City of Fayetteville, Arkansas

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

City Council Final Agenda

Tuesday, August 18, 2026

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1
Council Member Dr. D'Andre Jones Ward 1
Council Member Sarah Moore Ward 2
Council Member Mike Wiederkehr Ward 2
Council Member Scott Berna Ward 3
Council Member Sarah Bunch Ward 3
Council Member Teresa Turk Ward 4
Council Member Min. Monique Jones Ward 4

Mayor Molly Rawn
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton

Meeting Information:

1. Webinar ID: 868 6477 6217

Public Registration Link:https://fayetteville-ar.zoom.us/webinar/register/WN_IvQ4r885R4ug6eHhQGWvHw

Public Comment:

1. You may submit a public comment regarding an upcoming City Council agenda item using the below options:

1) You can email your comment to AgendaItemComment@fayetteville-ar.gov
2) You can attend the meeting in person and speak during the public comment period on the item.
3) You can attend the meeting via Zoom and raise your virtual hand during the public comment period on the item.

Call to Order

Roll Call

Pledge of Allegiance

Mayor' s Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

Proposed Agenda Additions

A. Consent

A.1. Approval of the August 4, 2026 City Council Meeting Minutes

A.2. Award Bid #26-43 Hwy 112 (Poplar to Drake):
A resolution to award Bid 26-43 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of $14,923,032.90 for construction of the Highway 112 widening project, to approve a project contingency in the amount of $125,000.00, and to approve a budget amendment. (2026-2492)

A.3. Phase 2 Design Contract with Kimley Horn for Safety Improvements on E. Joyce Blvd.:
A resolution to approve Amendment No. 1 to the professional services agreement with Kimley-Horn & Associates in the amount of $810,500.00 for additional design services associated with the Safe Streets and Roads for All Project. (2026-2144)

A.4. Skid Steer Replacement for Drake Field Airport Through JA Riggs Tractor Company:
A resolution to approve the purchase of a skid steer and additional attachments from JA Riggs Tractor Company in the amount of $104,064.58, pursuant to a Sourcewell Cooperative Purchasing Contract, plus any applicable surcharges, freight charges, and delivery fees up to 10% of the original purchase price. (2026-2469)

A.5. Approval of Fleet Fuel Card Application:
A resolution to approve a Fuel Card Program contract with Corpay Technologies Operating Company, LLC, pursuant to an Omnia Cooperative Purchasing Contract, through June 30, 2029, and any future renewals. (2026-2574)

A.6. RIMCO Scrap Metal Bid:
A resolution to award Bid 26-44 to Rogers Iron and Metal Corporation for the removal and recycling of scrap metal items from the City of Fayetteville Recycling and Trash Collection Division in the amount of $132.00 per ton for a term of one year with automatic renewals for up to four additional one year terms. (2026-2564)

B. Unfinished Business

B.1. RZN 2026-0018 West Wedington Dr. (Appeal of Planning Commission Denial):
An ordinance to rezone the property described in Rezoning Petition RZN 2026-18 for approximately 0.55 acres located at 1845 West Wedington Drive in Ward 4 from RSF-4, Residential Single-Family, Four Units Per Acre, to RI-U, Residential Intermediate-Urban. (2026-2260)

For item history beginning July 21, 2026, please contact the Office of the City Clerk Treasurer.

At the August 4, 2026 City Council meeting, this ordinance was left on the first reading and tabled to the August 18, 2026 City Council meeting.

B.2. ADM 2026-0023 Establishment of the South Fayetteville Historic District:
An ordinance to establish the South Fayetteville Local Historic District in § 33.231 Historic Districts of the Fayetteville City Code. (2026-2393)

At the August 4, 2026 City Council meeting, this ordinance was left on the first reading.

B.3. An Ordinance to Amend § 155.04 Council Member Appeal on Behalf of Residents:
An ordinance to amend § 155.04 Council Member Appeal on Behalf of Residents to exempt any appeal fee for all appeals required to be sponsored by and in fact are sponsored by council members including this section; § 155.05 (a)(3); § 155.06 (a)(1)(b)(1); § 155.09, and to amend § 155.06 (c)(1)(a), (c)(2)(a), and (c)(3), and to declare an emergency. (2026-2489)

At the August 4, 2026 City Council meeting, this ordinance was left on the first reading.

C. New Business

C.1. VAC 2026-0009 South Buchanan Avenue:
An ordinance to approve VAC-26-09 for property located at 322 South Buchanan Avenue in Ward 1 to vacate 0.02 acres of right-of-way. (2026-2540)

C.2. VAC 2026-0007 South Stone Bridge Road:
An ordinance to approve VAC-26-07 for property located at 615 South Stone Bridge Road in Ward 1 to vacate 0.212 acres of utility easement. (2026-2551)

C.3. RZN 2026-0003 North and South of W. Catalpa Dr & S. Rupple Rd:
An ordinance to rezone the property described in Rezoning Petition RZN 2026-03 for approximately 13.59 acres located near West Catalpa Drive and South Rupple Road in Ward 1 from UT, Urban Thoroughfare; CS, Community Services; and NC, Neighborhood Conservation, to UT, Urban Thoroughfare; CS, Community Services; RI-U, Residential Intermediate-Urban; and CCR, Conservation, Cultural, and Recreation. (2026-2552)

C.4. ANX 2025-0002 Northeast of West Weir Road:
An ordinance to annex that property described in Annexation Petition ANX 25-002 submitted by Flintlock LTD for property located northeast of 4110 West Weir Road containing approximately 11.17 acres. (2026-2208)

C.5. Appeal: PZD 2025-0006 Northeast of West Weir Rd:
An ordinance to approve a Planned Zoning District entitled PZD-2025-006 for approximately 51.4 acres located north of the intersection of West Weir Road and North Rupple Road in Ward 4. (2026-2557)

C.6. Appeal: CUP 2026-0031 North Bear Tree Court:
A resolution to grant the appeal of Council Members Sarah Bunch, Sarah Moore, Teresa Turk, and Scott Berna and deny Conditional Use Permit CUP 2026-031 for a cluster housing development at 1919 North Bear Tree Court in Ward 3. (2026-2563)

C.7. Amend § 163.20 Data Centers:
An ordinance to strengthen the city's data center regulations by amending § 163.20 Data Centers of the Unified Development Code, and to declare an emergency. (2026-2631)

D. City Council Tour

E. Announcements

F. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment. When the Mayor or Chair recognizes you, please start your public comment by giving your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn to speak for discussion of an agenda item.

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: If a Council Member wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered separately immediately after the Consent Agenda has been voted upon. The Consent Agenda items may be read by the Mayor and then voted upon as a group without discussion by the City Council, or upon motion a majority of the City Council may dispense with the reading and approve the Consent Agenda items as a group in a single vote.

Unfinished Business and New Business:

Overview Period: Agenda items at a City Council meeting 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, appellant from a final decision of the Planning Commission or City Staff, etc.) may present its proposal only during this presentation period but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the

City Council by unanimous consent or majority vote allows additional time.

Public Comments: Public comment at a City Council meeting shall be allowed on all items of unfinished and new business and subjects of public hearings. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item or amendment being considered by the City Council. The City Council may allow a speaker additional time by unanimous consent or majority vote. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their three (3) minutes presentation period concerning the agenda item being considered by the City Council.

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 comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. 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.

Cell Phones and Pagers: Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

Smoking Prohibited: There will be no smoking allowed in the City Council Chambers during City Council meetings.

Interpreters or Telecommunications Devices for the Deaf (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 on our website at www.fayetteville-ar.gov or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2492

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Chris Brown, Public Works Director
Justin Bland, City Engineer

FROM: Paul Libertini, Staff Engineer

SUBJECT: **Bid #26-43 Hwy 112 (Poplar St. to Drake St.) Widening Project – Crossland Heavy Contractors, Inc. - Construction Contract Award**

RECOMMENDATION:
A Resolution to award Bid #26-43 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of $14,923,032.90 for the construction of Hwy 112 (Poplar St. to Drake St.) widening project, approve a project contingency of $125,000, recognize $13,893,904.00 in grant revenue, and approve a budget amendment establishing a new fund to account for the proceeds of the grant.

BACKGROUND:
On January 3, 2017, the City Council approved the City's participation in a revised Partnering Agreement with the Arkansas Department of Transportation (ARDOT) to make needed improvements to Hwy 112 (Resolution 27-17). Upon completion of the improvements to Hwy 112, the City agreed to assume ownership and responsibility of Hwy 112 from Hwy 16 (15^{th} St) to Interstate 49.

On September 19, 2017, the Mayor signed the Agreement of Understanding with ARDOT obligating the City to manage the improvements of Hwy 112 from Poplar Street to Drake Street. The City agreed to manage project design, right-of-way acquisition, utility relocations, bidding and construction management. ARDOT agreed to funding the full cost (100%) of the project, less any betterments requested by the City. Since the agreement, the City has engaged a consultant engineer for the design of the project. All rights of way and easements have been acquired, and all franchise utilities have relocated their facilities for the road widening project. The City received authorization from the ARDOT to advertise this project for construction bids on May 18, 2026. The bid opening was held on July 14, 2026.

DISCUSSION:
A total of four bids were received ranging $14,923,032 to $16,897,056. Crossland Heavy Contractors, Inc. was the low bidder. The Engineers' opinion of probable cost was $18,202,029.10. The City has received a letter from our consultant, Burns & McDonnell, recommending award of this contract to Crossland Heavy Contractors, Inc. The contract time is 605 calendar days for final completion.

Please note that as part of the Federal-aid process, the Mayor will be submitting the required Certification Letter to ARDOT requesting their review of the bid tabulations and concurrence in award of the contract to Crossland Heavy Contractors, Inc. The actual execution of the construction agreement will occur after receipt

of ARDOT concurrence.

BUDGET/STAFF IMPACT:
In accordance with our agreement, ARDOT will fund the majority of the cost of this contract. The City has secured grant funding in the amount of $644,000, which will require a 20% match in the amount of $161,000 (Resolutions 38-25 & 149-26). In addition, Water and Sewer utilities cost will be $224,130 for betterments on the project. The remaining $13,893,902.90 million will be paid by ArDOT. The federal grant Assistance Listing Number (ALN) is 20.205 and 20.287.

The City will make payments to the Contractor and then submit the required paperwork to ARDOT requesting reimbursement.

The Water and Sewer Fund will be used to pay for the water line upgrades in the amount of $224,130 and fund a project contingency of $25,000.

ACCOUNT	PROJECT	AMOUNT
2236.621.9601-5809.00	32602.2601.1000	$13,893,902.90
4601.860.7236-5809.00	46020.7236.3800	$644,000.00
4702.860.7236-5809.00	46020.7236.3800	$161,000.00
5400.860.5600-5808.00	11011.2019.7236	$224,130.00
Total		$14,923,032.90

ATTACHMENTS: 3. Staff Review Form, 4. Budget Amendment, 5. Document 00500 - Agreement Signed - Sealed - Hwy 112 Widening, 6. Crossland Heavy Contractors Corporate Resolution 2026-2027, 7. Bid #26-43 Letter of Recommendation of Award , 8. Bid 26-43 City Bid Tab, 9. Bid 26-43 Submittal - Crossland Heavy Contractors, Inc, 10. Job 040720_Federal-Aid Project Agreement, 11. NWARPC Award Letter $500K Hwy112_Poplar to Drake, 12. NWARMA Res & Ltr to ARDOT $144K

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

File #: 2026-2492

A RESOLUTION TO AWARD BID 26-43 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF $14,923,032.90 FOR CONSTRUCTION OF THE HIGHWAY 112 WIDENING PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $125,000.00, AND TO APPROVE A BUDGET AMENDMENT

WHEREAS, on January 3, 2017, the City Council passed Resolution 27-17 approving the City's participation in a revised Partnering Agreement with the Arkansas Department of Transportation to make needed improvements to Highway 112 and the City agreed to assume ownership and responsibility upon completion; and

WHEREAS, on September 19, 2017, the Mayor signed an Agreement of Understanding with ARDOT obligating the City to manage the improvements of Highway 112 from Poplar Street to Drake Street; and

WHEREAS, since the agreement, the City has engaged a consultant engineer for the design of the project, all rights of way and easements have been acquired, and all franchise utilities have relocated their facilities for the road widening project.

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 awards Bid 26-43 and authorizes a contract with Crossland Heavy Contractors, Inc. in the amount of $14,923,032.90 for the construction of the Highway 112 widening project, and further approves a project contingency in the amount of $125,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget amendment, a copy of which is attached to this Resolution, establishing a new project fund and recognizing grant revenue in the amount of $13,893,904.00.

City of Fayetteville Staff Review Form

2026-2492

Item ID

8/18/2026

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

Paul Libertini	7/28/2026	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

A Resolution to award Bid #26-43 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of $14,923,032.90 for the construction of the Hwy 112 (Poplar St. to Drake St.) widening project, approve a project contingency of $125,000, recognize grant revenue, and approve a budget amendment establishing a new fund to account for the proceeds of the grant.

Budget Impact:

Account Number	Fund
2236.621.9601-5809.00 / 4601.860.7227-5809.00 4702.860.7236-5809.00 / 5400.860.5600-5808.00	Hwy 112 Widening Grant / Bond Program Grant Matching Street Projects 2022 Bonds / Water & Sewer
Project Number	**Project Title**
32602.2601.1000 46020.7236.3800 11011.2019.7236	Hwy 112 Widening Grant (Poplar St to Drake St) Streets Bond Projects-Hwy 112 (Poplar St to Drake St) W&S Relocations Bond Projects

Budgeted Item?	Yes	Total Amended Budget	$	1,587,080.00
		Expenses (Actual+Encum)	$	782,079.69
		Available Budget	$	**805,000.31**
Does item have a direct cost?	Yes	Item Cost	$	15,048,033.00
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	14,243,034.00
		Remaining Budget	$	**1.31**

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # 27-17

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Amendment/Adjustment (Agenda)

4 Errors

Budget Year	Division /Org2	BA Number
2026	ENGINEERING (621)	
	Requestor: Paul Libertini	

BUDGET AMENDMENT/ADJUSTMENT DESCRIPTION:

A Resolution to award Bid #26-43 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of $14,923,032.90 for the construction of the Hwy 112 (Poplar St. to Drake St.) widening project, approve a project contingency of $125,000, recognize grant revenue, and approve a budget amendment establishing a new fund to account for the proceeds of the grant.

COUNCIL DATE: 8/18/2026

ITEM ID#: **2026-2492**

Holly Black
7/28/2026 3:06 PM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

CHKD/POSTED: /

RESOLUTION/ORDINANCE

v.2026714

TOTAL	13,893,904	13,893,904				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
2236.621.9601-4309.00	-	11,115,123	32602	2601.1000	RE	**Federal Grants - Capital
2236.621.9601-4302.00	-	2,778,781	32602	2601.1000	RE	**State Grants - Capital
2236.621.9601-5809.00	13,893,904	-	32602	2601.1000	EX	**Improvements - Street
4802.860.7236-5911.99	100,000	-	46020	7236.3800	EX	**Contingency - Capital Project
4802.860.7999-5899.00	(100,000)	-	46020	7999	EX	Unallocated - Budget
	-	-				
5400.860.5600-5808.00	224,130	-	11011	2019.7236	EX	Improvements - Water Line
5400.860.5600-5911.99	25,000	-	11011	2019.7236	EX	Contingency - Capital Project
5400.720.5700-5815.00	(149,130)	-	02017	1	EX	Improvements - Sewer
5400.720.5600-5808.00	(13,478)	-	11011	1	EX	Improvements - Water Line
5400.720.5700-5911.99	(86,464)	-	11011	2102	EX	Contingency - Capital Project
5400.720.5600-5314.00	(58)	-	11011	2102	EX	Professional Services
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: Highway 112 Widening: Poplar St. to Drake St.

Bid No.: 26-43, Construction

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2026 by and between The City of Fayetteville, Arkansas (which may hereinafter be called City) and Crossland Heavy Contractors, Inc. (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

Construction of approximately 5,650 linear feet of Highway 112 (Garland Avenue) from Poplar Street to Drake Street in Fayetteville, Arkansas with minor improvements to side streets. The construction will be comprised of notch and widened sections as well as reconstructed sections to provide for a 4-lane arterial roadway with a curbed median. Traffic signal modifications at Drake Street, and a roundabout at Cassatt Street will be constructed. Shared-use side paths, sidewalks, storm drainage, waterline relocations, and sewerline relocations will also be performed with the project.

Any use of a third-party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed.

Open burning is not allowed on City projects.

Blasting is not allowed on City projects.

Contractor shall obtain all permits required for the Work. Fees for City-issued permits shall be waived, but Contractor remains responsible for obtaining and paying for all non-City permits, licenses, approvals, inspections, and authorizations unless expressly stated otherwise in the Contract Documents.

The Contract includes work in City of Fayetteville Right-of-way, Permanent Grading Easements and in General Utility Easements.

Refer to Section 00400-Bid Form for quantities.

ARTICLE 2 - ENGINEER

2.01 A portion of the Contract Documents associated with this Agreement have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in those Contract Documents it has prepared in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

A. The Work shall be Substantially Completed within 545 calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and final completion and ready for final payment in accordance with the GENERAL CONDITIONS within 605 calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

A. The City of Fayetteville and Contractor recognize that time is of the essence of this Agreement and that the City will suffer financial loss (including, but not limited to, administrative costs, engineering costs, inspection costs, public inconvenience, disruption to City operations, and loss of use) if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Three Thousand Dollars ($3,000.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Two Thousand Dollars ($2,000.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the unit prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.

4.02 As provided in the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as

provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.

4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

1. There shall be no changes without prior written approval of the Engineer of Record and/or the City's designated Professional Engineer.
2. Minor variations may be authorized in the form of Field Order as provided in the General Conditions and do not require formal contract amendments.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 PROGRESS PAYMENTS, RETAINAGE:

A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and

b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

5.03 FINAL PAYMENT:

A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Contractor has carefully studied all:

(1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and

(2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.

F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents. Nothing in this article shall be

construed to waive Contractor's rights, if any, under the Contract Documents regarding differing or unforeseen site or subsurface conditions, concealed conditions, hazardous environmental conditions, or changes in the Work.

G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.
2. Exhibits to this Agreement (enumerated as follows):
   a. Notice to Proceed.
   b. Contractor's Bid.
   c. Documentation submitted by Contractor prior to Notice of Award.
3. Performance, Payment, and other Bonds.
4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: Hwy. 112 Widening Poplar St. to Drake St.
8. Addenda numbers 5 inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

B. ORDER OF PRECEDENCE:

In the event of a conflict, inconsistency, or ambiguity among the Contract Documents, the documents shall govern in the following order unless otherwise required by law: written amendments and change orders; this Agreement; Specifications; Drawings; Addenda; Supplementary Conditions; General Conditions; contractor's bid; and other exhibits.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

A. The City of Fayetteville and Contractor each binds itself and its successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 MUTUAL CONSTRUCTION:

A. The parties acknowledge and agree that this Agreement has been negotiated, reviewed, and mutually drafted by the parties, each of whom has had the opportunity to consult with legal counsel. Accordingly, no provision of this Agreement shall be construed against either party on the basis that such party drafted or proposed the provision.

8.05 SEVERABILITY:

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.06 DISPUTES:

A. This Agreement shall be governed by the laws of the State of Arkansas. Disputes shall be resolved in accordance with the provisions of Article 16 of the General Conditions. Venue for any legal action arising from this Agreement shall be in a court of competent jurisdiction in Washington County, Arkansas.

