based zoning district that would be more in line with adopted City policy for traditional development patterns. A motion to forward the request to City Council failed by a vote of 3-4-1 (Commissioners Hoffman, Quinlan, Selby and Brown voted 'no', Commissioner Cook recused).

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

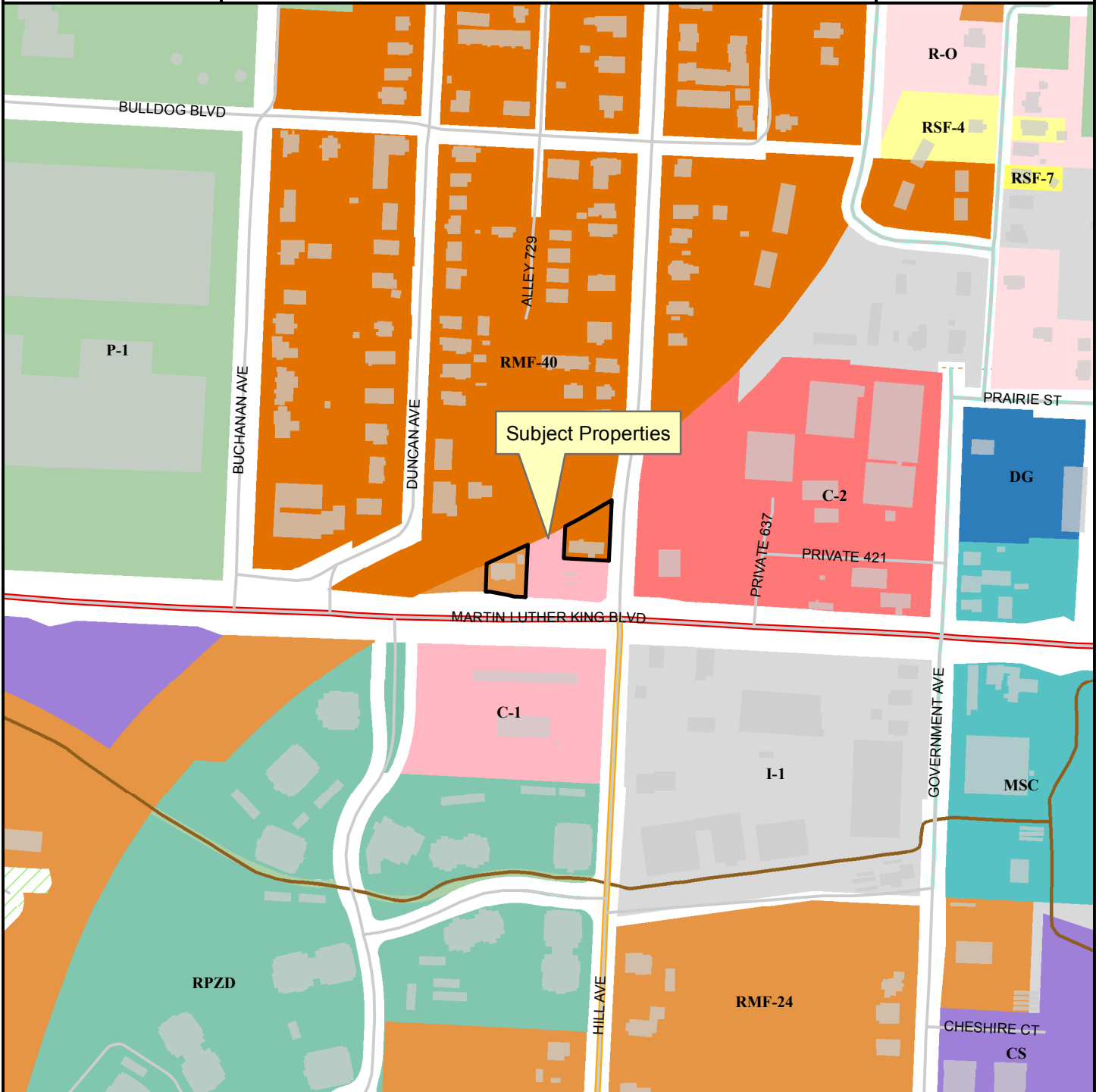
**16-5589
EXHIBIT 'A'**

RZN 16-5589

UARK CREDIT UNION

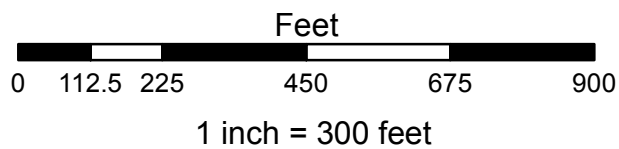


Close Up View



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

16-5588
EXHIBIT 'B'

Legal Description (Parcel No. 765-12988-001):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet, thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 feet and chord bearing N66°21'53"E 92.05 feet, thence S02°28'52"E 8.22 feet to the Point of Beginning; thence N61°45'07"E 52.97 feet, thence N60°09'30"E 21.09 feet, thence N59°00'01"E 30.74 feet, thence S02°28'52"W 121.67 feet, thence N86°54'19"W 89.19 feet, thence N02°38'39"E 65.42 feet to the Point of Beginning, Containing 0.19 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

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

FEE: \$325.00
Sign Fee: \$5.00

S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: UARK Credit

Address: 50 W. Van Hise
Fayetteville AR 72703

E-mail: gina@uarkfcu.com

Phone: () 521-1107

Fax: () 521-1130

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

Name: Jorgensen & Assoc

Address: 124 W. Suburban
FAYETTEVILLE, AR 72703

E-mail: dave@jorgensenassoc.com

Phone: () 442-9127

Fax: ()

Site Address / Location: _____

Current Zoning District: C-1, RMF-24 Requested Zoning District: C-1

Assessor's Parcel Number(s) for subject property: 765-12988-001 & 765-12987-000

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): MARK CREDIT

Date: 8/31/16

Signature: _____

Jim M. Williams

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): Karen Beaton

Address: 930 Rush Dr.
Fayetteville AR

Signature: _____

[Signature]

Phone: _____

(479) 422-6902

Date: 8-31-16

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: October 10, 2016 (Updated with Planning Commission results)

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

Staff recommends **RZN 16-5589** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

September 26, 2016 Planning Commission: This item was discussed and tabled at the September 26, 2016 Planning Commission meeting. At the time of publication of this report no additional information has been submitted by the applicant.

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Arkansas Missouri Railroad; Single and multi-family residential	RMF-40, Residential Multi-family 40 units per acre
South	Kum and Go gas station	C-1, Neighborhood Commercial
East	Insurance office; Walmart	C-2, Thoroughfare Commercial
West	AHTD right-of-way; railroad	RMF-24, Residential Multi-family 24 units per acre

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Public Comment: Staff has received no written public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue at a signalized intersection. Martin Luther King Boulevard is a Principal Arterial street with five lanes and sidewalk at the back of curb. Hill Avenue is a two lane road with a turn lane near the intersection and sidewalk. Any required improvements to these streets will be determined at time of development.

Water: Public water is available to the subject parcel. A 12-inch water main exists in the College Avenue right-of-way and a 6-inch main exists in the Hill Avenue right-of-way.

Sewer: Public sewer is available to the subject parcel. An 8-inch sanitary sewer line exists in the Hill Avenue and College Avenue right-of-way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-year floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.

Fire: The Fire Department did not express any concerns with the request.

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

RECOMMENDATION: Staff recommends RZN 16-5589 be forwarded to City Council with a recommendation for approval based on the findings discussed herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 26, 2016</u>	☒ Tabled (until 10/10/16)	☐ Forwarded	☐ Denied
Motion: <u>Hoffman</u>	Second: <u>Hoskins</u>	Vote: 8-0-1 (<u>Noble recused</u>)	
Date: <u>October 10, 2016</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: <u>Hoskins</u>	Second: <u>Noble</u>	Vote: <u>3-4-1</u> (Commissioners Hoffman, Quinlan, Selby, Brown voted 'no', Cook recused)	

Note: Motion to forward the item to City Council with a recommendation for approval failed by a vote of 3-4-1 as noted above.

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 commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' an existing C-1 property into a more feasible development site, staff recommends that the proposal is appropriate.