8.07 NO WAIVER:

A. Nothing in this Agreement or the Contract Documents shall be construed as a waiver of the City's sovereign immunity, defenses, limitations of liability, or protections available under Arkansas law.

8.08 FREEDOM OF INFORMATION ACT:

A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101, et seq. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor shall promptly provide the documents in Contractor's possession that are responsive to the request as prescribed in the Arkansas Freedom of Information Act. Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.09 LIENS:

A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' or materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County separate payment and performance bonds each in an amount equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment of labor or material on the bond. The contractor shall notify every subcontractor and materials supplier for this project of this paragraph and obtain written acknowledgement of such notice before that subcontractor or supplier begins work or provides materials.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor. Three counterparts each has been retained by The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor.

This Agreement will be effective on _____, 2026 which is the Effective Date of the Agreement.

CONTRACTOR: Crossland Heavy Contractors, Inc. CITY OF FAYETTEVILLE

By: Mark Sell By: Molly Rawn

(Type or legibly print)

(Signature) (Signature)

Title: Executive Chairman Title: Mayor

Contractor shall attach evidence of authority to sign.
If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Contractor's signature and execution of Agreement.
Further if Contractor is a corporation, corporate entity or LLC, Contractor shall also attach a copy of the Contractor's Articles of Incorporation and a copy form the Arkansas State Secretary of State to document that the corporation, corporate entity or LLC is in current "Good Standing" with the State of Arkansas and such entity is permitted to perform work in the State of Arkansas.

(SEAL) (SEAL)

Attest _____ Attest _____

CROSSLAND HEAVY CONTRACTORS, INC CORPORATE SEAL KANSAS 1993

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices
825 SE Avenue
Columbus, KS 66725

Address for giving notices
113 W. Mountain St.
Fayetteville, AR 72701

License No. 0067301126

Agent for Service of process

Mark Sell, Executive Chairman

(Type or legibly print)

Contractor shall attach evidence of authority of Agent for Service process to sign. If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Agent for Service process authority to sign.

(If Contractor is a corporation, corporate entity or LLC, attach evidence of authority to sign.)

END OF DOCUMENT 00500

CROSSLAND
HEAVY CONTRACTORS

501 S East Avenue | PO Box 350
Columbus, Kansas 66725
t 620.429.1410
f 620.429.2977

Corporate Resolution

BE IT RESOLVED: that at the monthly meeting of the Board of Directors of Crossland Heavy Contractors, Inc., held on the 30th day of January, 2026, the Board of Directors did, by unanimous decision, authorize Mark Sell, Chris Walters, Justin Lillie, Dan Thompson, Erick Lowe, Jason Lundry, Ron Edmond, Trace Drummond, Matt Rippe, or Ivan Crossland, Jr. to sign on behalf of said Corporation all documents and papers pertaining to the business of said Corporation.

All documents signed by Mark Sell, Chris Walters, Justin Lillie, Dan Thompson, Erick Lowe, Jason Lundry, Ron Edmond, Trace Drummond, Matt Rippe or Ivan Crossland, Jr. on behalf of Crossland Heavy Contractors, Inc. shall be legally binding on Crossland Heavy Contractors, Inc. and their successors and assigns.

Mark Sell, Executive Chairman of The Board

ATTEST: _____
Holly Rhodes, Secretary

CROSSLAND HEAVY CONTRACTORS, INC. CORPORATE SEAL KANSAS 1993

State of Kansas, County of Cherokee:

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mark Sell, Executive Chairman of The Board of Crossland Heavy Contractors, Inc. a corporation duly organized and existing in the State of Kansas, and he acknowledged the same on behalf of said Corporation.

In witness thereof I have set my hand and affixed my seal this 5th day of February, 2026.

Amy Harlos
Notary Public

My Commission Expires:
7/18/2027

Amy Harlos
Notary Public
State of Kansas
My Appt. Exp. 7/18/27

July 16, 2026

Mr. Paul Libertini, PE
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Bid #26-43, Construction – Highway 112 Widening - Recommendation of Award

Dear Mr. Libertini:

Bids were received Tuesday, July 14, 2026 for the Highway 112 Widening project. A total of four bids were received. The low bidder is Crossland Heavy Contractors, Inc. with a total bid of $14,923,032.90.

A copy of the certified bid tabulation showing the completed bids is included for your reference. The engineer's opinion of probable construction cost for the project, prior to receipt of bids, was $18,202,029.10.

We have reviewed the Bidders Qualifications Statement submitted by Crossland Heavy Contractors, Inc. and based upon the information provided, we believe them to be qualified to successfully complete this project. Therefore, we recommend that the City award this contract to Crossland Heavy Contractors, Inc. in the bid amount of $14,923,032.90.

The contract documents require the furnishing of 100 percent performance and payment bonds prior to authorization of the Notice to Proceed. Completion of the project is to be within 605 days from the date of the issuance of the Notice to Proceed.

If you have any questions, please do not hesitate to contact us.

Sincerely,
BURNS & McDONNELL

Jonathan Ely, PE
Project Manager

enclosures

cc: Mr. Trevel Young – City of Fayetteville Procurement Agent
Mr. Kenny Fitch – City of Fayetteville Senior Procurement Agent
Mr. William Pattengill, PE – Burns & McDonnell Resident Project Representative

Certified Bid Tabulation
Bid 26-43, Construction - Highway 112 Widening
Bid Opening Date: July 14, 2026

CONTRACT				ENGINEER'S OPCC		CROSSLAND HEAVY CONTRACTORS, INC.		APAC-CENTRAL, INC.		GRANT GARRETT EXCAVATING, INC.		FORSGREN, INC.	
ITEM NO.	ITEM DESCRIPTION	QTY.	PAY UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
	SCHEDULE A (BASE BID ITEMS)												
1.1	MOBILIZATION	1	LS	$ 626,062.50	$ 626,062.50	$ 300,000.00	$ 300,000.00	$ 750,000.00	$ 750,000.00	$ 469,071.13	$ 469,071.13	$ 820,000.00	$ 820,000.00
1.2	BONDS & INSURANCE	1	LS	$ 94,500.00	$ 94,500.00	$ 180,138.00	$ 180,138.00	$ 105,000.00	$ 105,000.00	$ 141,163.19	$ 141,163.19	$ 90,800.00	$ 90,800.00
1.3	TRENCH & EXCAVATION SAFETY	1	LS	$ 47,250.00	$ 47,250.00	$ 57,650.00	$ 57,650.00	$ 73,000.00	$ 73,000.00	$ 67,796.59	$ 67,796.59	$ 95,000.00	$ 95,000.00
SUBTOTAL CONSTRUCTION COST SCHEDULE A (BASE BID ITEMS)				**$**	**767,812.50**	**$**	**537,788.00**	**$**	**928,000.00**	**$**	**678,030.91**	**$**	**1,005,800.00**
	SCHEDULE B (ROADWAY AND DRAINAGE)												
2.1	ROADWAY CONSTRUCTION CONTROL	1	LS	$ 157,500.00	$ 157,500.00	$ 34,600.00	$ 34,600.00	$ 225,000.00	$ 225,000.00	$ 354,770.89	$ 354,770.89	$ 50,000.00	$ 50,000.00
2.2	CLEARING, GRUBBING, AND DEMOLITION	1	LS	$ 210,000.00	$ 210,000.00	$ 225,500.00	$ 225,500.00	$ 212,000.00	$ 212,000.00	$ 93,863.29	$ 93,863.29	$ 245,000.00	$ 245,000.00
2.3	UNCLASSIFIED EXCAVATION (PLAN QUANTITY)	26537	CY	$ 17.33	$ 459,886.21	$ 25.00	$ 663,425.00	$ 6.30	$ 167,183.10	$ 5.69	$ 150,995.53	$ 17.00	$ 451,129.00
2.4	SELECT EMBANKMENT (PLAN QUANTITY)	18823	CY	$ 23.10	$ 434,811.30	$ 32.50	$ 611,747.50	$ 13.85	$ 260,698.55	$ 12.59	$ 236,981.57	$ 19.70	$ 370,813.10
2.5	EMBANKMENT (PLAN QUANTITY)	16007	CY	$ 21.00	$ 336,147.00	$ 21.50	$ 344,150.50	$ 31.00	$ 496,217.00	$ 28.02	$ 448,516.14	$ 16.40	$ 262,514.80
2.6	UNDERCUT AND BACKFILL	6750	CY	$ 39.90	$ 269,325.00	$ 42.00	$ 283,500.00	$ 35.00	$ 236,250.00	$ 31.44	$ 212,220.00	$ 37.40	$ 252,450.00
2.7	ROCK EXCAVATION	150	CY	$ 173.25	$ 25,987.50	$ 280.00	$ 42,000.00	$ 420.00	$ 63,000.00	$ 420.52	$ 63,078.00	$ 210.00	$ 31,500.00
2.8	TRAIL UNDERCUT AND BACKFILL (SP #6)	1073	CY	$ 47.25	$ 50,699.25	$ 41.00	$ 43,993.00	$ 37.00	$ 39,701.00	$ 33.61	$ 36,063.53	$ 38.25	$ 41,042.25
2.9	SUBGRADE PREPARATION	40619	SY	$ 1.31	$ 53,210.89	$ 3.00	$ 121,857.00	$ 6.00	$ 243,714.00	$ 5.10	$ 207,156.90	$ 2.95	$ 119,826.05
2.10	4" TOPSOIL PLACEMENT (SOD + SEEDING AREAS)	37440	SY	$ 4.99	$ 186,825.60	$ 6.50	$ 243,360.00	$ 6.00	$ 224,640.00	$ 4.52	$ 169,228.80	$ 8.50	$ 318,240.00
2.11	18" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	483	LF	$ 199.50	$ 96,358.50	$ 105.00	$ 50,715.00	$ 123.00	$ 59,409.00	$ 115.54	$ 55,805.82	$ 131.00	$ 63,273.00
2.12	24" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	396	LF	$ 236.25	$ 93,555.00	$ 113.00	$ 44,748.00	$ 138.00	$ 54,648.00	$ 129.90	$ 51,440.40	$ 162.50	$ 64,350.00
2.13	30" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	124	LF	$ 267.75	$ 33,201.00	$ 163.00	$ 20,212.00	$ 174.00	$ 21,576.00	$ 163.27	$ 20,245.48	$ 205.00	$ 25,420.00
2.14	36" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	92	LF	$ 299.25	$ 27,531.00	$ 205.00	$ 18,860.00	$ 229.00	$ 21,068.00	$ 215.84	$ 19,857.28	$ 281.50	$ 25,898.00
2.15	23"X14" H.E. REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	47	LF	$ 252.00	$ 11,844.00	$ 132.00	$ 6,204.00	$ 196.00	$ 9,212.00	$ 184.31	$ 8,662.57	$ 181.00	$ 8,507.00
2.16	18" REINFORCED CONCRETE PIPE (CLASS III)	3275	LF	$ 173.25	$ 567,393.75	$ 57.00	$ 186,675.00	$ 102.00	$ 334,050.00	$ 96.00	$ 314,400.00	$ 82.00	$ 268,550.00
2.17	24" REINFORCED CONCRETE PIPE (CLASS III)	1780	LF	$ 210.00	$ 373,800.00	$ 80.00	$ 142,400.00	$ 125.00	$ 222,500.00	$ 117.29	$ 208,776.20	$ 96.50	$ 171,770.00
2.18	30" REINFORCED CONCRETE PIPE (CLASS III)	762	LF	$ 241.50	$ 184,023.00	$ 117.00	$ 89,154.00	$ 165.00	$ 125,730.00	$ 155.53	$ 118,513.86	$ 138.00	$ 105,156.00
2.19	36" REINFORCED CONCRETE PIPE (CLASS III)	940	LF	$ 273.00	$ 256,620.00	$ 195.00	$ 183,300.00	$ 228.00	$ 214,320.00	$ 214.70	$ 201,818.00	$ 180.00	$ 169,200.00
2.20	60"X38" H.E. REINFORCED CONCRETE PIPE (CLASS III)	13	LF	$ 399.00	$ 5,187.00	$ 332.00	$ 4,316.00	$ 413.00	$ 5,369.00	$ 389.12	$ 5,058.56	$ 382.50	$ 4,972.50
2.21	18" R.C. FLARED END SECTION	7	EA	$ 2,047.50	$ 14,332.50	$ 1,030.00	$ 7,210.00	$ 1,838.00	$ 12,866.00	$ 1,725.85	$ 12,080.95	$ 1,250.00	$ 8,750.00
2.22	24" R.C. FLARED END SECTION	4	EA	$ 2,467.50	$ 9,870.00	$ 1,160.00	$ 4,640.00	$ 1,987.00	$ 7,948.00	$ 1,866.82	$ 7,467.28	$ 1,350.00	$ 5,400.00
2.23	36" R.C. FLARED END SECTION	1	EA	$ 4,200.00	$ 4,200.00	$ 2,100.00	$ 2,100.00	$ 3,245.00	$ 3,245.00	$ 3,055.95	$ 3,055.95	$ 2,700.00	$ 2,700.00
2.24	60"X38" ELLIPTICAL R.C. FLARED END SECTION	1	EA	$ 5,250.00	$ 5,250.00	$ 7,030.00	$ 7,030.00	$ 8,217.00	$ 8,217.00	$ 7,772.82	$ 7,772.82	$ 7,200.00	$ 7,200.00
2.25	23"X14" ELLIPTICAL R.C. FLARED END SECTION	2	EA	$ 2,625.00	$ 5,250.00	$ 1,030.00	$ 2,060.00	$ 4,141.00	$ 8,282.00	$ 3,910.77	$ 7,821.54	$ 1,450.00	$ 2,900.00
2.26	4'X4' DROP INLETS (TYPE C)	15	EA	$ 7,140.00	$ 107,100.00	$ 5,650.00	$ 84,750.00	$ 8,217.00	$ 123,255.00	$ 7,741.92	$ 116,128.80	$ 7,550.00	$ 113,250.00
2.27	4'X5' DROP INLETS (TYPE C)	14	EA	$ 7,822.50	$ 109,515.00	$ 6,940.00	$ 97,160.00	$ 8,818.00	$ 123,452.00	$ 8,310.03	$ 116,340.42	$ 7,950.00	$ 111,300.00
2.28	4'X6' DROP INLETS (TYPE C)	5	EA	$ 8,636.25	$ 43,181.25	$ 7,800.00	$ 39,000.00	$ 8,735.00	$ 43,675.00	$ 9,174.47	$ 45,872.35	$ 8,600.00	$ 43,000.00
2.29	4'X7' DROP INLETS (TYPE C)	3	EA	$ 9,502.50	$ 28,507.50	$ 9,100.00	$ 27,300.00	$ 11,982.00	$ 35,946.00	$ 11,286.25	$ 33,858.75	$ 10,200.00	$ 30,600.00
2.30	4'X8' DROP INLETS (TYPE C)	3	EA	$ 11,392.50	$ 34,177.50	$ 15,400.00	$ 46,200.00	$ 13,315.00	$ 39,945.00	$ 12,546.73	$ 37,640.19	$ 11,300.00	$ 33,900.00
2.31	5'X5' DROP INLETS (TYPE C)	5	EA	$ 8,925.00	$ 44,625.00	$ 8,560.00	$ 42,800.00	$ 9,792.00	$ 48,960.00	$ 9,228.78	$ 46,143.90	$ 8,600.00	$ 43,000.00
2.32	5'X6' DROP INLETS (TYPE C)	1	EA	$ 9,870.00	$ 9,870.00	$ 8,855.00	$ 8,855.00	$ 10,845.00	$ 10,845.00	$ 10,223.03	$ 10,223.03	$ 10,000.00	$ 10,000.00
2.33	5'X8' DROP INLETS (TYPE C)	2	EA	$ 12,337.50	$ 24,675.00	$ 10,150.00	$ 20,300.00	$ 13,888.00	$ 27,776.00	$ 13,092.91	$ 26,185.82	$ 12,550.00	$ 25,100.00
2.34	8'X5' DROP INLETS (TYPE C)	2	EA	$ 12,337.50	$ 24,675.00	$ 10,800.00	$ 21,600.00	$ 14,446.00	$ 28,892.00	$ 13,613.30	$ 27,226.60	$ 12,550.00	$ 25,100.00
2.35	9'X8' DROP INLETS (TYPE C)	1	EA	$ 18,506.25	$ 18,506.25	$ 17,090.00	$ 17,090.00	$ 14,250.00	$ 14,250.00	$ 13,303.83	$ 13,303.83	$ 17,000.00	$ 17,000.00
2.36	4' DROP INLETS (TYPE MO)	2	EA	$ 8,221.50	$ 16,443.00	$ 5,654.00	$ 11,308.00	$ 7,715.00	$ 15,430.00	$ 7,265.51	$ 14,531.02	$ 7,200.00	$ 14,400.00
2.37	5' DROP INLETS (TYPE MO)	4	EA	$ 9,040.50	$ 36,162.00	$ 7,000.00	$ 28,000.00	$ 9,175.00	$ 36,700.00	$ 8,646.97	$ 34,587.88	$ 9,050.00	$ 36,200.00
2.38	6' DROP INLETS (TYPE MO)	5	EA	$ 9,817.50	$ 49,087.50	$ 9,600.00	$ 48,000.00	$ 12,500.00	$ 62,500.00	$ 11,742.29	$ 58,711.45	$ 12,200.00	$ 61,000.00
2.39	4'X4' JUNCTION BOXES (TYPE C)	7	EA	$ 7,192.50	$ 50,347.50	$ 5,735.00	$ 40,145.00	$ 8,000.00	$ 56,000.00	$ 7,529.34	$ 52,705.38	$ 7,550.00	$ 52,850.00
2.40	5'X4' JUNCTION BOXES (TYPE C)	1	EA	$ 8,610.00	$ 8,610.00	$ 6,200.00	$ 6,200.00	$ 9,000.00	$ 9,000.00	$ 8,423.25	$ 8,423.25	$ 7,950.00	$ 7,950.00
2.41	5' JUNCTION BOXES (TYPE MO)	3	EA	$ 7,612.50	$ 22,837.50	$ 7,020.00	$ 21,060.00	$ 9,250.00	$ 27,750.00	$ 8,677.97	$ 26,033.91	$ 9,050.00	$ 27,150.00
2.42	4'X4' GRATED INLETS (TYPE C)	1	EA	$ 7,875.00	$ 7,875.00	$ 7,700.00	$ 7,700.00	$ 10,750.00	$ 10,750.00	$ 10,110.08	$ 10,110.08	$ 7,750.00	$ 7,750.00
2.43	4' DROP INLET EXTENSION	41	EA	$ 2,992.50	$ 122,692.50	$ 1,235.00	$ 50,635.00	$ 1,575.00	$ 64,575.00	$ 1,455.47	$ 59,674.27	$ 1,850.00	$ 75,850.00
2.44	8' DROP INLET EXTENSION	6	EA	$ 4,620.00	$ 27,720.00	$ 2,570.00	$ 15,420.00	$ 3,110.00	$ 18,660.00	$ 2,910.94	$ 17,465.64	$ 2,750.00	$ 16,500.00
2.45	SIDEWALK UNDERDRAIN (SP #29)	2	EA	$ 1,995.00	$ 3,990.00	$ 1,225.00	$ 2,450.00	$ 6,100.00	$ 12,200.00	$ 5,672.11	$ 11,344.22	$ 1,350.00	$ 2,700.00
2.46	DRAINAGE STRUCTURE BACK OPENING (SP #29)	4	EA	$ 1,312.50	$ 5,250.00	$ 1,235.00	$ 4,940.00	$ 1,360.00	$ 5,440.00	$ 1,261.55	$ 5,046.20	$ 1,250.00	$ 5,000.00
2.47	CORE & GROUT EXISTING INLET (SP #37)	4	EA	$ 3,675.00	$ 14,700.00	$ 1,235.00	$ 4,940.00	$ 4,200.00	$ 16,800.00	$ 3,907.97	$ 15,631.88	$ 1,000.00	$ 4,000.00
2.48	REMOVE TOP AND CONVERT TO JUNCTION BOX (SP #37)	2	EA	$ 4,200.00	$ 8,400.00	$ 2,870.00	$ 5,740.00	$ 2,891.00	$ 5,782.00	$ 2,698.79	$ 5,397.58	$ 3,600.00	$ 7,200.00
2.49	REMOVE TOP AND RECONSTRUCT AT PROPOSED GRADE (SP #37)	1	EA	$ 4,200.00	$ 4,200.00	$ 2,980.00	$ 2,980.00	$ 3,275.00	$ 3,275.00	$ 3,045.87	$ 3,045.87	$ 3,600.00	$ 3,600.00
2.50	4'X3' PRECAST CONCRETE BOX CULVERT	766	LF	$ 682.50	$ 522,795.00	$ 435.00	$ 333,210.00	$ 537.00	$ 411,342.00	$ 487.35	$ 373,310.10	$ 449.00	$ 343,934.00
2.51	5'X3' PRECAST CONCRETE BOX CULVERT	224	LF	$ 787.50	$ 176,400.00	$ 620.00	$ 138,880.00	$ 769.00	$ 172,256.00	$ 698.09	$ 156,372.16	$ 641.00	$ 143,584.00
2.52	6'X3' PRECAST CONCRETE BOX CULVERT	5	LF	$ 1,050.00	$ 5,250.00	$ 823.00	$ 4,115.00	$ 1,710.00	$ 8,550.00	$ 1,544.04	$ 7,720.20	$ 1,100.00	$ 5,500.00
2.53	6'X3' WINGWALLS & APPURTENANCES	1	LS	$ 24,150.00	$ 24,150.00	$ 4,840.00	$ 4,840.00	$ 13,926.00	$ 13,926.00	$ 4,788.38	$ 4,788.38	$ 18,000.00	$ 18,000.00
2.54	RIP RAP	53	SY	$ 126.00	$ 6,678.00	$ 135.00	$ 7,155.00	$ 69.00	$ 3,657.00	$ 64.21	$ 3,403.13	$ 125.00	$ 6,625.00
2.55	FLOWABLE SELECT MATERIAL	70	CY	$ 399.00	$ 27,930.00	$ 197.00	$ 13,790.00	$ 265.00	$ 18,550.00	$ 251.01	$ 17,570.70	$ 231.00	$ 16,170.00
2.56	SELECT PIPE BACKFILL (CLASS 67)(IF AND WHERE DIRECTED) (SP #28)	500	CY	$ 115.50	$ 57,750.00	$ 78.00	$ 39,000.00	$ 111.00	$ 55,500.00	$ 104.88	$ 52,440.00	$ 62.00	$ 31,000.00
2.57	8" DEPTH AGGREGATE BASE COURSE	2756	SY	$ 36.75	$ 101,283.00	$ 19.00	$ 52,364.00	$ 17.00	$ 46,852.00	$ 22.23	$ 61,265.88	$ 66.25	$ 182,585.00
2.58	PRIME COAT	2149	SY	$ 16.28	$ 34,985.72	$ 7.00	$ 15,043.00	$ 5.75	$ 12,356.75	$ 6.96	$ 14,957.04	$ 3.85	$ 8,273.65
2.59	ASPHALT CONCRETE HOT MIX BINDER COURSE (ACHMBC)	7143	TON	$ 157.50	$ 1,125,022.50	$ 126.00	$ 900,018.00	$ 110.00	$ 785,730.00	$ 131.86	$ 941,875.98	$ 125.25	$ 894,660.75
2.6	ASPHALT CONCRETE HOT MIX SURFACE COURSE (ACHMSC)	7720	TON	$ 183.75	$ 1,418,550.00	$ 150.00	$ 1,158,000.00	$ 131.00	$ 1,011,320.00	$ 156.19	$ 1,205,786.80	$ 154.75	$ 1,194,670.00
2.61	ASPHALT CONCRETE HOT MIX BASE COURSE	8843	TON	$ 136.50	$ 1,207,069.50	$ 120.00	$ 1,061,160.00	$ 105.00	$ 928,515.00	$ 124.95	$ 1,104,932.85	$ 117.95	$ 1,043,031.85
2.62	PORTLAND CEMENT CONCRETE BASE (5" UNIFORM THICKNESS) (ARDOT 309)	2044	SY	$ 126.00	$ 257,544.00	$ 60.00	$ 122,640.00	$ 50.00	$ 102,200.00	$ 61.88	$ 126,482.72	$ 66.50	$ 135,926.00
2.63	PORTLAND CEMENT CONCRETE BASE (6" UNIFORM THICKNESS) (ARDOT 309)	856	SY	$ 136.50	$ 116,844.00	$ 69.00	$ 59,064.00	$ 59.00	$ 50,504.00	$ 71.79	$ 61,452.24	$ 76.50	$ 65,484.00
2.64	ASPHALT CONCRETE PATCHING FOR MAINTENANCE OF TRAFFIC	200	TON	$ 236.25	$ 47,250.00	$ 288.00	$ 57,600.00	$ 250.00	$ 50,000.00	$ 300.37	$ 60,074.00	$ 280.00	$ 56,000.00

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Certified Bid Tabulation
Bid 26-43, Construction - Highway 112 Widening
Bid Opening Date: July 14, 2026

CONTRACT				ENGINEER'S OPCC		CROSSLAND HEAVY CONTRACTORS, INC.		APAC-CENTRAL, INC.		GRANT GARRETT EXCAVATING, INC.		FORSGREN, INC.	
ITEM NO.	ITEM DESCRIPTION	QTY.	PAY UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
2.65	CONCRETE CURB AND GUTTER (TYPE A)	23058	LF	$ 29.40	$ 677,905.20	$ 23.00	$ 530,334.00	$ 22.75	$ 524,569.50	$ 26.13	$ 602,505.54	$ 30.50	$ 703,269.00
2.66	CONCRETE CURB AND GUTTER (TYPE E-1)	460	LF	$ 42.00	$ 19,320.00	$ 32.50	$ 14,950.00	$ 44.00	$ 20,240.00	$ 52.87	$ 24,320.20	$ 39.00	$ 17,940.00
2.67	CONCRETE CURB (TYPE E)	352	LF	$ 36.75	$ 12,936.00	$ 32.50	$ 11,440.00	$ 57.00	$ 20,064.00	$ 68.78	$ 24,210.56	$ 44.00	$ 15,488.00
2.68	4" THICK CONCRETE SIDEWALK	3920	SY	$ 105.00	$ 411,600.00	$ 71.50	$ 280,280.00	$ 52.00	$ 203,840.00	$ 75.39	$ 295,528.80	$ 61.50	$ 241,080.00
2.69	CONCRETE TRAIL W/FIBER (INCLUDING AGG. BASE) (SP #6)	7270	SY	$ 157.50	$ 1,145,025.00	$ 87.00	$ 632,490.00	$ 78.00	$ 567,060.00	$ 91.61	$ 666,004.70	$ 102.50	$ 745,175.00
2.70	CONCRETE DRIVEWAY APRONS	270	SY	$ 168.00	$ 45,360.00	$ 84.50	$ 22,815.00	$ 102.00	$ 27,540.00	$ 127.06	$ 34,306.20	$ 111.50	$ 30,105.00
2.71	CONCRETE DRIVEWAY	759	SY	$ 152.25	$ 115,557.75	$ 79.00	$ 59,961.00	$ 90.00	$ 68,310.00	$ 111.14	$ 84,355.26	$ 83.50	$ 63,376.50
2.72	AGGREGATE BASE COURSE DRIVEWAY	1030	SY	$ 26.25	$ 27,037.50	$ 26.00	$ 26,780.00	$ 22.00	$ 22,660.00	$ 27.03	$ 27,840.90	$ 10.00	$ 10,300.00
2.73	SEEDING AND MULCHING	4.54	ACRE	$ 2,730.00	$ 12,394.20	$ 7,725.00	$ 35,071.50	$ 7,000.00	$ 31,780.00	$ 2,891.48	$ 13,127.32	$ 1,930.00	$ 8,762.20
2.74	SOLID SOD	15470	SY	$ 6.30	$ 97,461.00	$ 4.75	$ 73,482.50	$ 4.25	$ 65,747.50	$ 4.39	$ 67,913.30	$ 4.40	$ 68,068.00
2.75	ADDITIONAL WATERING	387.6	MG	$ 84.00	$ 32,558.40	$ 9.00	$ 3,488.40	$ 5.50	$ 2,131.80	$ 6.61	$ 2,562.04	$ 5.50	$ 2,131.80
2.76	REMOVE AND REPLACE MAILBOXES	2	EA	$ 262.50	$ 525.00	$ 460.00	$ 920.00	$ 450.00	$ 900.00	$ 600.74	$ 1,201.48	$ 415.00	$ 830.00
2.77	4" PAVEMENT MARKING (THERMOPLASTIC)	2391	LF	$ 1.79	$ 4,279.89	$ 1.00	$ 2,391.00	$ 2.25	$ 5,379.75	$ 2.40	$ 5,738.40	$ 2.10	$ 5,021.10
2.78	6" PAVEMENT MARKING (THERMOPLASTIC)	9842	LF	$ 2.10	$ 20,668.20	$ 1.00	$ 9,842.00	$ 2.30	$ 22,636.60	$ 2.58	$ 25,392.36	$ 2.26	$ 22,242.92
2.79	10" PAVEMENT MARKING (THERMOPLASTIC)	747	LF	$ 6.30	$ 4,706.10	$ 3.50	$ 2,614.50	$ 4.27	$ 3,189.69	$ 4.81	$ 3,593.07	$ 4.20	$ 3,137.40
2.80	12" PAVEMENT MARKING (THERMOPLASTIC)	634	LF	$ 15.75	$ 9,985.50	$ 6.00	$ 3,804.00	$ 6.41	$ 4,063.94	$ 7.21	$ 4,571.14	$ 6.30	$ 3,994.20
2.81	24" PAVEMENT MARKING (THERMOPLASTIC)	817	LF	$ 21.00	$ 17,157.00	$ 12.00	$ 9,804.00	$ 12.81	$ 10,465.77	$ 14.42	$ 11,781.14	$ 12.60	$ 10,294.20
2.82	PAVEMENT SYMBOLS (THERMOPLASTIC)	76	EA	$ 525.00	$ 39,900.00	$ 260.00	$ 19,760.00	$ 550.00	$ 41,800.00	$ 600.74	$ 45,656.24	$ 525.00	$ 39,900.00
2.83	RAISED PAVEMENT MARKER (TYPE 2, RED/CLEAR) (SP #30)	144	EA	$ 5.78	$ 832.32	$ 23.50	$ 3,384.00	$ 7.50	$ 1,080.00	$ 8.41	$ 1,211.04	$ 7.35	$ 1,058.40
2.84	PAVEMENT MARKING REMOVAL	530	SF	$ 15.75	$ 8,347.50	$ 3.50	$ 1,855.00	$ 4.27	$ 2,263.10	$ 4.81	$ 2,549.30	$ 4.20	$ 2,226.00
2.85	D3-1 SIGN (SP #31)	21	EA	$ 472.50	$ 9,922.50	$ 375.00	$ 7,875.00	$ 350.00	$ 7,350.00	$ 390.48	$ 8,200.08	$ 350.00	$ 7,350.00
2.86	D1-1d SIGN (SP #31)	4	EA	$ 682.50	$ 2,730.00	$ 480.00	$ 1,920.00	$ 445.00	$ 1,780.00	$ 498.61	$ 1,994.44	$ 440.00	$ 1,760.00
2.87	REGULATORY SIGNS AND WARNING SIGNS (DESIGNATED BY R OR W) (SP #31)	683	SF	$ 42.00	$ 28,686.00	$ 23.00	$ 15,709.00	$ 21.36	$ 14,588.88	$ 24.03	$ 16,412.49	$ 21.00	$ 14,343.00
2.88	SIGN SUPPORTS (SP #31)	109	EA	$ 157.50	$ 17,167.50	$ 105.00	$ 11,445.00	$ 96.10	$ 10,474.90	$ 108.13	$ 11,786.17	$ 95.00	$ 10,355.00
2.89	EROSION CONTROL	1	LS	$ 21,000.00	$ 21,000.00	$ 68,525.00	$ 68,525.00	$ 102,000.00	$ 102,000.00	$ 126,600.65	$ 126,600.65	$ 125,000.00	$ 125,000.00
2.90	TRAFFIC CONTROL AND MAINTENANCE	1	LS	$ 262,500.00	$ 262,500.00	$ 65,760.00	$ 65,760.00	$ 430,000.00	$ 430,000.00	$ 219,924.35	$ 219,924.35	$ 350,000.00	$ 350,000.00
2.91	AGGREGATE BASE FOR ROADWAY MAINTENANCE	200	TON	$ 52.50	$ 10,500.00	$ 41.00	$ 8,200.00	$ 58.00	$ 11,600.00	$ 69.39	$ 13,878.00	$ 49.50	$ 9,900.00
2.92	PORTABLE CHANGEABLE MESSAGE SIGN	1000	DAY	$ 26.25	$ 26,250.00	$ 35.00	$ 35,000.00	$ 26.00	$ 26,000.00	$ 28.84	$ 28,840.00	$ 26.00	$ 26,000.00
2.93	CAST-IN-PLACE DETECTABLE WARNING PANEL	803	SF	$ 54.60	$ 43,843.80	$ 39.00	$ 31,317.00	$ 25.00	$ 20,075.00	$ 31.24	$ 25,085.72	$ 31.00	$ 24,893.00
2.94	HANDICAP ACCESS RAMP	377	SY	$ 94.50	$ 35,626.50	$ 88.00	$ 33,176.00	$ 104.00	$ 39,208.00	$ 174.21	$ 65,677.17	$ 99.00	$ 37,323.00
2.95	PROJECT SIGNS	2	EA	$ 1,575.00	$ 3,150.00	$ 1,100.00	$ 2,200.00	$ 1,014.41	$ 2,028.82	$ 1,141.40	$ 2,282.80	$ 1,000.00	$ 2,000.00
2.96	COLD MILLING PAVEMENT	9500	SY	$ 5.78	$ 54,910.00	$ 5.00	$ 47,500.00	$ 3.87	$ 36,765.00	$ 5.11	$ 48,545.00	$ 9.50	$ 90,250.00
2.97	TREE PROTECTION FENCING	2973	LF	$ 4.73	$ 14,062.29	$ 7.00	$ 20,811.00	$ 4.81	$ 14,300.13	$ 7.54	$ 22,416.42	$ 10.00	$ 29,730.00
2.98	TRAFFIC SIGNAL CONTROLLER (MODIFICATION) (SP #32)	1	EA	$ 3,441.38	$ 3,441.38	$ 7,545.00	$ 7,545.00	$ 10,677.92	$ 10,677.92	$ 1,802.22	$ 1,802.22	$ 10,500.00	$ 10,500.00
2.99	LED BLANK OUT SIGN (SP #19)	1	EA	$ 603.75	$ 603.75	$ 9,800.00	$ 9,800.00	$ 16,016.89	$ 16,016.89	$ 10,008.29	$ 10,008.29	$ 15,750.00	$ 15,750.00
2.100	TRAFFIC SIGNAL HEAD, LED, (3 SECTION, 1 WAY) (SP #21 & ARDOT 706)	1	EA	$ 2,152.50	$ 2,152.50	$ 1,150.00	$ 1,150.00	$ 2,135.58	$ 2,135.58	$ 1,934.38	$ 1,934.38	$ 2,100.00	$ 2,100.00
2.101	TRAFFIC SIGNAL HEAD, LED, (4 SECTION, 1 WAY) (SP #21 & ARDOT 706)	3	EA	$ 2,502.21	$ 7,506.63	$ 1,270.00	$ 3,810.00	$ 2,349.14	$ 7,047.42	$ 2,895.55	$ 8,686.65	$ 2,310.00	$ 6,930.00
2.102	RELOCATION OF TRAFFIC SIGNAL HEAD (SP #23)	5	EA	$ 603.75	$ 3,018.75	$ 635.00	$ 3,175.00	$ 1,281.35	$ 6,406.75	$ 270.33	$ 1,351.65	$ 1,260.00	$ 6,300.00
2.103	COUNTDOWN PEDESTRIAN SIGNAL HEAD, LED (SP #20 & ARDOT 707)	8	EA	$ 2,385.69	$ 19,085.52	$ 880.00	$ 7,040.00	$ 1,601.69	$ 12,813.52	$ 1,489.83	$ 11,918.64	$ 1,575.00	$ 12,600.00
2.104	AUDIBLE PEDESTRIAN WARNING SIGNALS (SP #36)	8	EA	$ 2,100.00	$ 16,800.00	$ 980.00	$ 7,840.00	$ 1,601.69	$ 12,813.52	$ 2,426.98	$ 19,415.84	$ 1,575.00	$ 12,600.00
2.105	TRAFFIC SIGNAL CABLE (5C/12 A.W.G.) (ARDOT 708)	1895	LF	$ 4.73	$ 8,963.35	$ 3.00	$ 5,685.00	$ 4.27	$ 8,091.65	$ 4.21	$ 7,977.95	$ 4.20	$ 7,959.00
2.106	TRAFFIC SIGNAL CABLE (5C/14 A.W.G.) (ARDOT 708)	2360	LF	$ 4.20	$ 9,912.00	$ 2.50	$ 5,900.00	$ 4.00	$ 9,440.00	$ 6.37	$ 15,033.20	$ 3.95	$ 9,322.00
2.107	TRAFFIC SIGNAL CABLE (7C/14 A.W.G.) (ARDOT 708)	450	LF	$ 7.35	$ 3,307.50	$ 3.50	$ 1,575.00	$ 4.81	$ 2,164.50	$ 8.41	$ 3,784.50	$ 4.75	$ 2,137.50
2.108	ELECTRICAL CONDUCTORS-IN-CONDUIT (1C/8 A.W.G., E.G.C.) (SP #18)	495	LF	$ 2.83	$ 1,400.85	$ 2.00	$ 990.00	$ 2.14	$ 1,059.30	$ 3.36	$ 1,663.20	$ 2.10	$ 1,039.50
2.109	NON-METALLIC CONDUIT (2") (ARDOT 710)	65	LF	$ 32.76	$ 2,129.40	$ 10.00	$ 650.00	$ 21.36	$ 1,388.40	$ 51.06	$ 3,318.90	$ 21.00	$ 1,365.00
2.110	NON-METALLIC CONDUIT (3") (ARDOT 710)	460	LF	$ 57.36	$ 26,385.60	$ 34.50	$ 15,870.00	$ 53.39	$ 24,559.40	$ 61.88	$ 28,464.80	$ 52.50	$ 24,150.00
2.111	CONCRETE PULL BOX (TYPE 2) (ARDOT 711)	2	EA	$ 1,985.82	$ 3,971.64	$ 1,210.00	$ 2,420.00	$ 2,135.59	$ 4,271.18	$ 2,378.93	$ 4,757.86	$ 2,100.00	$ 4,200.00
2.112	CONCRETE PULL BOX (TYPE 2 HD) (ARDOT 711)	4	EA	$ 2,274.87	$ 9,099.48	$ 1,730.00	$ 6,920.00	$ 2,669.48	$ 10,677.92	$ 2,426.98	$ 9,707.92	$ 2,625.00	$ 10,500.00
2.113	TRAFFIC SIGNAL PEDESTAL POLE WITH FOUNDATION (SS & ARDOT 715)	8	EA	$ 6,598.63	$ 52,789.04	$ 2,880.00	$ 23,040.00	$ 9,076.24	$ 72,609.92	$ 5,490.74	$ 43,925.92	$ 8,925.00	$ 71,400.00
2.114	REMOVAL OF TRAFFIC SIGNAL EQUIPMENT (SP #22)	1	LS	$ 9,471.53	$ 9,471.53	$ 1,730.00	$ 1,730.00	$ 16,016.89	$ 16,016.89	$ 3,388.16	$ 3,388.16	$ 17,500.00	$ 17,500.00
2.115	VIDEO DETECTOR RELOCATION (ARDOT 733)	4	EA	$ 603.75	$ 2,415.00	$ 635.00	$ 2,540.00	$ 1,601.69	$ 6,406.76	$ 1,081.33	$ 4,325.32	$ 1,575.00	$ 6,300.00
2.116	VIDEO DETECTOR ROTATION (SP #27)	2	EA	$ 301.88	$ 603.76	$ 635.00	$ 1,270.00	$ 533.90	$ 1,067.80	$ 1,081.33	$ 2,162.66	$ 525.00	$ 1,050.00
2.117	VIDEO CABLE (ARDOT 733)	850	LF	$ 7.85	$ 6,672.50	$ 3.00	$ 2,550.00	$ 4.54	$ 3,859.00	$ 4.81	$ 4,088.50	$ 4.50	$ 3,825.00
2.118	4" SCHEDULE 40 PVC CONDUIT WITH CAPS (FOR FUTURE) (SP #11)	1249	LF	$ 23.10	$ 28,851.90	$ 27.00	$ 33,723.00	$ 64.07	$ 80,023.43	$ 39.05	$ 48,773.45	$ 63.00	$ 78,687.00
~~2.119~~	~~CITY FIBER CONDUIT (OWNER SUPPLIED, CONTRACTOR INSTALLED) (SP #11)~~	~~6000~~	~~LF~~	BID ITEM REMOVED PER ADDENDUM 3									
~~2.120~~	~~FIBER HANDHOLE (INCL. COVER LABELED "FIBER OPTIC") (SP #11)~~	~~13~~	~~EA~~	BID ITEM REMOVED PER ADDENDUM 3									
2.121	SINGLE ROADWAY LUMINAIRE ASSEMBLY WITH FOUNDATION (TYPE S1 & TYPE S3) (SP #13)	28	EA	$ 15,487.50	$ 433,650.00	$ 15,065.00	$ 421,820.00	$ 19,201.05	$ 537,629.40	$ 23,861.29	$ 668,116.12	$ 19,000.00	$ 532,000.00
2.122	DOUBLE ROADWAY LUMINAIRE ASSEMBLY WITH FOUNDATION (TYPE S2) (SP #13)	37	EA	$ 17,587.50	$ 650,737.50	$ 18,180.00	$ 672,660.00	$ 19,745.62	$ 730,587.94	$ 28,607.11	$ 1,058,463.07	$ 19,500.00	$ 721,500.00
2.123	SHARED USE PATH LUMINAIRE ASSEMBLY (TYPE S4) (SP #13)	18	EA	$ 9,187.50	$ 165,375.00	$ 13,335.00	$ 240,030.00	$ 17,084.68	$ 307,524.24	$ 16,243.94	$ 292,390.92	$ 16,800.00	$ 302,400.00
2.124	DECORATIVE CONCRETE PAVING (8" UNIFORM THICKNESS) (SP #7)	1526	SY	$ 183.75	$ 280,402.50	$ 205.00	$ 312,830.00	$ 210.84	$ 321,741.84	$ 211.32	$ 322,474.32	$ 159.00	$ 242,634.00
2.125	TRANSIT STOP (HARDSCAPE ONLY, SHELTER BY OTHERS) (SP #15)	2	EA	$ 17,850.00	$ 35,700.00	$ 8,275.00	$ 16,550.00	$ 17,992.30	$ 35,984.60	$ 96.89	$ 193.78	$ 20,000.00	$ 40,000.00
2.126	RRFB (RECTANGULAR RAPID FLASHING BEACON), INSTALLED COMPLETE (SP #14)	8	EA	$ 19,162.50	$ 153,300.00	$ 14,995.00	$ 119,960.00	$ 17,084.68	$ 136,677.44	$ 22,227.29	$ 177,818.32	$ 16,800.00	$ 134,400.00
2.127	TEMPORARY FENCING (TYPE B) (SP #8)	2150	LF	$ 6.83	$ 14,684.50	$ 8.00	$ 17,200.00	$ 11.75	$ 25,262.50	$ 13.22	$ 28,423.00	$ 10.50	$ 22,575.00
2.128	RED COLORED CONCRETE (TR1 TRAIL DETAIL)(8" THICK) (SP #10)	534	SY	$ 183.75	$ 98,122.50	$ 165.00	$ 88,110.00	$ 177.29	$ 94,672.86	$ 168.60	$ 90,032.40	$ 151.00	$ 80,634.00
SUBTOTAL CONSTRUCTION COST SCHEDULE B (ROADWAY AND DRAINAGE)				**$**	**15,109,916.95**	**$**	**12,134,496.90**	**$**	**12,651,481.35**	**$**	**13,414,130.08**	**$**	**13,102,067.67**
SCHEDULE C (RIGHT OF WAY APPURTENANCES)													
3.1	BLACK WOVEN WIRE FENCE (SP #8)	2105	LF	$ 31.50	$ 66,307.50	$ 19.50	$ 41,047.50	$ 16.02	$ 33,722.10	$ 18.02	$ 37,932.10	$ 47.25	$ 99,461.25
3.2	BLACK 5-STRAND CABLE FENCE (SP #8)	2530	LF	$ 63.00	$ 159,390.00	$ 43.00	$ 108,790.00	$ 34.70	$ 87,791.00	$ 39.05	$ 98,796.50	$ 26.25	$ 66,412.50
3.3	RELOCATE ORNAMENTAL WROUGHT IRON FENCE (SP #8)	250	LF	$ 94.50	$ 23,625.00	$ 63.00	$ 15,750.00	$ 34.17	$ 8,542.50	$ 38.45	$ 9,612.50	$ 105.00	$ 26,250.00
3.4	RELOCATE GATE (SP #8)	2	EA	$ 1,050.00	$ 2,100.00	$ 1,780.00	$ 3,560.00	$ 266.95	$ 533.90	$ 300.37	$ 600.74	$ 2,625.00	$ 5,250.00
3.5	RELOCATE 5' TALL CHAINLINK FENCE (SP #8)	2797	LF	$ 23.66	$ 66,177.02	$ 44.00	$ 123,068.00	$ 32.03	$ 89,587.91	$ 36.04	$ 100,803.88	$ 42.00	$ 117,474.00