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 assemble a large enough site with C-1 zoning for commercial development. The northwest corner of Martin Luther King and Hill Avenue contains four parcels under one ownership, a majority of which (approximately 0.44 acre) are zoned C-1, however the subject property for the rezoning would provide a more logical boundary for the applicant's intended development. The subject properties are justified to be rezoned for non-residential use given their busy corner location and surrounding commercial development pattern and railway corridor.

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

Finding: The site has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue, a partially improved local street. The rezone would allow uses likely to increase traffic, however, a traffic signal with turn lanes and pedestrian crossings is located at the subject property, which combined with the existing street infrastructure will safely handle traffic generated by development of this site under the proposed C-1 zoning.

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 RMF-24 and RMF-40 to C-1 would reduce potential population density and would not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

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

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

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.15 (RMF-24); 161.16 (RMF-40); 161.19 (C-1)
- Request Letter
- Rezoning Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.15 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 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 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
-------------------------	----------------

*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, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 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(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.16 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Forty (40) or less
----------------	--------------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(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 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60* feet
-------------------------	----------------

*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, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 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(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; 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, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.19 - District C-1, Neighborhood Commercial

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
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 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 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	10 feet

Rear	20 feet
------	------------

(F) *Building Height Regulations.*

Building Height Maximum	56 feet*
-------------------------	----------

*Any building which exceeds the height of 20 feet shall be setback from any 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 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 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. 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

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

August 30, 2016

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Att: Planning Dept
Re: Rezoning at NW Corner of MLK & Hill Str.

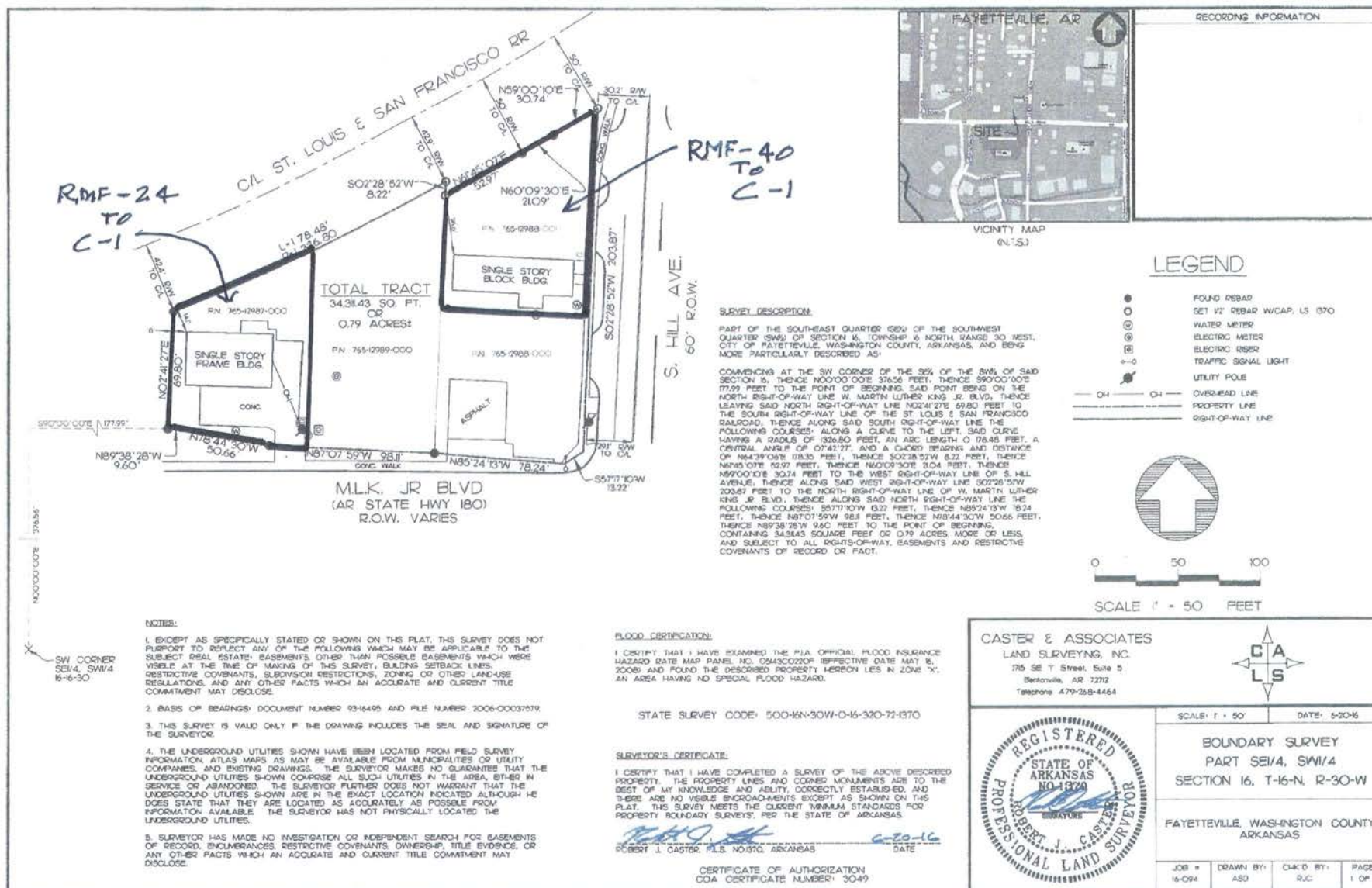
Attached please find information pertaining to a rezoning request at the NW Corner of MLK & Hill Street. This is for parcel # 765-12989-000 (RSF-24) and 765-12988-001 (RSF-40). The request is for C-1 for both parcels. This is for a bank with parking. Access will mainly be off of Hill Street with a possible access off of MLK (Right only). Sewer service will be off of Hill Street and water will be off of MLK (North side).

Please review and contact us concerning any questions you may have

Thank you.

Sincerely;


David L. Jorgensen, P.E.