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Certified Bid Tabulation
Bid 26-43, Construction - Highway 112 Widening
Bid Opening Date: July 14, 2026

CONTRACT				ENGINEER'S OPCC		CROSSLAND HEAVY CONTRACTORS, INC.		APAC-CENTRAL, INC.		GRANT GARRETT EXCAVATING, INC.		FORSGREN, INC.	
ITEM NO.	ITEM DESCRIPTION	QTY.	PAY UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
3.6	TEMPORARY FENCING (TYPE B)(IF AND WHERE DIRECTED) (SP #8 & ARDOT 619)	500	LF	$ 10.50	$ 5,250.00	$ 8.00	$ 4,000.00	$ 11.75	$ 5,875.00	$ 13.22	$ 6,610.00	$ 15.75	$ 7,875.00
3.7	MONUMENT SIGN RELOCATION - THE VINEYARDS ON GARLAND (SP #12)	1	LS	$ 1,575.00	$ 1,575.00	$ 5,425.00	$ 5,425.00	$ 3,500.00	$ 3,500.00	$ 2,553.13	$ 2,553.13	$ 18,000.00	$ 18,000.00
3.8	RELOCATE "WATERSHED RESEARCH & EDUCATION CENTER" SIGN (SP #9)	1	LS	$ 840.00	$ 840.00	$ 3,030.00	$ 3,030.00	$ 3,500.00	$ 3,500.00	$ 2,553.13	$ 2,553.13	$ 18,000.00	$ 18,000.00
3.9	MONUMENT SIGN RELOCATION - DOROTHY E. KING EQUINE PAVILION (SP #12)	1	LS	$ 31,500.00	$ 31,500.00	$ 26,500.00	$ 26,500.00	$ 3,500.00	$ 3,500.00	$ 2,553.13	$ 2,553.13	$ 18,000.00	$ 18,000.00
3.10	RELOCATE "FOOD SCIENCE DEPARTMENT" SIGN (SP #9)	1	LS	$ 525.00	$ 525.00	$ 5,425.00	$ 5,425.00	$ 3,500.00	$ 3,500.00	$ 2,553.13	$ 2,553.13	$ 18,000.00	$ 18,000.00
3.11	RELOCATE " CROP, SOIL, AND ENVIRONMENTAL ALTHIEMER LAB" SIGN (SP #9)	1	LS	$ 525.00	$ 525.00	$ 5,425.00	$ 5,425.00	$ 3,500.00	$ 3,500.00	$ 2,553.13	$ 2,553.13	$ 18,000.00	$ 18,000.00
3.12	RELOCATE "POULTRY SCIENCE POULTRY HEALTH RESEARCH" SIGN (SP #9)	1	LS	$ 525.00	$ 525.00	$ 3,030.00	$ 3,030.00	$ 3,500.00	$ 3,500.00	$ 2,553.13	$ 2,553.13	$ 18,000.00	$ 18,000.00
SUBTOTAL CONSTRUCTION COST SCHEDULE C (RIGHT OF WAY APPURTENANCES)					**$ 358,339.52**		**$ 345,050.50**		**$ 247,052.41**		**$ 269,674.50**		**$ 430,722.75**
	SCHEDULE D (CITY OF FAYETTEVILLE SANITARY SEWER RELOCATIONS)												
4.1	CONSTRUCTION CONTROL AND LAYOUT	1	LS	$ 6,825.00	$ 6,825.00	$ 43,175.00	$ 43,175.00	$ 35,000.00	$ 35,000.00	$ 41,917.01	$ 41,917.01	$ 18,000.00	$ 18,000.00
4.2	4" SEWER SERVICE LATERAL PIPE (PVC)	26	LF	$ 52.50	$ 1,365.00	$ 112.00	$ 2,912.00	$ 55.93	$ 1,454.18	$ 52.41	$ 1,362.66	$ 84.00	$ 2,184.00
4.3	8" X 4" SEWER SERVICE WYE	2	EA	$ 525.00	$ 1,050.00	$ 200.00	$ 400.00	$ 723.10	$ 1,446.20	$ 678.12	$ 1,356.24	$ 525.00	$ 1,050.00
4.4	8" GRAVITY SEWER (PVC SDR-26)	1100	LF	$ 115.50	$ 127,050.00	$ 73.00	$ 80,300.00	$ 100.89	$ 110,979.00	$ 94.68	$ 104,148.00	$ 175.00	$ 192,500.00
4.5	8" DIA. - REMOVE CLAY PIPE, REPLACE WITH PVC (DETAIL S25)	3	EA	$ 2,835.00	$ 8,505.00	$ 1,010.00	$ 3,030.00	$ 2,935.84	$ 8,807.52	$ 2,752.93	$ 8,258.79	$ 15,750.00	$ 47,250.00
4.6	4' ID SANITARY SEWER MANHOLE , 0' - 6' DEPTH	6	EA	$ 7,875.00	$ 47,250.00	$ 8,985.00	$ 53,910.00	$ 9,298.86	$ 55,793.16	$ 8,709.12	$ 52,254.72	$ 8,400.00	$ 50,400.00
4.7	4' ID SANITARY SEWER MANHOLE, ADDITIONAL DEPTH OVER 6'	8	VF	$ 630.00	$ 5,040.00	$ 375.00	$ 3,000.00	$ 450.38	$ 3,603.04	$ 420.52	$ 3,364.16	$ 525.00	$ 4,200.00
4.8	CORE INTO EXISTING SS MANHOLE, RESHAPE INVERT	1	EA	$ 3,990.00	$ 3,990.00	$ 1,900.00	$ 1,900.00	$ 2,927.33	$ 2,927.33	$ 2,737.10	$ 2,737.10	$ 4,725.00	$ 4,725.00
4.9	PLUG, ABANDON AND FILL EXISTING GRAVITY SS	1133	LF	$ 20.48	$ 23,203.84	$ 16.50	$ 18,694.50	$ 28.60	$ 32,403.80	$ 26.77	$ 30,330.41	$ 18.90	$ 21,413.70
4.10	DISCONNECT AND SEAL EXISTING SS MANHOLE	5	EA	$ 1,281.00	$ 6,405.00	$ 860.00	$ 4,300.00	$ 2,034.29	$ 10,171.45	$ 1,902.27	$ 9,511.35	$ 2,625.00	$ 13,125.00
4.11	ABANDON EXISTING SS MANHOLE	3	EA	$ 1,449.00	$ 4,347.00	$ 1,260.00	$ 3,780.00	$ 2,539.65	$ 7,618.95	$ 2,393.01	$ 7,179.03	$ 4,200.00	$ 12,600.00
4.12	REMOVE AND DISPOSE EXISTING SS MANHOLE	2	EA	$ 2,021.25	$ 4,042.50	$ 1,680.00	$ 3,360.00	$ 7,068.31	$ 14,136.62	$ 6,600.79	$ 13,201.58	$ 4,200.00	$ 8,400.00
4.13	16" DIAMETER STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	15	LF	$ 241.31	$ 3,619.65	$ 1,960.00	$ 29,400.00	$ 639.54	$ 9,593.10	$ 602.82	$ 9,042.30	$ 525.00	$ 7,875.00
SUBTOTAL CONSTRUCTION COST SCHEDULE D (CITY OF FAYETTEVILLE SANITARY SEWER RELOCATIONS)					**$ 242,692.99**		**$ 248,161.50**		**$ 293,934.35**		**$ 284,663.35**		**$ 383,722.70**
	SCHEDULE E (CITY OF FAYETTEVILLE WATER RELOCATIONS)												
5.1	CONSTRUCTION CONTROL AND LAYOUT	1	LS	$ 15,750.00	$ 15,750.00	$ 1,000.00	$ 1,000.00	$ 45,000.00	$ 45,000.00	$ 38,274.82	$ 38,274.82	$ 32,550.00	$ 32,550.00
5.2	8" DIA. WATER LINE (AWWA C900 DR14)	1176	LF	$ 121.20	$ 142,531.20	$ 75.00	$ 88,200.00	$ 87.60	$ 103,017.60	$ 82.35	$ 96,843.60	$ 100.00	$ 117,600.00
5.3	12" DIA. WATER LINE (AWWA C900 DR14)	4534	LF	$ 128.14	$ 580,986.76	$ 105.00	$ 476,070.00	$ 115.14	$ 522,044.76	$ 108.54	$ 492,120.36	$ 145.00	$ 657,430.00
5.4	16" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	268	LF	$ 241.31	$ 64,671.08	$ 410.00	$ 109,880.00	$ 426.51	$ 114,304.68	$ 402.77	$ 107,942.36	$ 290.00	$ 77,720.00
5.5	24" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	112	LF	$ 305.92	$ 34,263.04	$ 520.00	$ 58,240.00	$ 606.75	$ 67,956.00	$ 573.37	$ 64,217.44	$ 450.00	$ 50,400.00
5.6	DUCTILE IRON FITTINGS FOR WATER LINE	7956	LB	$ 21.20	$ 168,667.20	$ 13.50	$ 107,406.00	$ 17.47	$ 138,991.32	$ 16.54	$ 131,592.24	$ 18.90	$ 150,368.40
5.7	TAPPING SLEEVE AND VALVE (8"X8")	9	EA	$ 8,450.84	$ 76,057.56	$ 8,230.00	$ 74,070.00	$ 11,498.29	$ 103,484.61	$ 10,846.12	$ 97,615.08	$ 9,975.00	$ 89,775.00
5.8	8" GATE VALVE	9	EA	$ 2,952.63	$ 26,573.67	$ 3,020.00	$ 27,180.00	$ 3,816.19	$ 34,345.71	$ 3,615.21	$ 32,536.89	$ 4,725.00	$ 42,525.00
5.9	12" BUTTERFLY VALVE	13	EA	$ 5,640.99	$ 73,332.87	$ 8,850.00	$ 115,050.00	$ 10,648.03	$ 138,424.39	$ 10,092.12	$ 131,197.56	$ 8,925.00	$ 116,025.00
5.10	CUT, CAP AND ABANDON EXISTING WATER LINE (8")	9	EA	$ 2,895.64	$ 26,060.76	$ 1,250.00	$ 11,250.00	$ 6,494.07	$ 58,446.63	$ 6,095.34	$ 54,858.06	$ 4,725.00	$ 42,525.00
5.11	FLOWABLE FILL ABANDON 8" WATER LINE UNDER ROADWAY	2450	LF	$ 21.50	$ 52,675.00	$ 16.50	$ 40,425.00	$ 13.90	$ 34,055.00	$ 13.03	$ 31,923.50	$ 18.90	$ 46,305.00
5.12	FIRE HYDRANT ASSEMBLY INSTALLED COMPLETE (INCLUDING TEE & VALVE)	15	EA	$ 8,287.73	$ 124,315.95	$ 10,020.00	$ 150,300.00	$ 9,947.55	$ 149,213.25	$ 9,425.42	$ 141,381.30	$ 10,815.00	$ 162,225.00
5.13	FIRE HYDRANT ASSEMBLY REMOVAL	5	EA	$ 1,484.03	$ 7,420.15	$ 735.00	$ 3,675.00	$ 1,403.16	$ 7,015.80	$ 1,320.00	$ 6,600.00	$ 1,575.00	$ 7,875.00
5.14	CONCRETE ANCHOR COLLAR	2	EA	$ 4,192.21	$ 8,384.42	$ 4,125.00	$ 8,250.00	$ 3,696.88	$ 7,393.76	$ 3,462.62	$ 6,925.24	$ 2,625.00	$ 5,250.00
5.15	5/8" WATER METER INSTALLED COMPLETE	1	EA	$ 1,914.84	$ 1,914.84	$ 6,900.00	$ 6,900.00	$ 4,829.08	$ 4,829.08	$ 4,566.01	$ 4,566.01	$ 3,150.00	$ 3,150.00
5.16	3/4" WATER METER INSTALLED COMPLETE	5	EA	$ 2,365.89	$ 11,829.45	$ 6,900.00	$ 34,500.00	$ 4,829.08	$ 24,145.40	$ 4,566.01	$ 22,830.05	$ 3,675.00	$ 18,375.00
5.17	1" WATER METER INSTALLED COMPLETE	2	EA	$ 3,402.00	$ 6,804.00	$ 8,420.00	$ 16,840.00	$ 4,710.49	$ 9,420.98	$ 4,438.55	$ 8,877.10	$ 3,990.00	$ 7,980.00
5.18	1-1/2" WATER METER INSTALLED COMPLETE	1	EA	$ 4,536.00	$ 4,536.00	$ 16,650.00	$ 16,650.00	$ 10,671.71	$ 10,671.71	$ 10,103.49	$ 10,103.49	$ 7,350.00	$ 7,350.00
5.19	2" WATER METER INSTALLED COMPLETE	2	EA	$ 8,828.00	$ 17,656.00	$ 16,650.00	$ 33,300.00	$ 10,942.21	$ 21,884.42	$ 10,356.10	$ 20,712.20	$ 11,025.00	$ 22,050.00
5.20	SDR9 POLYETHYLENE SLEEVE FOR WATER SERVICE LINE	580	LF	$ 23.39	$ 13,566.20	$ 5.50	$ 3,190.00	$ 32.15	$ 18,647.00	$ 30.19	$ 17,510.20	$ 48.00	$ 27,840.00
5.21	1" DIA. COATED COPPER SERVICE LINE	410	LF	$ 39.69	$ 16,272.90	$ 41.00	$ 16,810.00	$ 63.66	$ 26,100.60	$ 60.02	$ 24,608.20	$ 48.00	$ 19,680.00
5.22	2" DIA. COATED COPPER SERVICE LINE	675	LF	$ 56.70	$ 38,272.50	$ 100.00	$ 67,500.00	$ 119.40	$ 80,595.00	$ 112.83	$ 76,160.25	$ 82.00	$ 55,350.00
SUBTOTAL CONSTRUCTION COST SCHEDULE E (CITY OF FAYETTEVILLE WATER RELOCATIONS)					**$ 1,512,541.55**		**$ 1,466,686.00**		**$ 1,719,987.70**		**$ 1,619,395.95**		**$ 1,760,348.40**
	SCHEDULE F (UNIVERSITY OF ARKANSAS WATER RELOCATIONS)												
6.1	CONSTRUCTION CONTROL AND LAYOUT	1	LS	$ 7,875.00	$ 7,875.00	$ 1,000.00	$ 1,000.00	$ 35,948.77	$ 35,948.77	$ 32,418.05	$ 32,418.05	$ 5,775.00	$ 5,775.00
6.2	6" DIA. WATER LINE (AWWA C900 DR14)	770	LF	$ 115.76	$ 89,135.20	$ 58.00	$ 44,660.00	$ 61.56	$ 47,401.20	$ 57.85	$ 44,544.50	$ 90.00	$ 69,300.00
6.3	12" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	259	LF	$ 215.95	$ 55,931.05	$ 270.00	$ 69,930.00	$ 254.32	$ 65,868.88	$ 239.57	$ 62,048.63	$ 265.00	$ 68,635.00
6.4	DUCTILE IRON FITTINGS FOR WATER LINE	350	LB	$ 22.26	$ 7,791.00	$ 16.00	$ 5,600.00	$ 18.95	$ 6,632.50	$ 17.90	$ 6,265.00	$ 18.90	$ 6,615.00
6.5	TAPPING SLEEVE AND VALVE (6"X6")	2	EA	$ 6,904.93	$ 13,809.86	$ 6,880.00	$ 13,760.00	$ 9,719.51	$ 19,439.02	$ 9,160.87	$ 18,321.74	$ 10,500.00	$ 21,000.00
6.6	CUT, CAP AND ABANDON EXISTING WATER LINE (6")	2	EA	$ 2,895.64	$ 5,791.28	$ 1,050.00	$ 2,100.00	$ 13,614.90	$ 27,229.80	$ 12,775.43	$ 25,550.86	$ 3,675.00	$ 7,350.00
6.7	FLOWABLE FILL ABANDONED 8" WATER LINE UNDER ROADWAY	600	LF	$ 18.90	$ 11,340.00	$ 16.00	$ 9,600.00	$ 13.69	$ 8,214.00	$ 12.82	$ 7,692.00	$ 18.90	$ 11,340.00
6.8	1" WATER METER INSTALLED COMPLETE	2	EA	$ 3,572.10	$ 7,144.20	$ 4,200.00	$ 8,400.00	$ 8,098.24	$ 16,196.48	$ 7,667.21	$ 15,334.42	$ 3,990.00	$ 7,980.00
6.9	2" DIA. COATED COPPER SERVICE LINE	200	LF	$ 59.54	$ 11,908.00	$ 179.00	$ 35,800.00	$ 115.99	$ 23,198.00	$ 109.65	$ 21,930.00	$ 82.00	$ 16,400.00
SUBTOTAL CONSTRUCTION COST SCHEDULE F (UNIVERSITY OF ARKANSAS WATER RELOCATIONS)					**$ 210,725.59**		**$ 190,850.00**		**$ 250,128.65**		**$ 234,105.20**		**$ 214,395.00**
TOTAL BID (SUBTOTAL CONSTRUCTION COSTS OF SCHEDULE A + B + C + D + E + F)					**$ 18,202,029.10**		**$ 14,923,032.90**		**$ 16,090,584.46**		**$ 16,499,999.99**		**$ 16,897,056.52**

Certified Correct: _____

Date: 7/16/26

CITY OF FAYETTEVILLE ARKANSAS

BID TABULATION

Bid 26-43, Construction - Highway 112 Widening

Deadline: Tuesday, July 14, 2026 at 2:00 PM

Certification of Funds: $19,462,065 *($24,327,581 maximum allowed)*

				Crossland Heavy Contractors, Inc.		APAC-Central, Inc.		Grant Garrett Excavating Inc		Forsgren, Inc.	
		Total		$14,923,032.90		$16,090,584.46		$16,499,999.99		$16,897,056.52	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	**PACKAGE A - BASE BID ITEMS**			$537,788.00		$928,000.00		$678,030.91		$1,005,800.00	
1.1	MOBILIZATION	1	LS	$300,000.00	$300,000.00	$750,000.00	$750,000.00	$469,071.13	$469,071.13	$820,000.00	$820,000.00
1.2	BONDS & INSURANCE	1	LS	$180,138.00	$180,138.00	$105,000.00	$105,000.00	$141,163.19	$141,163.19	$90,800.00	$90,800.00
1.3	TRENCH & EXCAVATION SAFETY	1	LS	$57,650.00	$57,650.00	$73,000.00	$73,000.00	$67,796.59	$67,796.59	$95,000.00	$95,000.00
2	**PACKAGE B - ROADWAY AND DRAINAGE**			$12,134,496.90		$12,651,481.35		$13,414,130.08		$13,102,067.67	
2.1	ROADWAY CONSTRUCTION CONTROL	1	LS	$34,600.00	$34,600.00	$225,000.00	$225,000.00	$354,770.89	$354,770.89	$50,000.00	$50,000.00
2.2	CLEARING, GRUBBING, AND DEMOLITION	1	LS	$225,500.00	$225,500.00	$212,000.00	$212,000.00	$93,863.29	$93,863.29	$245,000.00	$245,000.00
2.3	UNCLASSIFIED EXCAVATION (PLAN QUANTITY)	26537	CY	$25.00	$663,425.00	$6.30	$167,183.10	$5.69	$150,995.53	$17.00	$451,129.00
2.4	SELECT EMBANKMENT (PLAN QUANTITY)	18823	CY	$32.50	$611,747.50	$13.85	$260,698.55	$12.59	$236,981.57	$19.70	$370,813.10
2.5	EMBANKMENT (PLAN QUANTITY)	16007	CY	$21.50	$344,150.50	$31.00	$496,217.00	$28.02	$448,516.14	$16.40	$262,514.80
2.6	UNDERCUT AND BACKFILL	6750	CY	$42.00	$283,500.00	$35.00	$236,250.00	$31.44	$212,220.00	$37.40	$252,450.00
2.7	ROCK EXCAVATION	150	CY	$280.00	$42,000.00	$420.00	$63,000.00	$420.52	$63,078.00	$210.00	$31,500.00
2.8	TRAIL UNDERCUT AND BACKFILL (SP #6)	1073	CY	$41.00	$43,993.00	$37.00	$39,701.00	$33.61	$36,063.53	$38.25	$41,042.25
2.9	SUBGRADE PREPARATION	40619	SY	$3.00	$121,857.00	$6.00	$243,714.00	$5.10	$207,156.90	$2.95	$119,826.05
2.10	4" TOPSOIL PLACEMENT (SOD + SEEDING AREAS)	37440	SY	$6.50	$243,360.00	$6.00	$224,640.00	$4.52	$169,228.80	$8.50	$318,240.00
2.11	18" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	483	LF	$105.00	$50,715.00	$123.00	$59,409.00	$115.54	$55,805.82	$131.00	$63,273.00
2.12	24" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	396	LF	$113.00	$44,748.00	$138.00	$54,648.00	$129.90	$51,440.40	$162.50	$64,350.00
2.13	30" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	124	LF	$163.00	$20,212.00	$174.00	$21,576.00	$163.27	$20,245.48	$205.00	$25,420.00
2.14	36" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	92	LF	$205.00	$18,860.00	$229.00	$21,068.00	$215.84	$19,857.28	$281.50	$25,898.00
2.15	23"X14" H.E. REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT	47	LF	$132.00	$6,204.00	$196.00	$9,212.00	$184.31	$8,662.57	$181.00	$8,507.00
2.16	18" REINFORCED CONCRETE PIPE (CLASS III)	3275	LF	$57.00	$186,675.00	$102.00	$334,050.00	$96.00	$314,400.00	$82.00	$268,550.00
2.17	24" REINFORCED CONCRETE PIPE (CLASS III)	1780	LF	$80.00	$142,400.00	$125.00	$222,500.00	$117.29	$208,776.20	$96.50	$171,770.00
2.18	30" REINFORCED CONCRETE PIPE (CLASS III)	762	LF	$117.00	$89,154.00	$165.00	$125,730.00	$155.53	$118,513.86	$138.00	$105,156.00
2.19	36" REINFORCED CONCRETE PIPE (CLASS III)	940	LF	$195.00	$183,300.00	$228.00	$214,320.00	$214.70	$201,818.00	$180.00	$169,200.00
2.20	60"X38" H.E. REINFORCED CONCRETE PIPE (CLASS III)	13	LF	$332.00	$4,316.00	$413.00	$5,369.00	$389.12	$5,058.56	$382.50	$4,972.50
2.21	18" R.C. FLARED END SECTION	7	EA	$1,030.00	$7,210.00	$1,838.00	$12,866.00	$1,725.85	$12,080.95	$1,250.00	$8,750.00
2.22	24" R.C. FLARED END SECTION	4	EA	$1,160.00	$4,640.00	$1,987.00	$7,948.00	$1,866.82	$7,467.28	$1,350.00	$5,400.00
2.23	36" R.C. FLARED END SECTION	1	EA	$2,100.00	$2,100.00	$3,245.00	$3,245.00	$3,055.95	$3,055.95	$2,700.00	$2,700.00
2.24	60"X38" ELLIPTICAL R.C. FLARED END SECTION	1	EA	$7,030.00	$7,030.00	$8,217.00	$8,217.00	$7,772.82	$7,772.82	$7,200.00	$7,200.00
2.25	23"X14" ELLIPTICAL R.C. FLARED END SECTION	2	EA	$1,030.00	$2,060.00	$4,141.00	$8,282.00	$3,910.77	$7,821.54	$1,450.00	$2,900.00
2.26	4'X4' DROP INLETS (TYPE C)	15	EA	$5,650.00	$84,750.00	$8,217.00	$123,255.00	$7,741.92	$116,128.80	$7,550.00	$113,250.00
2.27	4'X5' DROP INLETS (TYPE C)	14	EA	$6,940.00	$97,160.00	$8,818.00	$123,452.00	$8,310.03	$116,340.42	$7,950.00	$111,300.00
2.28	4'X6' DROP INLETS (TYPE C)	5	EA	$7,800.00	$39,000.00	$8,735.00	$43,675.00	$9,174.47	$45,872.35	$8,600.00	$43,000.00
2.29	4'X7' DROP INLETS (TYPE C)	3	EA	$9,100.00	$27,300.00	$11,982.00	$35,946.00	$11,286.25	$33,858.75	$10,200.00	$30,600.00
2.30	4'X8' DROP INLETS (TYPE C)	3	EA	$15,400.00	$46,200.00	$13,315.00	$39,945.00	$12,546.73	$37,640.19	$11,300.00	$33,900.00
2.31	5'X5' DROP INLETS (TYPE C)	5	EA	$8,560.00	$42,800.00	$9,792.00	$48,960.00	$9,228.78	$46,143.90	$8,600.00	$43,000.00
2.32	5'X6' DROP INLETS (TYPE C)	1	EA	$8,855.00	$8,855.00	$10,845.00	$10,845.00	$10,223.03	$10,223.03	$10,000.00	$10,000.00
2.33	5'X8' DROP INLETS (TYPE C)	2	EA	$10,150.00	$20,300.00	$13,888.00	$27,776.00	$13,092.91	$26,185.82	$12,550.00	$25,100.00
2.34	8'X5' DROP INLETS (TYPE C)	2	EA	$10,800.00	$21,600.00	$14,446.00	$28,892.00	$13,613.30	$27,226.60	$12,550.00	$25,100.00
2.35	9'X8' DROP INLETS (TYPE C)	1	EA	$17,090.00	$17,090.00	$14,250.00	$14,250.00	$13,303.83	$13,303.83	$17,000.00	$17,000.00
2.36	4' DROP INLETS (TYPE MO)	2	EA	$5,654.00	$11,308.00	$7,715.00	$15,430.00	$7,265.51	$14,531.02	$7,200.00	$14,400.00
2.37	5' DROP INLETS (TYPE MO)	4	EA	$7,000.00	$28,000.00	$9,175.00	$36,700.00	$8,646.97	$34,587.88	$9,050.00	$36,200.00
2.38	6' DROP INLETS (TYPE MO)	5	EA	$9,600.00	$48,000.00	$12,500.00	$62,500.00	$11,742.29	$58,711.45	$12,200.00	$61,000.00
2.39	4'X4' JUNCTION BOXES (TYPE C)	7	EA	$5,735.00	$40,145.00	$8,000.00	$56,000.00	$7,529.34	$52,705.38	$7,550.00	$52,850.00
2.40	5'X4' JUNCTION BOXES (TYPE C)	1	EA	$6,200.00	$6,200.00	$9,000.00	$9,000.00	$8,423.25	$8,423.25	$7,950.00	$7,950.00
2.41	5' JUNCTION BOXES (TYPE MO)	3	EA	$7,020.00	$21,060.00	$9,250.00	$27,750.00	$8,677.97	$26,033.91	$9,050.00	$27,150.00
2.42	4'X4' GRATED INLETS (TYPE C)	1	EA	$7,700.00	$7,700.00	$10,750.00	$10,750.00	$10,110.08	$10,110.08	$7,750.00	$7,750.00
2.43	4' DROP INLET EXTENSION	41	EA	$1,235.00	$50,635.00	$1,575.00	$64,575.00	$1,455.47	$59,674.27	$1,850.00	$75,850.00
2.44	8' DROP INLET EXTENSION	6	EA	$2,570.00	$15,420.00	$3,110.00	$18,660.00	$2,910.94	$17,465.64	$2,750.00	$16,500.00
2.45	SIDEWALK UNDERDRAIN (SP #29)	2	EA	$1,225.00	$2,450.00	$6,100.00	$12,200.00	$5,672.11	$11,344.22	$1,350.00	$2,700.00
2.46	DRAINAGE STRUCTURE BACK OPENING (SP #29)	4	EA	$1,235.00	$4,940.00	$1,360.00	$5,440.00	$1,261.55	$5,046.20	$1,250.00	$5,000.00
2.47	CORE & GROUT EXISTING INLET (SP #37)	4	EA	$1,235.00	$4,940.00	$4,200.00	$16,800.00	$3,907.97	$15,631.88	$1,000.00	$4,000.00
2.48	REMOVE TOP AND CONVERT TO JUNCTION BOX (SP #37)	2	EA	$2,870.00	$5,740.00	$2,891.00	$5,782.00	$2,698.79	$5,397.58	$3,600.00	$7,200.00
2.49	REMOVE TOP AND RECONSTRUCT AT PROPOSED GRADE (SP #37)	1	EA	$2,980.00	$2,980.00	$3,275.00	$3,275.00	$3,045.87	$3,045.87	$3,600.00	$3,600.00
2.50	4'X3' PRECAST CONCRETE BOX CULVERT	766	LF	$435.00	$333,210.00	$537.00	$411,342.00	$487.35	$373,310.10	$449.00	$343,934.00
2.51	5'X3' PRECAST CONCRETE BOX CULVERT	224	LF	$620.00	$138,880.00	$769.00	$172,256.00	$698.09	$156,372.16	$641.00	$143,584.00
2.52	6'X3' PRECAST CONCRETE BOX CULVERT	5	LF	$823.00	$4,115.00	$1,710.00	$8,550.00	$1,544.04	$7,720.20	$1,100.00	$5,500.00
2.53	6'X3' WINGWALLS & APPURTENANCES	1	LS	$4,840.00	$4,840.00	$13,926.00	$13,926.00	$4,788.38	$4,788.38	$18,000.00	$18,000.00
2.54	RIP RAP	53	SY	$135.00	$7,155.00	$69.00	$3,657.00	$64.21	$3,403.13	$125.00	$6,625.00