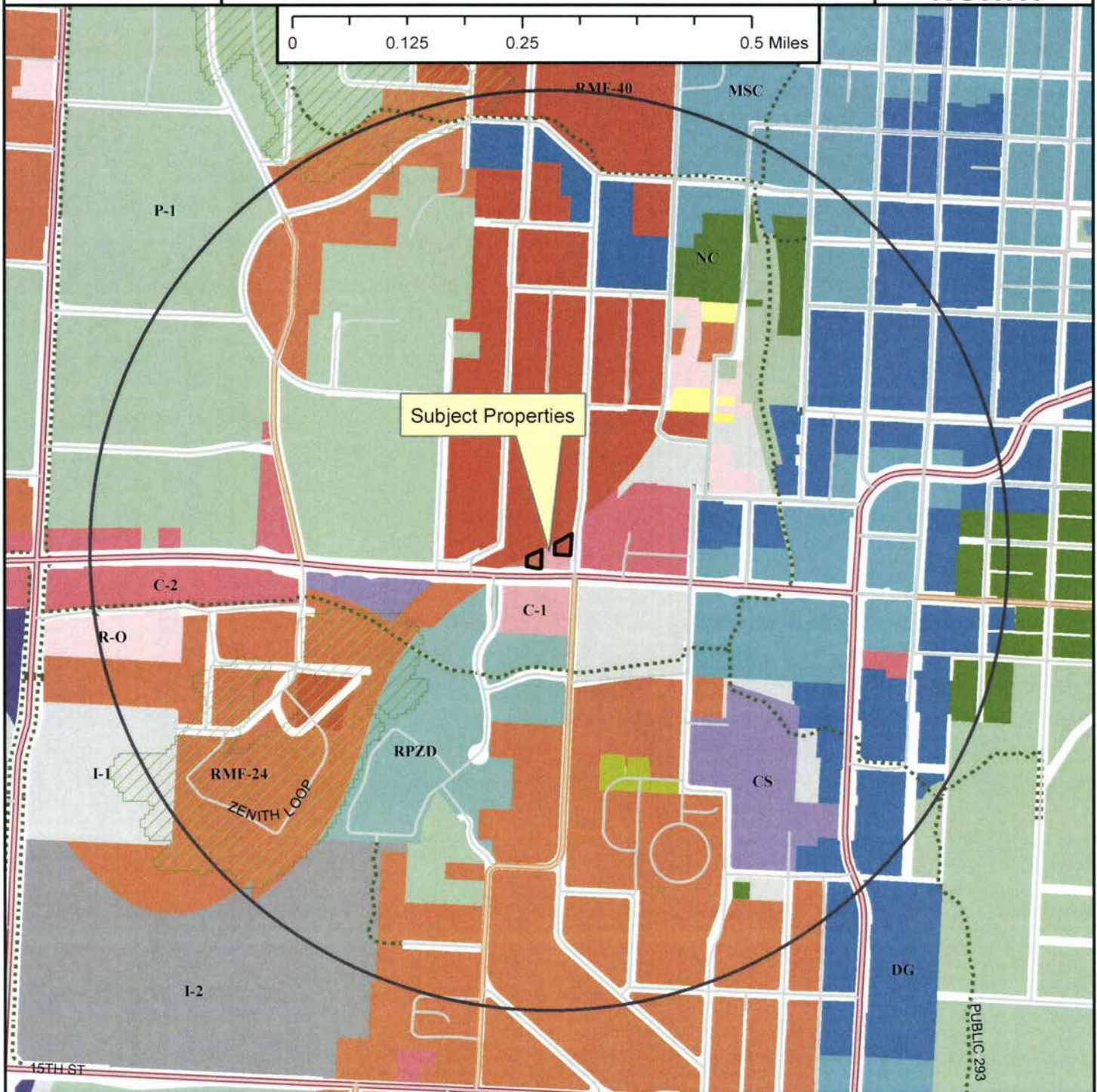
RZN 16-5589

One Mile View

UARK CREDIT UNION



0 0.125 0.25 0.5 Miles



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- 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
 - P-1

RZN 16-5589

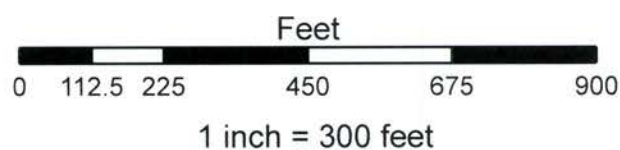
Close Up View

UARK CREDIT UNION



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

RZN 16-5589

Current Land Use

UARK CREDIT UNION



Legend

- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Downtown Master Plan
- MSP Class
- STREET 45
- Streets Existing
- MSP Class
- COLLECTOR
- RZN16-5589 Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail

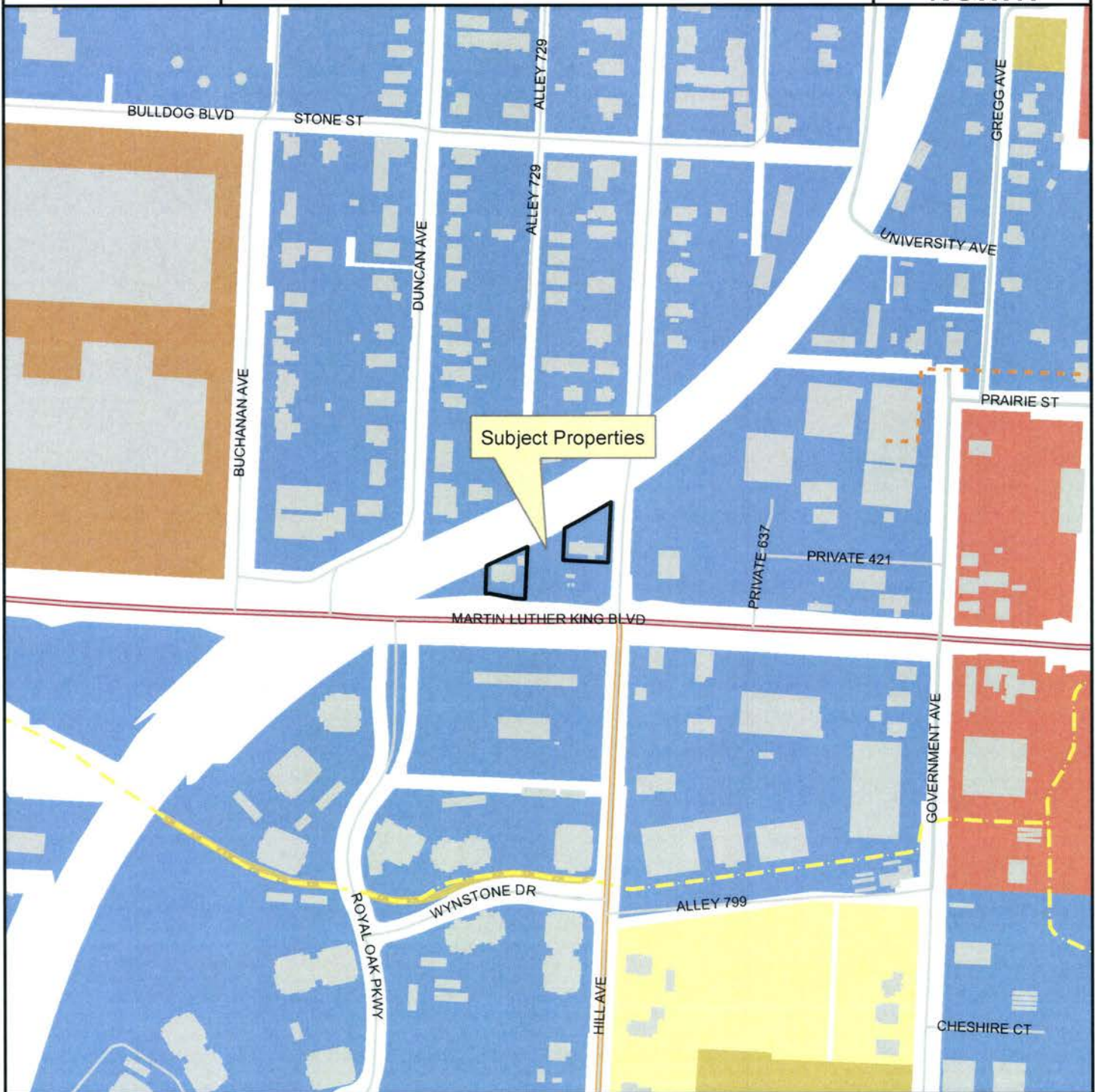
Feet

0 112.5 225 450 675 900

RZN 16-5589

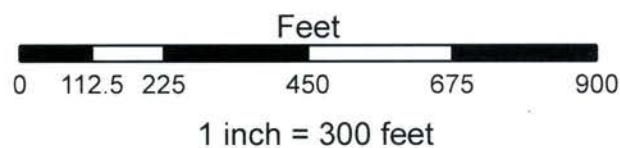
Future Land Use

UARK CREDIT UNION



Legend

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



FUTURE LAND USE 2030

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0490

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

WG LAND COMPANY APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

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 C-3, Central Commercial To C-3, Central Commercial.

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.



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

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED

OCT 11 2016

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Re: RZN16-5590 (WG Land Company)

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5590.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0490

Legistar File ID

11/1/2016

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

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

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 NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 14, 2016

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-3, Central Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-3 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare.

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The request would extend the existing C-3 zoning district boundary approximately 400 feet to the south of its current location. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Surrounding Land Use Compatibility: The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that the rezoning request is generally consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district provides a broader array of uses than C-2 including multi-family residential as a permitted use. Staff finds that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

DISCUSSION:

On October 13, 2016 the Planning Commission denied the applicant's request for a rezoning to C-3, Central Commerical. A motion to forward the request to City Council with a recommendation for approval failed by a vote of 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, and Cook voted 'no'). Several commissioners discussed concerns that C-3 zoning was not consistent with the City's goals for traditional development patterns under a form-based zoning district.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