2.55	FLOWABLE SELECT MATERIAL	70	CY	$197.00	$13,790.00	$265.00	$18,550.00	$251.01	$17,570.70	$231.00	$16,170.00
2.56	SELECT PIPE BACKFILL (CLASS 67)(IF AND WHERE DIRECTED) (SP #28)	500	CY	$78.00	$39,000.00	$111.00	$55,500.00	$104.88	$52,440.00	$62.00	$31,000.00
2.57	8" DEPTH AGGREGATE BASE COURSE	2756	SY	$19.00	$52,364.00	$17.00	$46,852.00	$22.23	$61,265.88	$66.25	$182,585.00
2.58	PRIME COAT	2149	SY	$7.00	$15,043.00	$5.75	$12,356.75	$6.96	$14,957.04	$3.85	$8,273.65
2.59	ASPHALT CONCRETE HOT MIX BINDER COURSE (ACHMBC)	7143	TON	$126.00	$900,018.00	$110.00	$785,730.00	$131.86	$941,875.98	$125.25	$894,660.75
2.60	ASPHALT CONCRETE HOT MIX SURFACE COURSE (ACHMSC)	7720	TON	$150.00	$1,158,000.00	$131.00	$1,011,320.00	$156.19	$1,205,786.80	$154.75	$1,194,670.00
2.61	ASPHALT CONCRETE HOT MIX BASE COURSE	8843	TON	$120.00	$1,061,160.00	$105.00	$928,515.00	$124.95	$1,104,932.85	$117.95	$1,043,031.85
2.62	PORTLAND CEMENT CONCRETE BASE (5" UNIFORM THICKNESS) (ARDOT 309)	2044	SY	$60.00	$122,640.00	$50.00	$102,200.00	$61.88	$126,482.72	$66.50	$135,926.00
2.63	PORTLAND CEMENT CONCRETE BASE (6" UNIFORM THICKNESS) (ARDOT 309)	856	SY	$69.00	$59,064.00	$59.00	$50,504.00	$71.79	$61,452.24	$76.50	$65,484.00
2.64	ASPHALT CONCRETE PATCHING FOR MAINTENANCE OF TRAFFIC	200	TON	$288.00	$57,600.00	$250.00	$50,000.00	$300.37	$60,074.00	$280.00	$56,000.00
2.65	CONCRETE CURB AND GUTTER (TYPE A)	23058	LF	$23.00	$530,334.00	$22.75	$524,569.50	$26.13	$602,505.54	$30.50	$703,269.00
2.66	CONCRETE CURB AND GUTTER (TYPE E-1)	460	LF	$32.50	$14,950.00	$44.00	$20,240.00	$52.87	$24,320.20	$39.00	$17,940.00
2.67	CONCRETE CURB (TYPE E)	352	LF	$32.50	$11,440.00	$57.00	$20,064.00	$68.78	$24,210.56	$44.00	$15,488.00
2.68	4" THICK CONCRETE SIDEWALK	3920	SY	$71.50	$280,280.00	$52.00	$203,840.00	$75.39	$295,528.80	$61.50	$241,080.00
2.69	CONCRETE TRAIL W/FIBER (INCLUDING AGG. BASE) (SP #6)	7270	SY	$87.00	$632,490.00	$78.00	$567,060.00	$91.61	$666,004.70	$102.50	$745,175.00
2.70	CONCRETE DRIVEWAY APRONS	270	SY	$84.50	$22,815.00	$102.00	$27,540.00	$127.06	$34,306.20	$111.50	$30,105.00
2.71	CONCRETE DRIVEWAY	759	SY	$79.00	$59,961.00	$90.00	$68,310.00	$111.14	$84,355.26	$83.50	$63,376.50
2.72	AGGREGATE BASE COURSE DRIVEWAY	1030	SY	$26.00	$26,780.00	$22.00	$22,660.00	$27.03	$27,840.90	$10.00	$10,300.00
2.73	SEEDING AND MULCHING	4.54	ACRE	$7,725.00	$35,071.50	$7,000.00	$31,780.00	$2,891.48	$13,127.32	$1,930.00	$8,762.20
2.74	SOLID SOD	15470	SY	$4.75	$73,482.50	$4.25	$65,747.50	$4.39	$67,913.30	$4.40	$68,068.00
2.75	ADDITIONAL WATERING	387.6	MG	$9.00	$3,488.40	$5.50	$2,131.80	$6.61	$2,562.04	$5.50	$2,131.80
2.76	REMOVE AND REPLACE MAILBOXES	2	EA	$460.00	$920.00	$450.00	$900.00	$600.74	$1,201.48	$415.00	$830.00
2.77	4" PAVEMENT MARKING (THERMOPLASTIC)	2391	LF	$1.00	$2,391.00	$2.25	$5,379.75	$2.40	$5,738.40	$2.10	$5,021.10
2.78	6" PAVEMENT MARKING (THERMOPLASTIC)	9842	LF	$1.00	$9,842.00	$2.30	$22,636.60	$2.58	$25,392.36	$2.26	$22,242.92
2.79	10" PAVEMENT MARKING (THERMOPLASTIC)	747	LF	$3.50	$2,614.50	$4.27	$3,189.69	$4.81	$3,593.07	$4.20	$3,137.40
2.80	12" PAVEMENT MARKING (THERMOPLASTIC)	634	LF	$6.00	$3,804.00	$6.41	$4,063.94	$7.21	$4,571.14	$6.30	$3,994.20
2.81	24" PAVEMENT MARKING (THERMOPLASTIC)	817	LF	$12.00	$9,804.00	$12.81	$10,465.77	$14.42	$11,781.14	$12.60	$10,294.20
2.82	PAVEMENT SYMBOLS (THERMOPLASTIC)	76	EA	$260.00	$19,760.00	$550.00	$41,800.00	$600.74	$45,656.24	$525.00	$39,900.00
2.83	RAISED PAVEMENT MARKER (TYPE 2, RED/CLEAR) (SP #30)	144	EA	$23.50	$3,384.00	$7.50	$1,080.00	$8.41	$1,211.04	$7.35	$1,058.40
2.84	PAVEMENT MARKING REMOVAL	530	SF	$3.50	$1,855.00	$4.27	$2,263.10	$4.81	$2,549.30	$4.20	$2,226.00
2.85	D3-1 SIGN (SP #31)	21	EA	$375.00	$7,875.00	$350.00	$7,350.00	$390.48	$8,200.08	$350.00	$7,350.00
2.86	D1-1d SIGN (SP #31)	4	EA	$480.00	$1,920.00	$445.00	$1,780.00	$498.61	$1,994.44	$440.00	$1,760.00
2.87	REGULATORY SIGNS AND WARNING SIGNS (DESIGNATED BY R OR W) (SP #31)	683	SF	$23.00	$15,709.00	$21.36	$14,588.88	$24.03	$16,412.49	$21.00	$14,343.00
2.88	SIGN SUPPORTS (SP #31)	109	EA	$105.00	$11,445.00	$96.10	$10,474.90	$108.13	$11,786.17	$95.00	$10,355.00
2.89	EROSION CONTROL	1	LS	$68,525.00	$68,525.00	$102,000.00	$102,000.00	$126,600.65	$126,600.65	$125,000.00	$125,000.00
2.90	TRAFFIC CONTROL AND MAINTENANCE	1	LS	$65,760.00	$65,760.00	$430,000.00	$430,000.00	$219,924.35	$219,924.35	$350,000.00	$350,000.00
2.91	AGGREGATE BASE FOR ROADWAY MAINTENANCE	200	TON	$41.00	$8,200.00	$58.00	$11,600.00	$69.39	$13,878.00	$49.50	$9,900.00
2.92	PORTABLE CHANGEABLE MESSAGE SIGN	1000	DAY	$35.00	$35,000.00	$26.00	$26,000.00	$28.84	$28,840.00	$26.00	$26,000.00
2.93	CAST-IN-PLACE DETECTABLE WARNING PANEL	803	SF	$39.00	$31,317.00	$25.00	$20,075.00	$31.24	$25,085.72	$31.00	$24,893.00
2.94	HANDICAP ACCESS RAMP	377	SY	$88.00	$33,176.00	$104.00	$39,208.00	$174.21	$65,677.17	$99.00	$37,323.00
2.95	PROJECT SIGNS	2	EA	$1,100.00	$2,200.00	$1,014.41	$2,028.82	$1,141.40	$2,282.80	$1,000.00	$2,000.00
2.96	COLD MILLING PAVEMENT	9500	SY	$5.00	$47,500.00	$3.87	$36,765.00	$5.11	$48,545.00	$9.50	$90,250.00
2.97	TREE PROTECTION FENCING	2973	LF	$7.00	$20,811.00	$4.81	$14,300.13	$7.54	$22,416.42	$10.00	$29,730.00
2.98	TRAFFIC SIGNAL CONTROLLER (MODIFICATION) (SP #32)	1	EA	$7,545.00	$7,545.00	$10,677.92	$10,677.92	$1,802.22	$1,802.22	$10,500.00	$10,500.00
2.99	LED BLANK OUT SIGN (SP #19)	1	EA	$9,800.00	$9,800.00	$16,016.89	$16,016.89	$10,008.29	$10,008.29	$15,750.00	$15,750.00
2.100	TRAFFIC SIGNAL HEAD, LED, (3 SECTION, 1 WAY) (SP #21 & ARDOT 706)	1	EA	$1,150.00	$1,150.00	$2,135.58	$2,135.58	$1,934.38	$1,934.38	$2,100.00	$2,100.00
2.101	TRAFFIC SIGNAL HEAD, LED, (4 SECTION, 1 WAY) (SP #21 & ARDOT 706)	3	EA	$1,270.00	$3,810.00	$2,349.14	$7,047.42	$2,895.55	$8,686.65	$2,310.00	$6,930.00
2.102	RELOCATION OF TRAFFIC SIGNAL HEAD (SP #23)	5	EA	$635.00	$3,175.00	$1,281.35	$6,406.75	$270.33	$1,351.65	$1,260.00	$6,300.00
2.103	COUNTDOWN PEDESTRIAN SIGNAL HEAD, LED (SP #20 & ARDOT 707)	8	EA	$880.00	$7,040.00	$1,601.69	$12,813.52	$1,489.83	$11,918.64	$1,575.00	$12,600.00
2.104	AUDIBLE PEDESTRIAN WARNING SIGNALS (SP #36)	8	EA	$980.00	$7,840.00	$1,601.69	$12,813.52	$2,426.98	$19,415.84	$1,575.00	$12,600.00
2.105	TRAFFIC SIGNAL CABLE (5C/12 A.W.G.) (ARDOT 708)	1895	LF	$3.00	$5,685.00	$4.27	$8,091.65	$4.21	$7,977.95	$4.20	$7,959.00
2.106	TRAFFIC SIGNAL CABLE (5C/14 A.W.G.) (ARDOT 708)	2360	LF	$2.50	$5,900.00	$4.00	$9,440.00	$6.37	$15,033.20	$3.95	$9,322.00
2.107	TRAFFIC SIGNAL CABLE (7C/14 A.W.G.) (ARDOT 708)	450	LF	$3.50	$1,575.00	$4.81	$2,164.50	$8.41	$3,784.50	$4.75	$2,137.50
2.108	ELECTRICAL CONDUCTORS-IN-CONDUIT (1C/8 A.W.G., E.G.C.) (SP #18)	495	LF	$2.00	$990.00	$2.14	$1,059.30	$3.36	$1,663.20	$2.10	$1,039.50
2.109	NON-METALLIC CONDUIT (2") (ARDOT 710)	65	LF	$10.00	$650.00	$21.36	$1,388.40	$51.06	$3,318.90	$21.00	$1,365.00
2.110	NON-METALLIC CONDUIT (3") (ARDOT 710)	460	LF	$34.50	$15,870.00	$53.39	$24,559.40	$61.88	$28,464.80	$52.50	$24,150.00
2.111	CONCRETE PULL BOX (TYPE 2) (ARDOT 711)	2	EA	$1,210.00	$2,420.00	$2,135.59	$4,271.18	$2,378.93	$4,757.86	$2,100.00	$4,200.00
2.112	CONCRETE PULL BOX (TYPE 2 HD) (ARDOT 711)	4	EA	$1,730.00	$6,920.00	$2,669.48	$10,677.92	$2,426.98	$9,707.92	$2,625.00	$10,500.00
2.113	TRAFFIC SIGNAL PEDESTAL POLE WITH FOUNDATION (SS & ARDOT 715)	8	EA	$2,880.00	$23,040.00	$9,076.24	$72,609.92	$5,490.74	$43,925.92	$8,925.00	$71,400.00
2.114	REMOVAL OF TRAFFIC SIGNAL EQUIPMENT (SP #22)	1	LS	$1,730.00	$1,730.00	$16,016.89	$16,016.89	$3,388.16	$3,388.16	$17,500.00	$17,500.00
2.115	VIDEO DETECTOR RELOCATION (ARDOT 733)	4	EA	$635.00	$2,540.00	$1,601.69	$6,406.76	$1,081.33	$4,325.32	$1,575.00	$6,300.00
2.116	VIDEO DETECTOR ROTATION (SP #27)	2	EA	$635.00	$1,270.00	$533.90	$1,067.80	$1,081.33	$2,162.66	$525.00	$1,050.00
2.117	VIDEO CABLE (ARDOT 733)	850	LF	$3.00	$2,550.00	$4.54	$3,859.00	$4.81	$4,088.50	$4.50	$3,825.00
2.118	4" SCHEDULE 40 PVC CONDUIT WITH CAPS (FOR FUTURE) (SP #11)	1249	LF	$27.00	$33,723.00	$64.07	$80,023.43	$39.05	$48,773.45	$63.00	$78,687.00
2.121	SINGLE ROADWAY LUMINAIRE ASSEMBLY WITH FOUNDATION (TYPE S1 & TYPE S3) (SP #13)	28	EA	$15,065.00	$421,820.00	$19,201.05	$537,629.40	$23,861.29	$668,116.12	$19,000.00	$532,000.00
2.122	DOUBLE ROADWAY LUMINAIRE ASSEMBLY WITH FOUNDATION (TYPE S2) (SP #13)	37	EA	$18,180.00	$672,660.00	$19,745.62	$730,587.94	$28,607.11	$1,058,463.07	$19,500.00	$721,500.00
2.123	SHARED USE PATH LUMINAIRE ASSEMBLY (TYPE S4) (SP #13)	18	EA	$13,335.00	$240,030.00	$17,084.68	$307,524.24	$16,243.94	$292,390.92	$16,800.00	$302,400.00
2.124	DECORATIVE CONCRETE PAVING (8" UNIFORM THICKNESS) (SP #7)	1526	SY	$205.00	$312,830.00	$210.84	$321,741.84	$211.32	$322,474.32	$159.00	$242,634.00
2.125	TRANSIT STOP (HARDSCAPE ONLY, SHELTER BY OTHERS) (SP #15)	2	EA	$8,275.00	$16,550.00	$17,992.30	$35,984.60	$96.89	$193.78	$20,000.00	$40,000.00
2.126	RRFB (RECTANGULAR RAPID FLASHING BEACON), INSTALLED COMPLETE (SP #14)	8	EA	$14,995.00	$119,960.00	$17,084.68	$136,677.44	$22,227.29	$177,818.32	$16,800.00	$134,400.00
2.127	TEMPORARY FENCING (TYPE B) (SP #8)	2150	LF	$8.00	$17,200.00	$11.75	$25,262.50	$13.22	$28,423.00	$10.50	$22,575.00
2.128	RED COLORED CONCRETE (TR1 TRAIL DETAIL)(8" THICK) (SP #10)	534	SY	$165.00	$88,110.00	$177.29	$94,672.86	$168.60	$90,032.40	$151.00	$80,634.00

3	**PACKAGE C - RIGHT OF WAY APPURTENANCES**			**$345,050.50**		**$247,052.41**		**$269,674.50**		**$430,722.75**	
3.1	BLACK WOVEN WIRE FENCE (SP #8)	2105	LF	$19.50	$41,047.50	$16.02	$33,722.10	$18.02	$37,932.10	$47.25	$99,461.25
3.2	BLACK 5-STRAND CABLE FENCE (SP #8)	2530	LF	$43.00	$108,790.00	$34.70	$87,791.00	$39.05	$98,796.50	$26.25	$66,412.50
3.3	RELOCATE ORNAMENTAL WROUGHT IRON FENCE (SP #8)	250	LF	$63.00	$15,750.00	$34.17	$8,542.50	$38.45	$9,612.50	$105.00	$26,250.00
3.4	RELOCATE GATE (SP #8)	2	EA	$1,780.00	$3,560.00	$266.95	$533.90	$300.37	$600.74	$2,625.00	$5,250.00
3.5	RELOCATE 5' TALL CHAINLINK FENCE (SP #8)	2797	LF	$44.00	$123,068.00	$32.03	$89,587.91	$36.04	$100,803.88	$42.00	$117,474.00
3.6	TEMPORARY FENCING (TYPE B)(IF AND WHERE DIRECTED) (SP #8 & ARDOT 619)	500	LF	$8.00	$4,000.00	$11.75	$5,875.00	$13.22	$6,610.00	$15.75	$7,875.00
3.7	MONUMENT SIGN RELOCATION - THE VINEYARDS ON GARLAND (SP #12)	1	LS	$5,425.00	$5,425.00	$3,500.00	$3,500.00	$2,553.13	$2,553.13	$18,000.00	$18,000.00
3.8	RELOCATE "WATERSHED RESEARCH & EDUCATION CENTER" SIGN (SP #9)	1	LS	$3,030.00	$3,030.00	$3,500.00	$3,500.00	$2,553.13	$2,553.13	$18,000.00	$18,000.00
3.9	MONUMENT SIGN RELOCATION - DOROTHY E. KING EQUINE PAVILION (SP #12)	1	LS	$26,500.00	$26,500.00	$3,500.00	$3,500.00	$2,553.13	$2,553.13	$18,000.00	$18,000.00
3.10	RELOCATE "FOOD SCIENCE DEPARTMENT" SIGN (SP #9)	1	LS	$5,425.00	$5,425.00	$3,500.00	$3,500.00	$2,553.13	$2,553.13	$18,000.00	$18,000.00
3.11	RELOCATE " CROP, SOIL, AND ENVIRONMENTAL ALTHIEMER LAB" SIGN (SP #9)	1	LS	$5,425.00	$5,425.00	$3,500.00	$3,500.00	$2,553.13	$2,553.13	$18,000.00	$18,000.00
3.12	RELOCATE "POULTRY SCIENCE POULTRY HEALTH RESEARCH" SIGN (SP #9)	1	LS	$3,030.00	$3,030.00	$3,500.00	$3,500.00	$2,553.13	$2,553.13	$18,000.00	$18,000.00
4	**PACKAGE D - CITY OF FAYETTEVILLE SANITARY SEWER RELOCATIONS**			**$248,161.50**		**$293,934.35**		**$284,663.35**		**$383,722.70**	
4.1	CONSTRUCTION CONTROL AND LAYOUT	1	LS	$43,175.00	$43,175.00	$35,000.00	$35,000.00	$41,917.01	$41,917.01	$18,000.00	$18,000.00
4.2	4" SEWER SERVICE LATERAL PIPE (PVC)	26	LF	$112.00	$2,912.00	$55.93	$1,454.18	$52.41	$1,362.66	$84.00	$2,184.00
4.3	8" X 4" SEWER SERVICE WYE	2	EA	$200.00	$400.00	$723.10	$1,446.20	$678.12	$1,356.24	$525.00	$1,050.00
4.4	8" GRAVITY SEWER (PVC SDR-26)	1100	LF	$73.00	$80,300.00	$100.89	$110,979.00	$94.68	$104,148.00	$175.00	$192,500.00
4.5	8" DIA. - REMOVE CLAY PIPE, REPLACE WITH PVC (DETAIL S25)	3	EA	$1,010.00	$3,030.00	$2,935.84	$8,807.52	$2,752.93	$8,258.79	$15,750.00	$47,250.00
4.6	4' ID SANITARY SEWER MANHOLE, 0'-6' DEPTH	6	EA	$8,985.00	$53,910.00	$9,298.86	$55,793.16	$8,709.12	$52,254.72	$8,400.00	$50,400.00
4.7	4' ID SANITARY SEWER MANHOLE, ADDITIONAL DEPTH OVER 6'	8	VF	$375.00	$3,000.00	$450.38	$3,603.04	$420.52	$3,364.16	$525.00	$4,200.00
4.8	CORE INTO EXISTING SS MANHOLE, RESHAPE INVERT	1	EA	$1,900.00	$1,900.00	$2,927.33	$2,927.33	$2,737.10	$2,737.10	$4,725.00	$4,725.00
4.9	PLUG, ABANDON AND FILL EXISTING GRAVITY SS	1133	LF	$16.50	$18,694.50	$28.60	$32,403.80	$26.77	$30,330.41	$18.90	$21,413.70
4.10	DISCONNECT AND SEAL EXISTING SS MANHOLE	5	EA	$860.00	$4,300.00	$2,034.29	$10,171.45	$1,902.27	$9,511.35	$2,625.00	$13,125.00
4.11	ABANDON EXISTING SS MANHOLE	3	EA	$1,260.00	$3,780.00	$2,539.65	$7,618.95	$2,393.01	$7,179.03	$4,200.00	$12,600.00
4.12	REMOVE AND DISPOSE EXISTING SS MANHOLE	2	EA	$1,680.00	$3,360.00	$7,068.31	$14,136.62	$6,600.79	$13,201.58	$4,200.00	$8,400.00
4.13	16" DIAMETER STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	15	LF	$1,960.00	$29,400.00	$639.54	$9,593.10	$602.82	$9,042.30	$525.00	$7,875.00
5	**PACKAGE E - CITY OF FAYETTEVILLE WATER RELOCATIONS**			**$1,466,686.00**		**$1,719,987.70**		**$1,619,395.95**		**$1,760,348.40**	
5.1	CONSTRUCTION CONTROL AND LAYOUT	1	LS	$1,000.00	$1,000.00	$45,000.00	$45,000.00	$38,274.82	$38,274.82	$32,550.00	$32,550.00
5.2	8" DIA. WATER LINE (AWWA C900 DR14)	1176	LF	$75.00	$88,200.00	$87.60	$103,017.60	$82.35	$96,843.60	$100.00	$117,600.00
5.3	12" DIA. WATER LINE (AWWA C900 DR14)	4534	LF	$105.00	$476,070.00	$115.14	$522,044.76	$108.54	$492,120.36	$145.00	$657,430.00
5.4	16" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	268	LF	$410.00	$109,880.00	$426.51	$114,304.68	$402.77	$107,942.36	$290.00	$77,720.00
5.5	24" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	112	LF	$520.00	$58,240.00	$606.75	$67,956.00	$573.37	$64,217.44	$450.00	$50,400.00
5.6	DUCTILE IRON FITTINGS FOR WATER LINE	7956	LB	$13.50	$107,406.00	$17.47	$138,991.32	$16.54	$131,592.24	$18.90	$150,368.40
5.7	TAPPING SLEEVE AND VALVE (8"X8")	9	EA	$8,230.00	$74,070.00	$11,498.29	$103,484.61	$10,846.12	$97,615.08	$9,975.00	$89,775.00
5.8	8" GATE VALVE	9	EA	$3,020.00	$27,180.00	$3,816.19	$34,345.71	$3,615.21	$32,536.89	$4,725.00	$42,525.00
5.9	12" BUTTERFLY VALVE	13	EA	$8,850.00	$115,050.00	$10,648.03	$138,424.39	$10,092.12	$131,197.56	$8,925.00	$116,025.00
5.10	CUT, CAP AND ABANDON EXISTING WATER LINE (8")	9	EA	$1,250.00	$11,250.00	$6,494.07	$58,446.63	$6,095.34	$54,858.06	$4,725.00	$42,525.00
5.11	FLOWABLE FILL ABANDON 8" WATER LINE UNDER ROADWAY	2450	LF	$16.50	$40,425.00	$13.90	$34,055.00	$13.03	$31,923.50	$18.90	$46,305.00
5.12	FIRE HYDRANT ASSEMBLY INSTALLED COMPLETE (INCLUDING TEE & VALVE)	15	EA	$10,020.00	$150,300.00	$9,947.55	$149,213.25	$9,425.42	$141,381.30	$10,815.00	$162,225.00
5.13	FIRE HYDRANT ASSEMBLY REMOVAL	5	EA	$735.00	$3,675.00	$1,403.16	$7,015.80	$1,320.00	$6,600.00	$1,575.00	$7,875.00
5.14	CONCRETE ANCHOR COLLAR	2	EA	$4,125.00	$8,250.00	$3,696.88	$7,393.76	$3,462.62	$6,925.24	$2,625.00	$5,250.00
5.15	5/8" WATER METER INSTALLED COMPLETE	1	EA	$6,900.00	$6,900.00	$4,829.08	$4,829.08	$4,566.01	$4,566.01	$3,150.00	$3,150.00
5.16	3/4" WATER METER INSTALLED COMPLETE	5	EA	$6,900.00	$34,500.00	$4,829.08	$24,145.40	$4,566.01	$22,830.05	$3,675.00	$18,375.00
5.17	1" WATER METER INSTALLED COMPLETE	2	EA	$8,420.00	$16,840.00	$4,710.49	$9,420.98	$4,438.55	$8,877.10	$3,990.00	$7,980.00
5.18	1-1/2" WATER METER INSTALLED COMPLETE	1	EA	$16,650.00	$16,650.00	$10,671.71	$10,671.71	$10,103.49	$10,103.49	$7,350.00	$7,350.00
5.19	2" WATER METER INSTALLED COMPLETE	2	EA	$16,650.00	$33,300.00	$10,942.21	$21,884.42	$10,356.10	$20,712.20	$11,025.00	$22,050.00
5.20	SDR9 POLYETHYLENE SLEEVE FOR WATER SERVICE LINE	580	LF	$5.50	$3,190.00	$32.15	$18,647.00	$30.19	$17,510.20	$48.00	$27,840.00
5.21	1" DIA. COATED COPPER SERVICE LINE	410	LF	$41.00	$16,810.00	$63.66	$26,100.60	$60.02	$24,608.20	$48.00	$19,680.00
5.22	2" DIA. COATED COPPER SERVICE LINE	675	LF	$100.00	$67,500.00	$119.40	$80,595.00	$112.83	$76,160.25	$82.00	$55,350.00
6	**PACKAGE F - UNIVERSITY OF ARKANSAS WATER RELOCATIONS**			**$190,850.00**		**$250,128.65**		**$234,105.20**		**$214,395.00**	
6.1	CONSTRUCTION CONTROL AND LAYOUT	1	LS	$1,000.00	$1,000.00	$35,948.77	$35,948.77	$32,418.05	$32,418.05	$5,775.00	$5,775.00
6.2	6" DIA. WATER LINE (AWWA C900 DR14)	770	LF	$58.00	$44,660.00	$61.56	$47,401.20	$57.85	$44,544.50	$90.00	$69,300.00
6.3	12" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)	259	LF	$270.00	$69,930.00	$254.32	$65,868.88	$239.57	$62,048.63	$265.00	$68,635.00
6.4	DUCTILE IRON FITTINGS FOR WATER LINE	350	LB	$16.00	$5,600.00	$18.95	$6,632.50	$17.90	$6,265.00	$18.90	$6,615.00
6.5	TAPPING SLEEVE AND VALVE (6"X6")	2	EA	$6,880.00	$13,760.00	$9,719.51	$19,439.02	$9,160.87	$18,321.74	$10,500.00	$21,000.00
6.6	CUT, CAP AND ABANDON EXISTING WATER LINE (6")	2	EA	$1,050.00	$2,100.00	$13,614.90	$27,229.80	$12,775.43	$25,550.86	$3,675.00	$7,350.00
6.7	FLOWABLE FILL ABANDONED 8" WATER LINE UNDER ROADWAY	600	LF	$16.00	$9,600.00	$13.69	$8,214.00	$12.82	$7,692.00	$18.90	$11,340.00
6.8	1" WATER METER INSTALLED COMPLETE	2	EA	$4,200.00	$8,400.00	$8,098.24	$16,196.48	$7,667.21	$15,334.42	$3,990.00	$7,980.00
6.9	2" DIA. COATED COPPER SERVICE LINE	200	LF	$179.00	$35,800.00	$115.99	$23,198.00	$109.65	$21,930.00	$82.00	$16,400.00