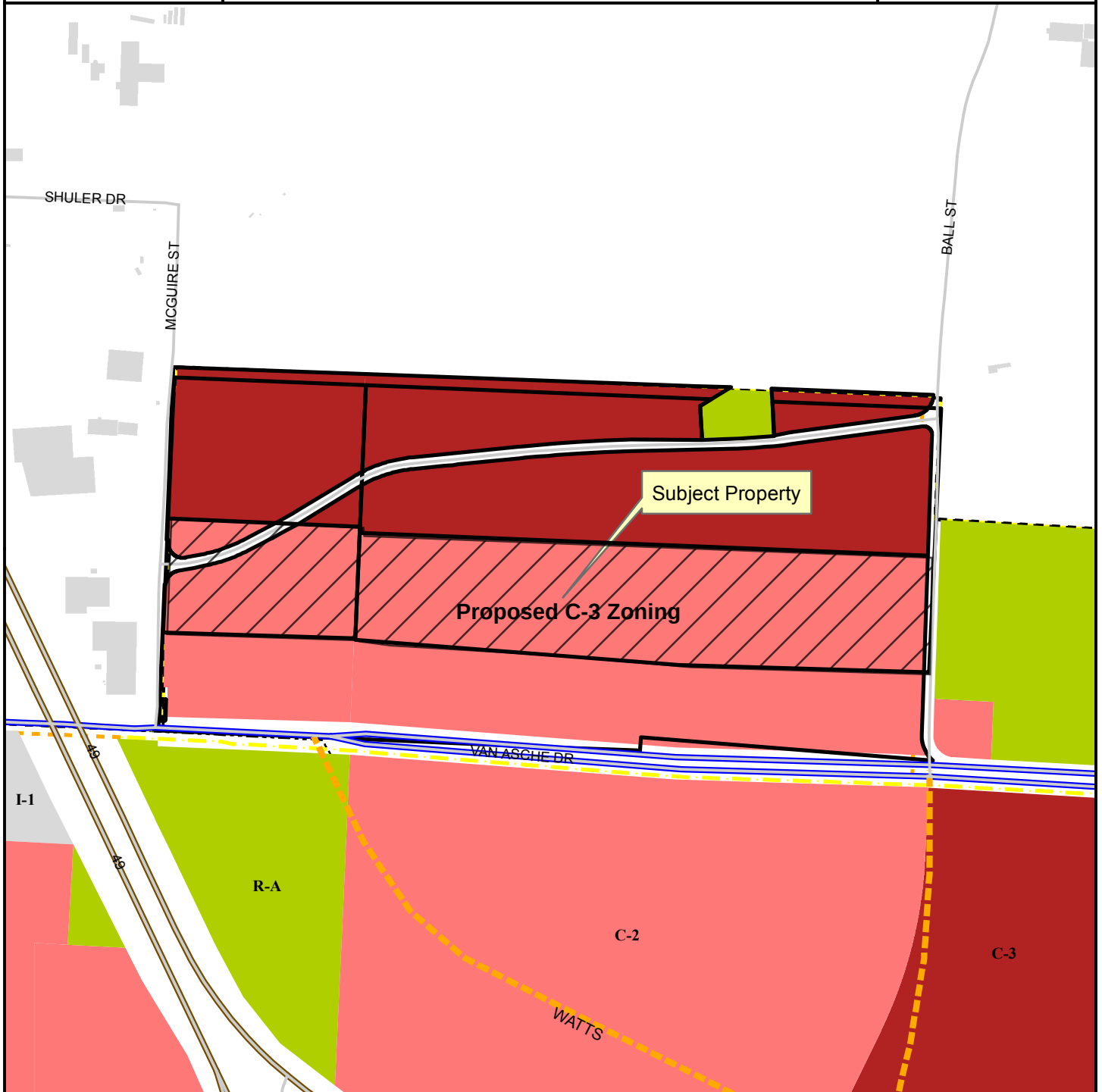
16-5590
EXHIBIT 'A'

RZN 16-5590

WG Land Co.

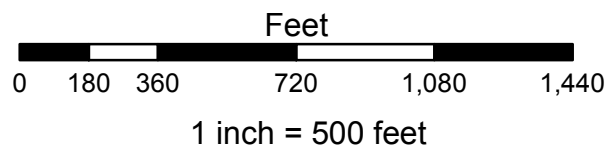


Close Up View



Legend

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



- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

16-5590
EXHIBIT 'B'

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 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 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING; thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 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:

5590

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

171

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 E. Meadow Street

E-mail: tterminella@aol.com

Phone:

(479) 841-1621

()

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: East of S. McGuire Street, North of Van Asche Drive
and West of S. Ball Street

Current Zoning District: C-2 : C-3

Requested Zoning District: C-3

Assessor's Parcel Number(s) for subject property: 765-15773-500

53.18

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): W.H. LAND CO. INC.

Address: P.O. Box 8157

Signature: [Signature]

Fryer Avenue, MO.

Date: 8/30/16

Phone: 474-251-7626

Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: _____

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: October 10, 2016 (Updated with Planning Commissioner results)

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

BACKGROUND:

Property Description: This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped hillside (City of Johnson)	A-1, Agriculture
South	Rural residential; farmland	R-A
East	Concrete plant; undeveloped hillside; farmland	City of Johnson (I, Industrial); R-A
West	Industrial (City of Johnson)	City of Johnson (I, Industrial)

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

DISCUSSION:

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Public Comment: No public comment has been received at this time.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to McGuire Street, Jupiter Drive and Roosevelt Avenue. All immediately surrounding streets are unimproved two-lane roads. The site does not have direct access to Van Asche Drive which is off-site to the south. Any street improvements would be determined at time of development.
- Water:** Public water is available to the subject parcel. 8-inch water mains exist in the McGuire Street, Jupiter Drive, and Roosevelt Avenue rights of way.
- Sewer:** Public sewer is not available in the immediate vicinity of this parcel. At time of future development, a professional engineer should be retained to propose offsite improvements to bring sewer service to this area.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. The north central portion of this parcel (north of Jupiter Drive) lies within the HHOD, and slopes greater than 15% exist in a few isolated areas on this parcel. The south-central, and southeastern portions of this parcel are identified as having "hydric" soil types and should be evaluated at the time of development for the existence of any wetlands.
- Fire:** The Fire Department has not expressed any concerns with this request.
- Police:** The Police Department has not expressed any concerns with this request.

PLANNING COMMISSION ACTION: Required

Date: October 10, 2016

☐ Tabled

☐ Forwarded

☒ Denied

Motion: Hoskins

Second: Noble

Vote: 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, Cook voted 'no')

Note: Motion to forward the item to City Council with a recommendation for approval failed by the 3-5-0 vote as listed above.

RECOMMENDATION: Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area **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, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to

churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

FINDINGS OF THE STAFF

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

Finding: **Surrounding Land Use Compatibility:** The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that most portions of the rezoning request are consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district is intended to serve a regional population and permit the highest levels of commercial intensity with residential uses. Additionally, staff agrees that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

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

Finding: The City has somewhat recently completed construction of the Van Asche Drive project adjacent to the south. A rezoning is needed because of the development pressure that will result from this project, in addition to the FLUM designating this land for future development.

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

Finding: This rezoning would not significantly increase traffic over the existing C-2 zoning district. However, as mentioned earlier in this report, the City's Van Asche Drive project has recently been completed facilitating planned growth in the area. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended.

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 will permit a potential increase in population density as the C-3 district allows multi-family residential along with non-residential uses. However, these impacts were evaluated by various City divisions in review of this rezoning and determined that it should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal. Substantial improvements to public services will be required at the time of development.**

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

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Request letter
- Rezone exhibit
- Current land use map
- Close up map
- Future land use map
- One mile map

PLANNING COMMISSION MEMO

- **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*
-------------------------	----------

*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.

• **161.23 - District C-3, Central Commercial**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
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 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None

(E) *Setback Regulations.*

	Central Business District	Shopping Center
Front	5 feet	25 feet
Front, if parking is allowed between the right-of-way and the building	50 feet	50 feet
Side	None	None
Side, when contiguous to a residential district	10 feet	25 feet
Rear, without easement or alley	15 feet	25 feet
Rear, from center line of a public alley	10 feet	10 feet

(F) *Building Height Regulations.*

Building Height Maximum	56/84 feet*
-------------------------	-------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.



**JORGENSEN
+ASSOCIATES**

Civil Engineering + Surveying

124 W Sunbridge Drive, Suite
5 Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 1, 2016

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Development Services

Re: McClinton 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: David Clark McClinton
- B. Currently this property is zoned R-A. The reason for the requested rezoning is to convert the existing agricultural land, to allow for development to occur around the newly constructed Van Asche corridor.
- C. To the west of I-49 is C-2, to the north is a mix of vacant land along with industrial. To the east is a mix of P-1, C-1, and RSF-4. To the south side of Fulbright Expressway is mostly vacant land with R-O and R-A.
- D. Existing water and sewer are already at this site.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and that development in the future in this area will to be consistent with growth patterns in this area.
- F. This rezoning is needed at this time to allow this property to develop and coincides with the construction of Van Asche.
- G. This development will not adversely affect the existing or proposed streets in the area (it will support it).
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase the load on public services.
- I. The current agricultural zoning does not allow development along the newly constructed Van Asche.

Public Hearings: Planning Commission; 5:30 PM; October 26th; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

Review Location: The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

If you have any questions, please don't hesitate to contact us.

Sincerely;



**JORGENSEN
+ASSOCIATES**

Civil Engineering + Surveying

124 W Sunbridge Drive, Suite
5 Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

Jorgensen + Associates

LINE TABLE		
LINE	LENGTH	BEARING
L1	47.32'	N02°29'17"E
L2	21.51'	S88°20'38"E
L3	71.11'	N00°25'06"E
L4	18.94'	N87°39'29"W
L5	228.70'	N02°29'17"E

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 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 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING, thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 acres more or less subject to easements and right of way of record.

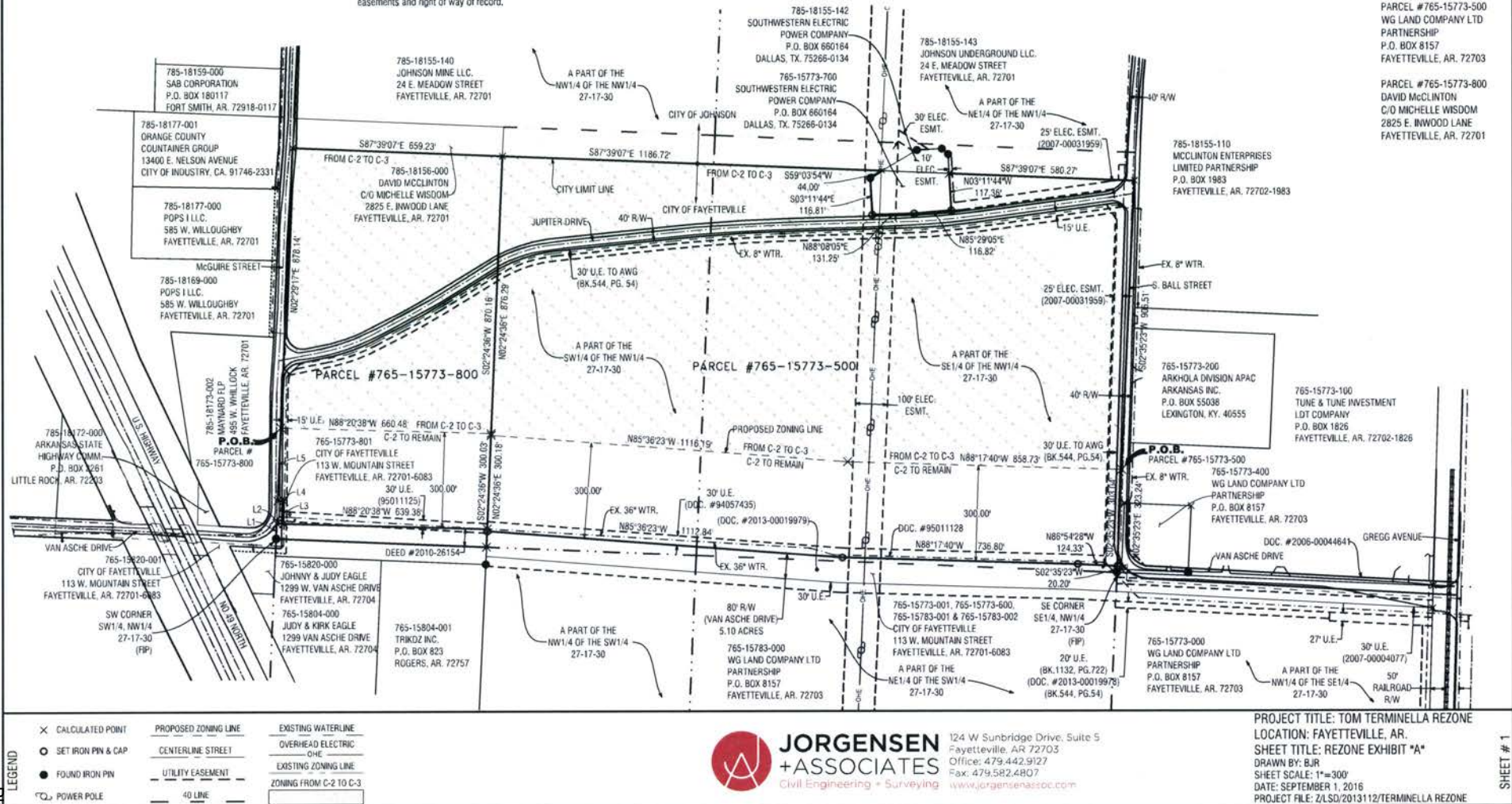
NOTES:

1. PARCEL #765-15773-500 & 765-15773-800.
2. CURRENT ZONING = C-2
3. PROPOSED ZONING = C-3

OWNERS:

PARCEL #765-15773-500
WG LAND COMPANY LTD
PARTNERSHIP
P.O. BOX 8157
FAYETTEVILLE, AR, 72703

PARCEL #765-15773-800
DAVID MCCLINTON
C/O MICHELLE WISDOM
2825 E. INWOOD LANE
FAYETTEVILLE, AR, 72701



**JORGENSEN
+ ASSOCIATES**
Civil Engineering + Surveying
www.jorgensenassoc.com

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9123
Fax: 479.582.4807

PROJECT TITLE: TOM TERMINELLA REZONE
LOCATION: FAYETTEVILLE, AR.
SHEET TITLE: REZONE EXHIBIT "A"
DRAWN BY: BUR
SHEET SCALE: 1"=300'
DATE: SEPTEMBER 1, 2016
PROJECT FILE: ZLS/D/2013112/TERMINELLA REZONE

SHEET # 1

RZN 16-5590

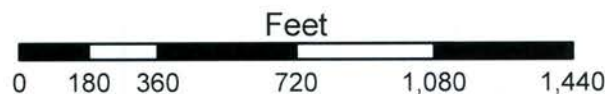
Current Land Use

WG Land Co.



Legend

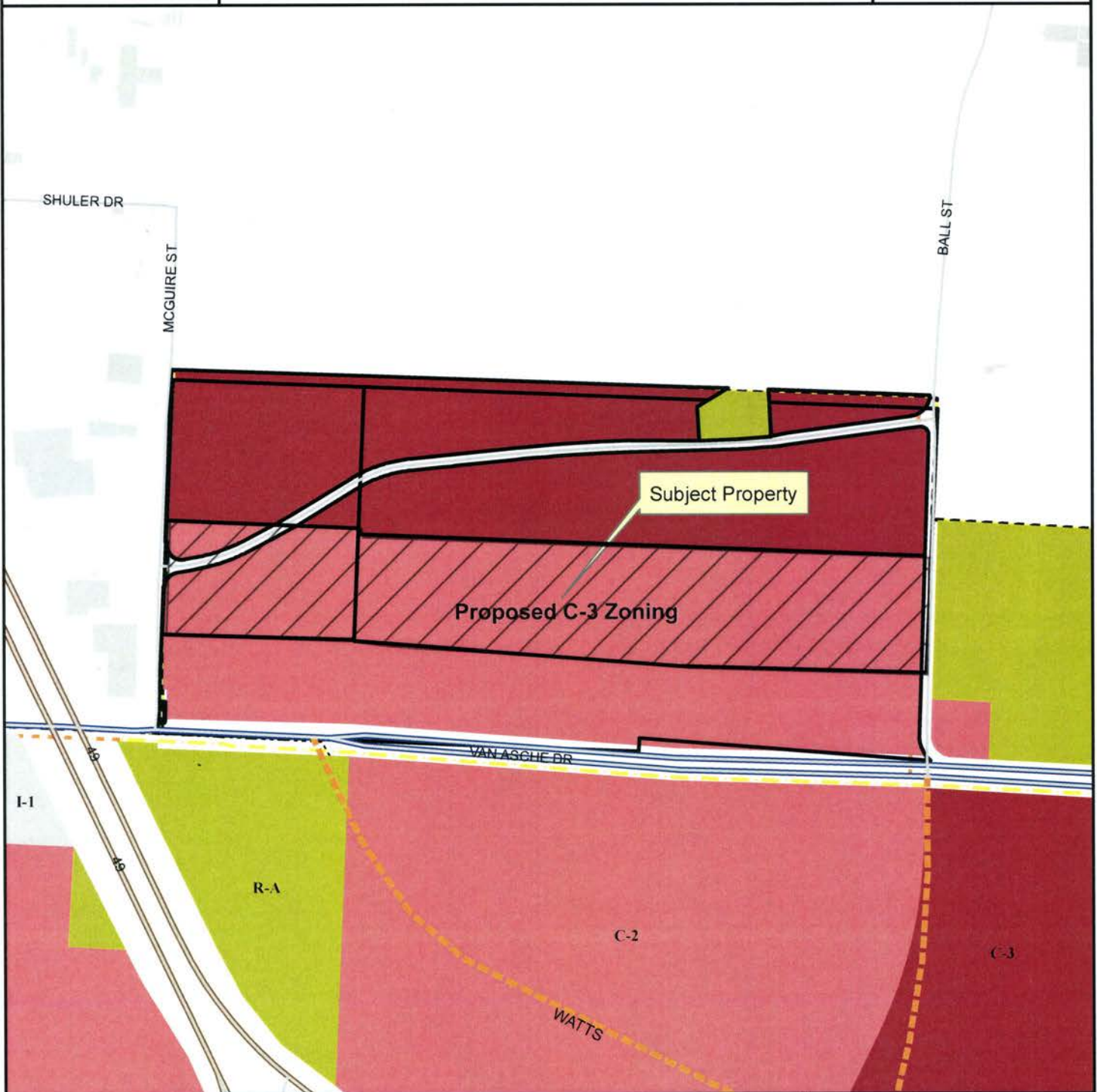
- Street
- Streets Planned
- MSP Class
- COLLECTOR
- Streets Existing
- MSP Class
- FREEWAY/EXPRESSWAY
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- RZN16-5590
- Planning Area