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

Trevel Young, Procurement Agent

Kenny Fitch, Sr Procurement Agent

Bid 26-43 Addendum 5
Crossland Heavy Contractors, Inc.
Supplier Response

Event Information

Number: Bid 26-43 Addendum 5
Title: Construction - Highway 112 Widening
Type: Invitation to Bid
Issue Date: 6/14/2026
Deadline: 7/14/2026 02:00 PM (CT)
Notes: The City of Fayetteville is accepting sealed bids from contractors to improve approximately 5,650 linear feet of Hwy 112 (Garland Ave) from Poplar St to Drake St. Construction will consist of, but is not limited to, street widening, traffic signal modifications, utility relocations, storm drainage, sidewalk, a curbed median, and a roundabout. Questions regarding this bid should be addressed to Kenny Fitch, Sr. Procurement Agent at kfitch@fayetteville-ar.gov.

Contact Information

Contact: Kenny Fitch - Sr Procurement Agent
Address: Procurement
City Hall
Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Phone: (479) 575-8258
Email: kfitch@fayetteville-ar.gov

Crossland Heavy Contractors, Inc. Information

Contact: Amy Harlos
Address: 501 S. East Ave
Columbus, KS 66725
Phone: (620) 429-1410
Email: aharlos@heavycontractors.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Ron Edmond
Signature

redmond@heavycontractors.com
Email

Submitted at 7/14/2026 01:43:55 PM (CT)

Requested Attachments

Signature Forms for Bid 26-43

Signature Forms - HWY 112.pdf

Please attach your completed forms. These documents can be found in FILE #01 - PROJECT MANUAL in the Attachments tab. Please be sure to include ALL required information stated in the Project Manual.

Bid Bond for Bid 26-43

Bid Bond - HWY 112.pdf

Please attach a signed and completed copy of your bid bond. **The Bid Bond must be signed by both the bidder and the surety company to be considered valid. An invalid Bid Bond shall be grounds for bid rejection.** Bid bonds in the form of a cashier's check shall be delivered to City Hall, Procurement Division before bid deadline and have a copy of the cashier's check uploaded with submittal.

Response Attachments

Corporate Resolution 2026-2027.pdf

Corporate Resolution

CHC AR Contractor License 2026.pdf

AR License

COI.pdf

Certificate of Insurance

Bid Attributes

1	**Arkansas Secretary of State Filing Number:**
	100205582
2	**Arkansas Contractor License Number:**
	Contractor's License must have a classification relating to the scope of this project.
	0067301126
3	**System for Award Management (SAM.gov) Registration Number**
	XLWJNERE6ER3

4 **Check Yes or No:**

Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

☑ Yes, I agree

☐ No, I don't agree

5 **Check Yes or No:**

Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy,
Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any
public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel,
Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

☑ Yes, I agree

☐ No, I don't agree

6 **Addendum Acknowledgement:**

By selecting "I agree", you acknowledge that you have read and understand any addendums that have been issued for this bid.

☑ I agree

Bid Lines

1 **Package Header**

PACKAGE A - BASE BID ITEMS

Quantity: 1 UOM: EA Total: $537,788.00

Package Items

1.1 MOBILIZATION (SHALL NOT EXCEED 5% OF TOTAL BID PRICE, EXCLUDING BONDS & INSURANCE AND TRENCH & EXCAVATION SAFETY)

Quantity: 1 UOM: LS Price: $300,000.00 Total: $300,000.00

1.2 BONDS & INSURANCE

Quantity: 1 UOM: LS Price: $180,138.00 Total: $180,138.00

1.3 TRENCH & EXCAVATION SAFETY

Quantity: 1 UOM: LS Price: $57,650.00 Total: $57,650.00

2 **Package Header**

PACKAGE B - ROADWAY AND DRAINAGE

Quantity: 1 UOM: EA Total: $12,134,496.90

Package Items

2.1 ROADWAY CONSTRUCTION CONTROL

Quantity: 1 UOM: LS Price: $34,600.00 Total: $34,600.00

2.2 CLEARING, GRUBBING, AND DEMOLITION

Quantity: 1 UOM: LS Price: $225,500.00 Total: $225,500.00

2.3 UNCLASSIFIED EXCAVATION (PLAN QUANTITY)

Quantity: 26537 UOM: CY Price: $25.00 Total: $663,425.00

2.4 SELECT EMBANKMENT (PLAN QUANTITY)

Quantity: 18823 UOM: CY Price: $32.50 Total: $611,747.50

2.5 EMBANKMENT (PLAN QUANTITY)

Quantity: 16007 UOM: CY Price: $21.50 Total: $344,150.50

2.6 UNDERCUT AND BACKFILL

Quantity: 6750 UOM: CY Price: $42.00 Total: $283,500.00

2.7 ROCK EXCAVATION

Quantity: 150 UOM: CY Price: $280.00 Total: $42,000.00

2.8 TRAIL UNDERCUT AND BACKFILL (SP #6)

Quantity: 1073 UOM: CY Price: $41.00 Total: $43,993.00

2.9 SUBGRADE PREPARATION

Quantity: 40619 UOM: SY Price: $3.00 Total: $121,857.00

2.10 4" TOPSOIL PLACEMENT (SOD + SEEDING AREAS)

Quantity: 37440 UOM: SY Price: $6.50 Total: $243,360.00

2.11 18" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT

Quantity: 483 UOM: LF Price: $105.00 Total: $50,715.00

2.12 24" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT

Quantity: 396 UOM: LF Price: $113.00 Total: $44,748.00

2.13 30" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT

Quantity: 124 UOM: LF Price: $163.00 Total: $20,212.00

2.14 36" REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT

Quantity: 92 UOM: LF Price: $205.00 Total: $18,860.00

2.15 23"X14" H.E. REINFORCED CONCRETE PIPE (CLASS III) UNDER PAVEMENT

Quantity: 47 UOM: LF Price: $132.00 Total: $6,204.00

2.16 18" REINFORCED CONCRETE PIPE (CLASS III)

Quantity: 3275 UOM: LF Price: $57.00 Total: $186,675.00

2.17 24" REINFORCED CONCRETE PIPE (CLASS III)

Quantity: 1780 UOM: LF Price: $80.00 Total: $142,400.00

2.18 30" REINFORCED CONCRETE PIPE (CLASS III)

Quantity: 762 UOM: LF Price: $117.00 Total: $89,154.00

2.19 36" REINFORCED CONCRETE PIPE (CLASS III)

Quantity: 940 UOM: LF Price: $195.00 Total: $183,300.00

2.20 60"X38" H.E. REINFORCED CONCRETE PIPE (CLASS III)

Quantity: 13 UOM: LF Price: $332.00 Total: $4,316.00

2.21 18" R.C. FLARED END SECTION

Quantity: 7 UOM: EA Price: $1,030.00 Total: $7,210.00

2.22 24" R.C. FLARED END SECTION

Quantity: 4 UOM: EA Price: $1,160.00 Total: $4,640.00

2.23 36" R.C. FLARED END SECTION

Quantity: 1 UOM: EA Price: $2,100.00 Total: $2,100.00

2.24 60"X38" ELLIPTICAL R.C. FLARED END SECTION

Quantity: 1 UOM: EA Price: $7,030.00 Total: $7,030.00

2.25 23"X14" ELLIPTICAL R.C. FLARED END SECTION

Quantity: 2 UOM: EA Price: $1,030.00 Total: $2,060.00

2.26 4'X4' DROP INLETS (TYPE C)

Quantity: 15 UOM: EA Price: $5,650.00 Total: $84,750.00

2.27 4'X5' DROP INLETS (TYPE C)

Quantity: 14 UOM: EA Price: $6,940.00 Total: $97,160.00

2.28 4'X6' DROP INLETS (TYPE C)

Quantity: 5 UOM: EA Price: $7,800.00 Total: $39,000.00

2.29 4'X7' DROP INLETS (TYPE C)

Quantity: 3 UOM: EA Price: $9,100.00 Total: $27,300.00

2.30 4'X8' DROP INLETS (TYPE C)

Quantity: 3 UOM: EA Price: $15,400.00 Total: $46,200.00

2.31 5'X5' DROP INLETS (TYPE C)

Quantity: 5 UOM: EA Price: $8,560.00 Total: $42,800.00

2.32 5'X6' DROP INLETS (TYPE C)

Quantity: 1 UOM: EA Price: $8,855.00 Total: $8,855.00

2.33 5'X8' DROP INLETS (TYPE C)

Quantity: 2 UOM: EA Price: $10,150.00 Total: $20,300.00

2.34 8'X5' DROP INLETS (TYPE C)

Quantity: 2 UOM: EA Price: $10,800.00 Total: $21,600.00

2.35 9'X8' DROP INLETS (TYPE C)

Quantity: 1 UOM: EA Price: $17,090.00 Total: $17,090.00

2.36 4' DROP INLETS (TYPE MO)

Quantity: 2 UOM: EA Price: $5,654.00 Total: $11,308.00

2.37 5' DROP INLETS (TYPE MO)

Quantity: 4 UOM: EA Price: $7,000.00 Total: $28,000.00

2.38 6' DROP INLETS (TYPE MO)

Quantity: 5 UOM: EA Price: $9,600.00 Total: $48,000.00

2.39 4'X4' JUNCTION BOXES (TYPE C)

Quantity: 7 UOM: EA Price: $5,735.00 Total: $40,145.00

2.40 5'X4' JUNCTION BOXES (TYPE C)

Quantity: 1 UOM: EA Price: $6,200.00 Total: $6,200.00

2.41 5' JUNCTION BOXES (TYPE MO)

Quantity: 3 UOM: EA Price: $7,020.00 Total: $21,060.00

2.42 4'X4' GRATED INLETS (TYPE C)

Quantity: 1 UOM: EA Price: $7,700.00 Total: $7,700.00

2.43 4' DROP INLET EXTENSION

Quantity: 41 UOM: EA Price: $1,235.00 Total: $50,635.00

2.44 8' DROP INLET EXTENSION

Quantity: 6 UOM: EA Price: $2,570.00 Total: $15,420.00

2.45 SIDEWALK UNDERDRAIN (SP #29)

Quantity: 2 UOM: EA Price: $1,225.00 Total: $2,450.00

2.46 DRAINAGE STRUCTURE BACK OPENING (SP #29)

Quantity: 4 UOM: EA Price: $1,235.00 Total: $4,940.00

2.47 CORE & GROUT EXISTING INLET (SP #37)

Quantity: 4 UOM: EA Price: $1,235.00 Total: $4,940.00

2.48 REMOVE TOP AND CONVERT TO JUNCTION BOX (SP #37)

Quantity: 2 UOM: EA Price: $2,870.00 Total: $5,740.00

2.49 REMOVE TOP AND RECONSTRUCT AT PROPOSED GRADE (SP #37)

Quantity: 1 UOM: EA Price: $2,980.00 Total: $2,980.00

2.50 4'X3' PRECAST CONCRETE BOX CULVERT

Quantity: 766 UOM: LF Price: $435.00 Total: $333,210.00

2.51 5'X3' PRECAST CONCRETE BOX CULVERT

Quantity: 224 UOM: LF Price: $620.00 Total: $138,880.00

2.52 6'X3' PRECAST CONCRETE BOX CULVERT

Quantity: 5 UOM: LF Price: $823.00 Total: $4,115.00

2.53 6'X3' WINGWALLS & APPURTENANCES

Quantity: 1 UOM: LS Price: $4,840.00 Total: $4,840.00

2.54 RIP RAP

Quantity: 53 UOM: SY Price: $135.00 Total: $7,155.00

2.55 FLOWABLE SELECT MATERIAL

Quantity: 70 UOM: CY Price: $197.00 Total: $13,790.00

2.56 SELECT PIPE BACKFILL (CLASS 67)(IF AND WHERE DIRECTED) (SP #28)

Quantity: 500 UOM: CY Price: $78.00 Total: $39,000.00

2.57 8" DEPTH AGGREGATE BASE COURSE

Quantity: 2756 UOM: SY Price: $19.00 Total: $52,364.00

2.58 PRIME COAT

Quantity: 2149 UOM: SY Price: $7.00 Total: $15,043.00

2.59 ASPHALT CONCRETE HOT MIX BINDER COURSE (ACHMBC)

Quantity: 7143 UOM: TON Price: $126.00 Total: $900,018.00

2.60 ASPHALT CONCRETE HOT MIX SURFACE COURSE (ACHMSC)

Quantity: 7720 UOM: TON Price: $150.00 Total: $1,158,000.00

2.61 ASPHALT CONCRETE HOT MIX BASE COURSE

Quantity: 8843 UOM: TON Price: $120.00 Total: $1,061,160.00

2.62 PORTLAND CEMENT CONCRETE BASE (5" UNIFORM THICKNESS) (ARDOT 309)

Quantity: 2044 UOM: SY Price: $60.00 Total: $122,640.00

2.63 PORTLAND CEMENT CONCRETE BASE (6" UNIFORM THICKNESS) (ARDOT 309)

Quantity: 856 UOM: SY Price: $69.00 Total: $59,064.00

2.64 ASPHALT CONCRETE PATCHING FOR MAINTENANCE OF TRAFFIC

Quantity: 200 UOM: TON Price: $288.00 Total: $57,600.00

2.65 CONCRETE CURB AND GUTTER (TYPE A)

Quantity: 23058 UOM: LF Price: $23.00 Total: $530,334.00

2.66 CONCRETE CURB AND GUTTER (TYPE E-1)

Quantity: 460 UOM: LF Price: $32.50 Total: $14,950.00

2.67 CONCRETE CURB (TYPE E)

Quantity: 352 UOM: LF Price: $32.50 Total: $11,440.00

2.68 4" THICK CONCRETE SIDEWALK

Quantity: 3920 UOM: SY Price: $71.50 Total: $280,280.00

2.69 CONCRETE TRAIL W/FIBER (INCLUDING AGG. BASE) (SP #6)

Quantity: 7270 UOM: SY Price: $87.00 Total: $632,490.00

2.70 CONCRETE DRIVEWAY APRONS

Quantity: 270 UOM: SY Price: $84.50 Total: $22,815.00

2.71 CONCRETE DRIVEWAY

Quantity: 759 UOM: SY Price: $79.00 Total: $59,961.00

2.72 AGGREGATE BASE COURSE DRIVEWAY

Quantity: 1030 UOM: SY Price: $26.00 Total: $26,780.00

2.73 SEEDING AND MULCHING

Quantity: 4.54 UOM: ACRE Price: $7,725.00 Total: $35,071.50

2.74 SOLID SOD

Quantity: 15470 UOM: SY Price: $4.75 Total: $73,482.50

2.75 ADDITIONAL WATERING

Quantity: 387.6 UOM: MG Price: $9.00 Total: $3,488.40

2.76 REMOVE AND REPLACE MAILBOXES

Quantity: 2 UOM: EA Price: $460.00 Total: $920.00

2.77 4" PAVEMENT MARKING (THERMOPLASTIC)