RZN 16-5590

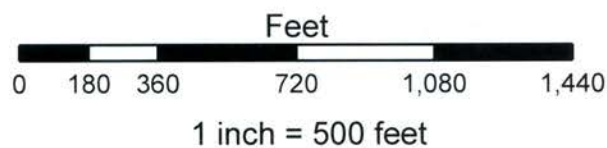
Close Up View

WG Land Co.



Legend

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

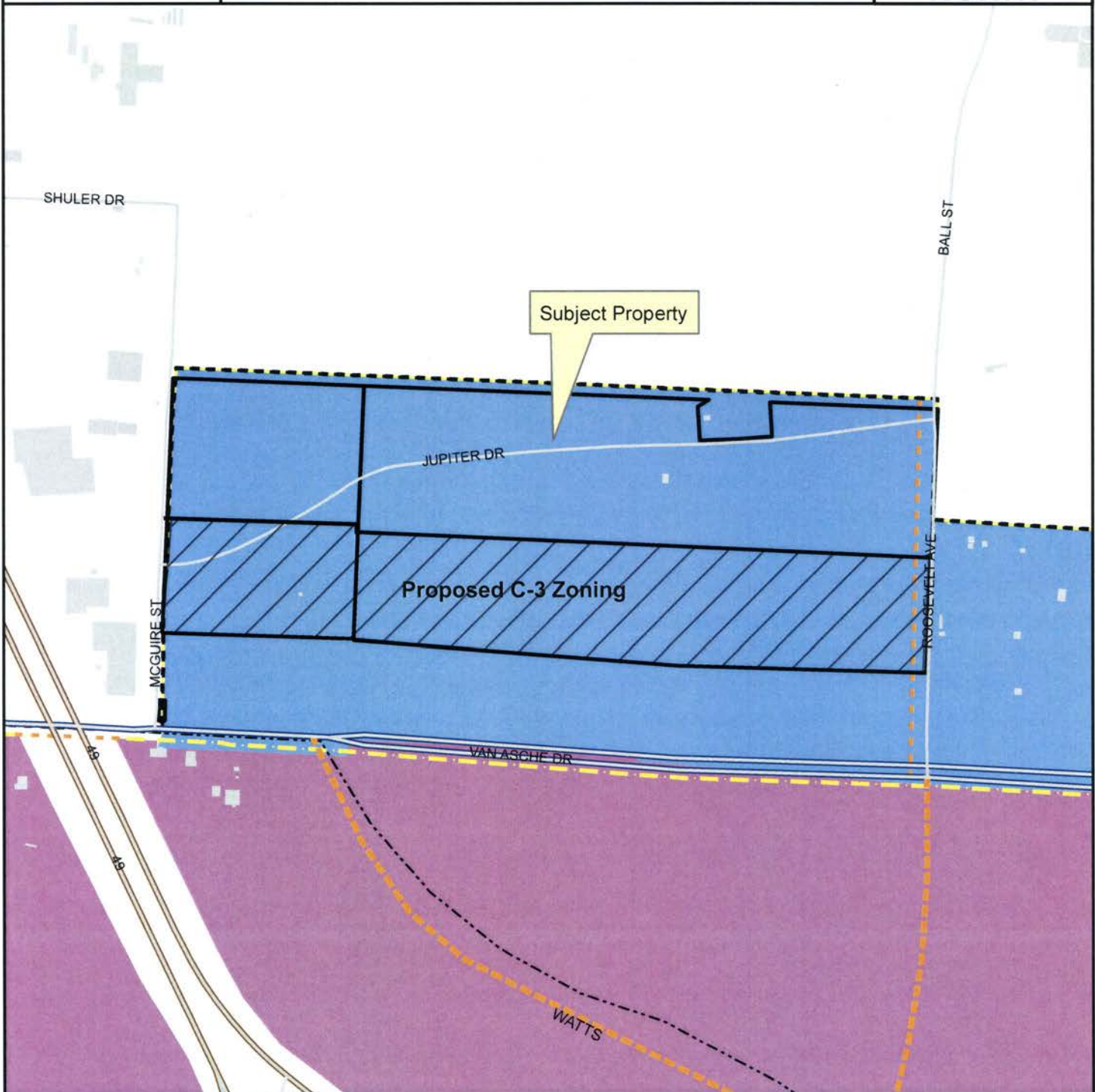


- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

RZN 16-5590

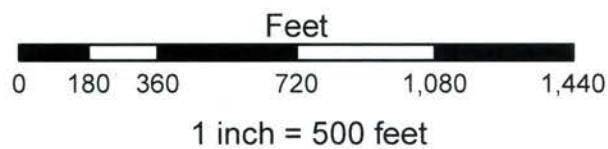
Future Land Use

WG Land Co.



Legend

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



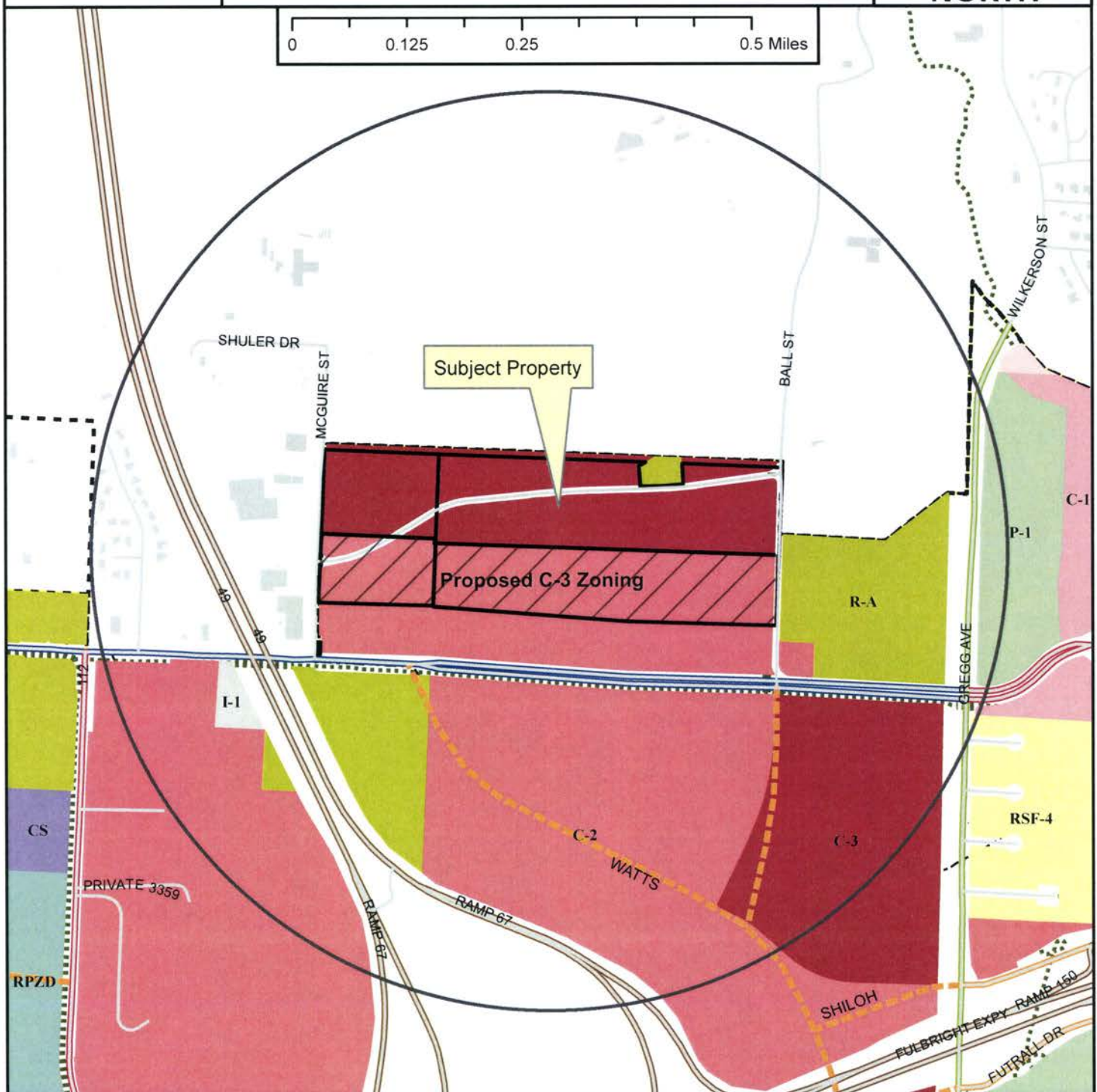
FUTURE LAND USE 2030

- City Neighborhood Area
- Urban Center Area

RZN 16-5590

One Mile View

WG Land Co.



Legend

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



- | | |
|--|---|
| Zoning
RESIDENTIAL SINGLE-FAMILY
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
C-1
C-2
C-3
FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential
INSTITUTIONAL
P-1 |
|--|---|



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0475

Agenda Date: 11/1/2016

Version: 1

Status: Agenda Ready

In Control: City Council Agenda Session

File Type: Presentation

Agenda Number: D. 1

AGENDA SESSION PRESENTATION - UPDATE ON THE FAYETTEVILLE MOBILITY PLAN
BY THE CITY'S CONSULTANT, NELSON/NYGAARD

Agenda Session 10/25/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, October 25, 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:

AV1 2015-0658

AV2 APPROVAL OF THE OCTOBER 18, 2016 CITY COUNCIL MEETING MINUTES.

AV2 2016-0481

REPEAL RESOLUTION NO. 180-16:

A RESOLUTION TO REPEAL RESOLUTION NO. 180-16, AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 PLUS APPLICABLE SALES TAXES FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: REPEAL RESOLUTION NO. 180-16

AV3 2016-0486

SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1:

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH SOUTHWIND HOSPITALITY HOLDINGS, LLC TO REFLECT THE CORRECT NUMBER OF PARKING SPACES BEING LEASED IN THE MEADOW STREET PARKING DECK, AND TO APPROVE A CREDIT IN THE AMOUNT OF \$700.00 FOR PAST OVERPAYMENT FOR TWO PARKING SPACES

Attachments: Meadow Deck Lease Amendment Legistar

A✓4 2016-0478**LEXINGTON INSURANCE COMPANY:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF INSURANCE PROCEEDS IN THE AMOUNT OF \$457,925.07 FROM LEXINGTON INSURANCE COMPANY FOR NECESSARY REPAIR WORK ON BUILDINGS LOCATED AT THE FAYETTEVILLE EXECUTIVE AIRPORT AS A RESULT OF HAIL DAMAGE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2016-0478, Airport Insurance Funds
 2016-0478, Airport Roof Repairs BA

A✓5 2016-0487**GARVER, LLC TASK ORDER NO. 6:**

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH GARVER, LLC IN THE AMOUNT OF \$25,000.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES AND CONSTRUCTION PHASE SERVICES FOR THE DRAKE FIELD AIRFIELD ROOF REHABILITATION PROJECT

Attachments: Garver Task 06 Engineering Services Airport Roof Claim

A✓6 2016-0450**CH2M HILL ENGINEERS, INC. CHANGE ORDER:**

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$30,000.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS FOR THE WHITE RIVER, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: White River Use Attainability Analysis (UAA) Agenda Packet
 BA- CH2M UAA for White River

AV7 2016-0479**SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$390,568.20 FOR THE RELOCATION OF APPROXIMATELY 1,100 FEET OF 12-INCH WATER MAIN ASSOCIATED WITH THE RUPPLE ROAD - PERSIMMON TO CONGRESSIONAL PROJECT

Attachments: Legistar 2016-0479

B. Unfinished Business:BV1 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 SECOND 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.

At the October 18, 2016 City Council Meeting this ordinance was left on the second reading.

BV2 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

(LEFT ON THE FIRST READING)

Attachments: VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE)

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

BV3 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

At the October 18, 2016 City Council Meeting this resolution was tabled to November 1, 2016.

BV4 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

(LEFT ON THE FIRST READING)

Attachments: AMEND CHAPTERS 161, 162, AND 164

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:

CV1 2016-0489

RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5588 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 407 NORTH MOUNTAIN RANCH BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY TO NC, NEIGHBORHOOD CONSERVATION

Attachments: 16-5588 RZN CC Documents

C\2 ✓ 2016-0460**RZN 16-5594 (15 S. WEST/KOLBERG):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5594 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 15 SOUTH WEST AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO MSC, MAIN STREET/CENTER

Attachments: 16-5594 (15 S. WEST/KOLBERG)

C\3 ✓ 2016-0494**AMENDMENT TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):**

AN ORDINANCE TO AMEND ORDINANCE NO. 5897 BY MODIFYING THE BILL OF ASSURANCE TO PERMIT THE REALIGNMENT OF A PROTECTED STREAM

Attachments: 16-5483 CC reports

C\4 ✓ 2016-0488**UARK CREDIT UNION REZONING APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

Attachments: 16-5589 CC reports

C\5 ✓ 2016-0490**WG LAND COMPANY APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

Attachments: RZN 16-5590 (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY)

D. City Council Agenda Session Presentations:

D. 1 2016-0475

AGENDA SESSION PRESENTATION - UPDATE ON THE FAYETTEVILLE MOBILITY
PLAN BY THE CITY'S CONSULTANT, NELSON/NYGAARD

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.

Agenda Session Budget 10/25/16



TO: Mayor Lioneld Jordan and Members of the City Council
Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director *Paul A. Becker*

DATE: October 21, 2016

SUBJECT: **August Sales Taxes Received In September 2016 by the State**

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in September, 2016 were up \$35,998 / 2.07% as compared to the same month prior year. These collections represent August, 2016 sales.
2. Sales tax collections remitted to the City for the City's share of County tax collections in September, 2016 were up \$70,246 / 6.32% as compared to the same month prior year. These collections represent August, 2016 sales.
3. When compared to budget for the month, sales tax collections were up a total of \$74,890 / 2.60%. The year to date budget impact for the nine months is up a total of \$857,794 / 3.46%.

1% City / 1% County (Combined)	Budget	Actual	\$ Difference	% Difference
December, 2015	\$ 3,097,100	\$ 3,273,756	\$ 176,656	5.70%
January, 2016	2,532,500	2,395,755	(136,745)	(5.40%)
February, 2016	2,470,300	2,825,188	354,888	14.37%
March, 2016	2,792,400	2,763,834	(28,566)	(1.02%)
April, 2016	2,702,700	2,723,331	20,631	0.76%
May, 2016	2,783,100	2,905,534	122,434	4.40%
June, 2016	2,815,200	2,867,766	52,566	1.87%
July, 2016	2,710,800	2,931,840	221,040	8.15%
August, 2016	2,878,900	2,953,790	74,890	2.60%
September, 2016				
October, 2016				
November, 2016				
YTD Budget to Actual	\$ 24,783,000	\$ 25,640,794	\$ 857,794	3.46%

Funding Source	Budget	Actual	\$ Difference	% Difference
General Fund: 1% City (60% Split)	\$ 8,994,900	\$ 9,252,205	\$ 257,305	2.86%
1% County	9,791,000	10,220,453	429,453	4.39%
	\$ 18,785,900	\$ 19,472,658	\$ 686,758	3.66%
ST Capital: 1% City (40% Split)	\$ 5,997,100	\$ 6,168,136	\$ 171,036	2.85%
Total General/ST Capital Funds:	\$ 24,783,000	\$ 25,640,794	\$ 857,794	3.46%

NWA REGION SALES TAX ACTIVITY - AUGUST 2016 COLLECTIONS

4. August, 2016 1% City Sales Tax collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		August 2015	August 2016	\$ Difference	% Difference
1% City:	Fayetteville	\$ 1,735,389	\$ 1,771,387	\$ 35,998	2.07%
	Springdale	\$ 1,046,213	\$ 1,161,042	\$ 114,829	10.98%
	Bentonville	\$ 899,054	\$ 1,157,689	\$ 258,635	28.77%
	Rogers	\$ 1,344,790	\$ 1,431,214	\$ 86,424	6.43%

5. August, 2016 1% County Sales Tax collections as compared to the surrounding areas were as follows:

County Sales Tax Collections:		August 2015	August 2016	\$ Difference	% Difference
Washington	Fayetteville	\$ 1,112,157	\$ 1,182,403	\$ 70,246	6.32%
Washington	Springdale	\$ 970,303	\$ 1,031,590	\$ 61,286	6.32%
Benton	Bentonville	\$ 508,653	\$ 614,284	\$ 105,631	20.77%
Benton	Rogers	\$ 806,386	\$ 973,848	\$ 167,462	20.77%

6. August, 2016 countywide collections for the combined Washington and Benton Counties were as follows:

County Sales Tax Collections:		August 2015	August 2016	\$ Difference	% Difference
Washington County		\$ 3,069,314	\$ 3,263,179	\$ 193,865	6.32%
Benton County		3,189,277	3,851,591	662,314	20.77%
		<u>\$ 6,258,591</u>	<u>\$ 7,114,770</u>	<u>\$ 856,179</u>	<u>13.68%</u>

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE (NINE MONTHS) COLLECTIONS

7. Year-to-Date (nine months) collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		(Nine Months) YTD 2015	(Nine Months) YTD 2016	\$ Increase (Decrease)	% Increase (Decrease)
1% City:	Fayetteville	\$ 14,697,104	\$ 15,420,341	\$ 723,238	4.92%
	Springdale	\$ 9,347,598	\$ 9,934,436	\$ 586,838	6.28%
	Bentonville	\$ 8,088,058	\$ 8,429,495	\$ 341,437	4.22%
	Rogers	\$ 12,064,444	\$ 12,999,731	\$ 935,286	7.75%

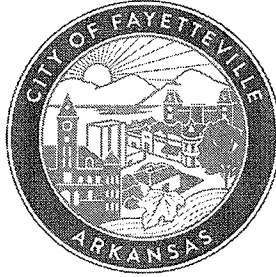
8. Year-to-Date (nine months) for the combined Washington and Benton Counties, sales were up \$2,469,926 / 4.26%.

Sales Tax Collections:		(Nine Months) YTD 2015	(Nine Months) YTD 2016	\$ Increase (Decrease)	% Increase (Decrease)
Washington County		\$ 26,786,178	\$ 28,206,256	\$ 1,420,078	5.30%
Benton County		31,251,314	32,301,162	1,049,848	3.36%
		<u>\$ 58,037,492</u>	<u>\$ 60,507,418</u>	<u>\$ 2,469,926</u>	<u>4.26%</u>

Pre Agenda Meeting 10/19/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, November 1, 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 ✓ 2015-0658A.2 ✓ APPROVAL OF THE OCTOBER 18, 2016 CITY COUNCIL MEETING MINUTES.
2016-0481**REPEAL RESOLUTION NO. 180-16:**

A RESOLUTION TO REPEAL RESOLUTION NO. 180-16, AWARD BID NO. 16-60 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED BRIDGE IN THE AMOUNT OF \$31,500.00 PLUS APPLICABLE SALES TAXES FROM ART THURESON, INC. OF WATERFORD, MICHIGAN FOR INSTALLATION ON THE CATO SPRINGS TRAIL

Attachments: REPEAL RESOLUTION NO. 180-16A.3 ✓ 2016-0486**SOUTHWIND HOSPITALITY HOLDINGS, LLC AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH SOUTHWIND HOSPITALITY HOLDINGS, LLC TO REFLECT THE CORRECT NUMBER OF PARKING SPACES BEING LEASED IN THE MEADOW STREET PARKING DECK, AND TO APPROVE A CREDIT IN THE AMOUNT OF \$700.00 FOR PAST OVERPAYMENT FOR TWO PARKING SPACES

Attachments: Meadow Deck Lease Amendment Legistar

A. 4

2016-0487

A. 5

GARVER, LLC TASK ORDER NO. 6:

A RESOLUTION TO APPROVE TASK ORDER NO. 6 WITH GARVER, LLC IN THE AMOUNT OF \$25,000.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES AND CONSTRUCTION PHASE SERVICES FOR THE DRAKE FIELD AIRFIELD ROOF REHABILITATION PROJECT

Attachments: Garver Task 06 Engineering Services Airport Roof Claim

A. 6

A. 5

2016-0450**CH2M HILL ENGINEERS, INC. CHANGE ORDER:**

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$30,000.00 TO CONTINUE WORK ON A USE ATTAINABILITY ANALYSIS FOR THE WHITE RIVER, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: White River Use Attainability Analysis (UAA) Agenda Packet
BA- CH2M UAA for White River

A. 4

A. 6

2016-0478**LEXINGTON INSURANCE COMPANY:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF INSURANCE PROCEEDS IN THE AMOUNT OF \$457,925.07 FROM LEXINGTON INSURANCE COMPANY FOR NECESSARY REPAIR WORK ON BUILDINGS LOCATED AT THE FAYETTEVILLE EXECUTIVE AIRPORT AS A RESULT OF HAIL DAMAGE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2016-0478, Airport Insurance Funds
2016-0478, Airport Roof Repairs BA

A. 7 2016-0479**SWEETSER CONSTRUCTION, INC. CHANGE ORDER NO. 1:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$390,568.20 FOR THE RELOCATION OF APPROXIMATELY 1,100 FEET OF 12-INCH WATER MAIN ASSOCIATED WITH THE RUPPLE ROAD - PERSIMMON TO CONGRESSIONAL PROJECT

Attachments:

Legistar 2016-0479

B. Unfinished Business:**B.1 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.

At the October 18, 2016 City Council Meeting this ordinance was left on the second reading.

B.2 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)

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

B.3 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

At the October 18, 2016 City Council Meeting this resolution was tabled to November 1, 2016.

B.4 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

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:**C.1** **2016-0489****RZN 16-5588 (407 N. MTN. RANCH BLVD./STRIKER DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5588 FOR APPROXIMATELY 3.65 ACRES LOCATED AT 407 NORTH MOUNTAIN RANCH BOULEVARD FROM RSF-4, RESIDENTIAL SINGLE FAMILY TO NC, NEIGHBORHOOD CONSERVATION

Attachments: 16-5588 RZN CC Documents

C✓2 2016-0460

RZN 16-5594 (15 S. WEST/KOLBERG):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5594 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 15 SOUTH WEST AVENUE FROM NC, NEIGHBORHOOD CONSERVATION TO MSC, MAIN STREET/CENTER

Attachments: 16-5594 (15 S. WEST/KOLBERG)

C✓3 2016-0494

AMENDMNET TO A BILL OF ASSURANCE (NE CORNER OF MORNINGSIDE & 15TH ST./RAUSCH COLEMAN):

Attachments: 16-5483 CC reports

C✓4 2016-0488

UARK CREDIT UNION REZOING APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

Attachments: 16-5589 CC reports

C✓5 2016-0490

WG LAND COMPANY APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

Attachments: RZN 16-5590 (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY)

D. City Council Agenda Session Presentations:

D. 1 2016-0475

AGENDA SESSION PRESENTATION - UPDATE ON THE FAYETTEVILLE MOBILITY
PLAN BY THE CITY'S CONSULTANT, NELSON/NYGAARD

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.