Quantity: 2391 UOM: LF Price: $1.00 Total: $2,391.00

2.78 6" PAVEMENT MARKING (THERMOPLASTIC)

Quantity: 9842 UOM: LF Price: $1.00 Total: $9,842.00

2.79 10" PAVEMENT MARKING (THERMOPLASTIC)

Quantity: 747 UOM: LF Price: $3.50 Total: $2,614.50

2.80 12" PAVEMENT MARKING (THERMOPLASTIC)

Quantity: 634 UOM: LF Price: $6.00 Total: $3,804.00

2.81 24" PAVEMENT MARKING (THERMOPLASTIC)

Quantity: 817 UOM: LF Price: $12.00 Total: $9,804.00

2.82 PAVEMENT SYMBOLS (THERMOPLASTIC)

Quantity: 76 UOM: EA Price: $260.00 Total: $19,760.00

2.83 RAISED PAVEMENT MARKER (TYPE 2, RED/CLEAR) (SP #30)

Quantity: 144 UOM: EA Price: $23.50 Total: $3,384.00

2.84 PAVEMENT MARKING REMOVAL

Quantity: 530 UOM: SF Price: $3.50 Total: $1,855.00

2.85 D3-1 SIGN (SP #31)

Quantity: 21 UOM: EA Price: $375.00 Total: $7,875.00

2.86 D1-1d SIGN (SP #31)

Quantity: 4 UOM: EA Price: $480.00 Total: $1,920.00

2.87 REGULATORY SIGNS AND WARNING SIGNS (DESIGNATED BY R OR W) (SP #31)

Quantity: 683 UOM: SF Price: $23.00 Total: $15,709.00

2.88 SIGN SUPPORTS (SP #31)

Quantity: 109 UOM: EA Price: $105.00 Total: $11,445.00

2.89 EROSION CONTROL

Quantity: 1 UOM: LS Price: $68,525.00 Total: $68,525.00

2.90 TRAFFIC CONTROL AND MAINTENANCE

Quantity: 1 UOM: LS Price: $65,760.00 Total: $65,760.00

2.91 AGGREGATE BASE FOR ROADWAY MAINTENANCE

Quantity: 200 UOM: TON Price: $41.00 Total: $8,200.00

2.92 PORTABLE CHANGEABLE MESSAGE SIGN

Quantity: 1000 UOM: DAY Price: $35.00 Total: $35,000.00

2.93 CAST-IN-PLACE DETECTABLE WARNING PANEL

Quantity: 803 UOM: SF Price: $39.00 Total: $31,317.00

2.94 HANDICAP ACCESS RAMP

Quantity: 377 UOM: SY Price: $88.00 Total: $33,176.00

2.95 PROJECT SIGNS

Quantity: 2 UOM: EA Price: $1,100.00 Total: $2,200.00

2.96 COLD MILLING PAVEMENT

Quantity: 9500 UOM: SY Price: $5.00 Total: $47,500.00

2.97 TREE PROTECTION FENCING

Quantity: 2973 UOM: LF Price: $7.00 Total: $20,811.00

2.98 TRAFFIC SIGNAL CONTROLLER (MODIFICATION) (SP #32)

Quantity: 1 UOM: EA Price: $7,545.00 Total: $7,545.00

2.99 LED BLANK OUT SIGN (SP #19)

Quantity: 1 UOM: EA Price: $9,800.00 Total: $9,800.00

2.100 TRAFFIC SIGNAL HEAD, LED, (3 SECTION, 1 WAY) (SP #21 & ARDOT 706)

Quantity: 1 UOM: EA Price: $1,150.00 Total: $1,150.00

2.101 TRAFFIC SIGNAL HEAD, LED, (4 SECTION, 1 WAY) (SP #21 & ARDOT 706)

Quantity: 3 UOM: EA Price: $1,270.00 Total: $3,810.00

2.102 RELOCATION OF TRAFFIC SIGNAL HEAD (SP #23)

Quantity: 5 UOM: EA Price: $635.00 Total: $3,175.00

2.103 COUNTDOWN PEDESTRIAN SIGNAL HEAD, LED (SP #20 & ARDOT 707)

Quantity: 8 UOM: EA Price: $880.00 Total: $7,040.00

2.104 AUDIBLE PEDESTRIAN WARNING SIGNALS (SP #36)

Quantity: 8 UOM: EA Price: $980.00 Total: $7,840.00

2.105 TRAFFIC SIGNAL CABLE (5C/12 A.W.G.) (ARDOT 708)

Quantity: 1895 UOM: LF Price: $3.00 Total: $5,685.00

2.106 TRAFFIC SIGNAL CABLE (5C/14 A.W.G.) (ARDOT 708)

Quantity: 2360 UOM: LF Price: $2.50 Total: $5,900.00

2.107 TRAFFIC SIGNAL CABLE (7C/14 A.W.G.) (ARDOT 708)

Quantity: 450 UOM: LF Price: $3.50 Total: $1,575.00

2.108 ELECTRICAL CONDUCTORS-IN-CONDUIT (1C/8 A.W.G., E.G.C.) (SP #18)

Quantity: 495 UOM: LF Price: $2.00 Total: $990.00

2.109 NON-METALLIC CONDUIT (2") (ARDOT 710)

Quantity: 65 UOM: LF Price: $10.00 Total: $650.00

2.110 NON-METALLIC CONDUIT (3") (ARDOT 710)

Quantity: 460 UOM: LF Price: $34.50 Total: $15,870.00

2.111 CONCRETE PULL BOX (TYPE 2) (ARDOT 711)

Quantity: 2 UOM: EA Price: $1,210.00 Total: $2,420.00

2.112 CONCRETE PULL BOX (TYPE 2 HD) (ARDOT 711)

Quantity: 4 UOM: EA Price: $1,730.00 Total: $6,920.00

2.113 TRAFFIC SIGNAL PEDESTAL POLE WITH FOUNDATION (SS & ARDOT 715)

Quantity: 8 UOM: EA Price: $2,880.00 Total: $23,040.00

2.114 REMOVAL OF TRAFFIC SIGNAL EQUIPMENT (SP #22)

Quantity: 1 UOM: LS Price: $1,730.00 Total: $1,730.00

2.115 VIDEO DETECTOR RELOCATION (ARDOT 733)

Quantity: 4 UOM: EA Price: $635.00 Total: $2,540.00

2.116 VIDEO DETECTOR ROTATION (SP #27)

Quantity: 2 UOM: EA Price: $635.00 Total: $1,270.00

2.117 VIDEO CABLE (ARDOT 733)

Quantity: 850 UOM: LF Price: $3.00 Total: $2,550.00

2.118 4" SCHEDULE 40 PVC CONDUIT WITH CAPS (FOR FUTURE) (SP #11)

Quantity: 1249 UOM: LF Price: $27.00 Total: $33,723.00

2.119 ***Line deleted as part of an Addendum***

2.120 ***Line deleted as part of an Addendum***

2.121 SINGLE ROADWAY LUMINAIRE ASSEMBLY WITH FOUNDATION (TYPE S1 & TYPE S3) (SP #13)

Quantity: 28 UOM: EA Price: $15,065.00 Total: $421,820.00

2.122 DOUBLE ROADWAY LUMINAIRE ASSEMBLY WITH FOUNDATION (TYPE S2) (SP #13)

Quantity: 37 UOM: EA Price: $18,180.00 Total: $672,660.00

2.123 SHARED USE PATH LUMINAIRE ASSEMBLY (TYPE S4) (SP #13)

Quantity: 18 UOM: EA Price: $13,335.00 Total: $240,030.00

2.124 DECORATIVE CONCRETE PAVING (8" UNIFORM THICKNESS) (SP #7)

Quantity: 1526 UOM: SY Price: $205.00 Total: $312,830.00

2.125 TRANSIT STOP (HARDSCAPE ONLY, SHELTER BY OTHERS) (SP #15)

Quantity: 2 UOM: EA Price: $8,275.00 Total: $16,550.00

2.126 RRFB (RECTANGULAR RAPID FLASHING BEACON), INSTALLED COMPLETE (SP #14)

Quantity: 8 UOM: EA Price: $14,995.00 Total: $119,960.00

2.127 TEMPORARY FENCING (TYPE B) (SP #8)

Quantity: 2150 UOM: LF Price: $8.00 Total: $17,200.00

2.128 RED COLORED CONCRETE (TR1 TRAIL DETAIL)(8" THICK) (SP #10)

Quantity: 534 UOM: SY Price: $165.00 Total: $88,110.00

3 Package Header

PACKAGE C - RIGHT OF WAY APPURTENANCES

Quantity: 1 UOM: EA Total: $345,050.50

Package Items

3.1 BLACK WOVEN WIRE FENCE (SP #8)

Quantity: 2105 UOM: LF Price: $19.50 Total: $41,047.50

3.2 BLACK 5-STRAND CABLE FENCE (SP #8)

Quantity: 2530 UOM: LF Price: $43.00 Total: $108,790.00

3.3 RELOCATE ORNAMENTAL WROUGHT IRON FENCE (SP #8)

Quantity: 250 UOM: LF Price: $63.00 Total: $15,750.00

3.4 RELOCATE GATE (SP #8)

Quantity: 2 UOM: EA Price: $1,780.00 Total: $3,560.00

3.5 RELOCATE 5' TALL CHAINLINK FENCE (SP #8)

Quantity: 2797 UOM: LF Price: $44.00 Total: $123,068.00

3.6 TEMPORARY FENCING (TYPE B)(IF AND WHERE DIRECTED) (SP #8 & ARDOT 619)

Quantity: 500 UOM: LF Price: $8.00 Total: $4,000.00

3.7 MONUMENT SIGN RELOCATION - THE VINEYARDS ON GARLAND (SP #12)

Quantity: 1 UOM: LS Price: $5,425.00 Total: $5,425.00

3.8 RELOCATE "WATERSHED RESEARCH & EDUCATION CENTER" SIGN (SP #9)

Quantity: 1 UOM: LS Price: $3,030.00 Total: $3,030.00

3.9 MONUMENT SIGN RELOCATION - DOROTHY E. KING EQUINE PAVILION (SP #12)

Quantity: 1 UOM: LS Price: $26,500.00 Total: $26,500.00

3.10 RELOCATE "FOOD SCIENCE DEPARTMENT" SIGN (SP #9)

Quantity: 1 UOM: LS Price: $5,425.00 Total: $5,425.00

3.11 RELOCATE " CROP, SOIL, AND ENVIRONMENTAL ALTHIEMER LAB" SIGN (SP #9)

Quantity: 1 UOM: LS Price: $5,425.00 Total: $5,425.00

3.12 RELOCATE "POULTRY SCIENCE POULTRY HEALTH RESEARCH" SIGN (SP #9)

Quantity: 1 UOM: LS Price: $3,030.00 Total: $3,030.00

4 Package Header

PACKAGE D - CITY OF FAYETTEVILLE SANITARY SEWER RELOCATIONS

Quantity: 1 UOM: EA Total: $248,161.50

Package Items

4.1 CONSTRUCTION CONTROL AND LAYOUT

Quantity: 1 UOM: LS Price: $43,175.00 Total: $43,175.00

4.2 4" SEWER SERVICE LATERAL PIPE (PVC)

Quantity: 26 UOM: LF Price: $112.00 Total: $2,912.00

4.3 8" X 4" SEWER SERVICE WYE

Quantity: 2 UOM: EA Price: $200.00 Total: $400.00

4.4 8" GRAVITY SEWER (PVC SDR-26)

Quantity: 1100 UOM: LF Price: $73.00 Total: $80,300.00

4.5 8" DIA. - REMOVE CLAY PIPE, REPLACE WITH PVC (DETAIL S25)

Quantity: 3 UOM: EA Price: $1,010.00 Total: $3,030.00

4.6 4’ ID SANITARY SEWER MANHOLE, 0’-6’ DEPTH

Quantity: 6 UOM: EA Price: $8,985.00 Total: $53,910.00

4.7 4’ ID SANITARY SEWER MANHOLE, ADDITIONAL DEPTH OVER 6’

Quantity: 8 UOM: VF Price: $375.00 Total: $3,000.00

4.8 CORE INTO EXISTING SS MANHOLE, RESHAPE INVERT

Quantity: 1 UOM: EA Price: $1,900.00 Total: $1,900.00

4.9 PLUG, ABANDON AND FILL EXISTING GRAVITY SS

Quantity: 1133 UOM: LF Price: $16.50 Total: $18,694.50

4.10 DISCONNECT AND SEAL EXISTING SS MANHOLE

Quantity: 5 UOM: EA Price: $860.00 Total: $4,300.00

4.11 ABANDON EXISTING SS MANHOLE

Quantity: 3 UOM: EA Price: $1,260.00 Total: $3,780.00

4.12 REMOVE AND DISPOSE EXISTING SS MANHOLE

Quantity: 2 UOM: EA Price: $1,680.00 Total: $3,360.00

4.13 16" DIAMETER STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)

Quantity: 15 UOM: LF Price: $1,960.00 Total: $29,400.00

5 Package Header

PACKAGE E - CITY OF FAYETTEVILLE WATER RELOCATIONS

Quantity: 1 UOM: EA Total: $1,466,686.00

Package Items

5.1 CONSTRUCTION CONTROL AND LAYOUT

Quantity: 1 UOM: LS Price: $1,000.00 Total: $1,000.00

5.2 8" DIA. WATER LINE (AWWA C900 DR14)

Quantity: 1176 UOM: LF Price: $75.00 Total: $88,200.00

5.3 12" DIA. WATER LINE (AWWA C900 DR14)

Quantity: 4534 UOM: LF Price: $105.00 Total: $476,070.00

5.4 16" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)

Quantity: 268 UOM: LF Price: $410.00 Total: $109,880.00

5.5 24" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)

Quantity: 112 UOM: LF Price: $520.00 Total: $58,240.00

5.6 DUCTILE IRON FITTINGS FOR WATER LINE

Quantity: 7956 UOM: LB Price: $13.50 Total: $107,406.00

5.7 TAPPING SLEEVE AND VALVE (8"X8")

Quantity: 9 UOM: EA Price: $8,230.00 Total: $74,070.00

5.8 8" GATE VALVE

Quantity: 9 UOM: EA Price: $3,020.00 Total: $27,180.00

5.9 12" BUTTERFLY VALVE

Quantity: 13 UOM: EA Price: $8,850.00 Total: $115,050.00

5.10 CUT, CAP AND ABANDON EXISTING WATER LINE (8")

Quantity: 9 UOM: EA Price: $1,250.00 Total: $11,250.00

5.11 FLOWABLE FILL ABANDON 8" WATER LINE UNDER ROADWAY

Quantity: 2450 UOM: LF Price: $16.50 Total: $40,425.00

5.12 FIRE HYDRANT ASSEMBLY INSTALLED COMPLETE (INCLUDING TEE & VALVE)

Quantity: 15 UOM: EA Price: $10,020.00 Total: $150,300.00

5.13 FIRE HYDRANT ASSEMBLY REMOVAL

Quantity: 5 UOM: EA Price: $735.00 Total: $3,675.00

5.14 CONCRETE ANCHOR COLLAR

Quantity: 2 UOM: EA Price: $4,125.00 Total: $8,250.00

5.15 5/8" WATER METER INSTALLED COMPLETE

Quantity: 1 UOM: EA Price: $6,900.00 Total: $6,900.00

5.16 3/4" WATER METER INSTALLED COMPLETE

Quantity: 5 UOM: EA Price: $6,900.00 Total: $34,500.00

5.17 1" WATER METER INSTALLED COMPLETE

Quantity: 2 UOM: EA Price: $8,420.00 Total: $16,840.00

5.18 1-1/2" WATER METER INSTALLED COMPLETE

Quantity: 1 UOM: EA Price: $16,650.00 Total: $16,650.00

5.19 2" WATER METER INSTALLED COMPLETE

Quantity: 2 UOM: EA Price: $16,650.00 Total: $33,300.00

5.20 SDR9 POLYETHYLENE SLEEVE FOR WATER SERVICE LINE

Quantity: 580 UOM: LF Price: $5.50 Total: $3,190.00

5.21 1" DIA. COATED COPPER SERVICE LINE

Quantity: 410 UOM: LF Price: $41.00 Total: $16,810.00

5.22 2" DIA. COATED COPPER SERVICE LINE

Quantity: 675 UOM: LF Price: $100.00 Total: $67,500.00

6 Package Header

PACKAGE F - UNIVERSITY OF ARKANSAS WATER RELOCATIONS

Quantity: 1 UOM: EA Total: $190,850.00

Package Items

6.1 CONSTRUCTION CONTROL AND LAYOUT

Quantity: 1 UOM: LS Price: $1,000.00 Total: $1,000.00

6.2 6" DIA. WATER LINE (AWWA C900 DR14)

Quantity: 770 UOM: LF Price: $58.00 Total: $44,660.00

6.3 12" DIA. STEEL CASING W/MECHANICAL LINK END SEALS & SPACERS (DIRECT BURY)

Quantity: 259 UOM: LF Price: $270.00 Total: $69,930.00

6.4 DUCTILE IRON FITTINGS FOR WATER LINE

Quantity: 350 UOM: LB Price: $16.00 Total: $5,600.00

6.5 TAPPING SLEEVE AND VALVE (6"X6")

Quantity: 2 UOM: EA Price: $6,880.00 Total: $13,760.00

6.6 CUT, CAP AND ABANDON EXISTING WATER LINE (6")

Quantity: 2 UOM: EA Price: $1,050.00 Total: $2,100.00

6.7 FLOWABLE FILL ABANDONED 8" WATER LINE UNDER ROADWAY

Quantity: 600 UOM: LF Price: $16.00 Total: $9,600.00

6.8 1" WATER METER INSTALLED COMPLETE

Quantity: 2 UOM: EA Price: $4,200.00 Total: $8,400.00

6.9 2" DIA. COATED COPPER SERVICE LINE

Quantity: 200 UOM: LF Price: $179.00 Total: $35,800.00

Response Total: $14,923,032.90

CITY OF FAYETTEVILLE ARKANSAS

City of Fayetteville, Arkansas
Procurement Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8256
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

Bid 26-43, Construction – Highway 112 Widening

DEADLINE: Tuesday, July 07, 2026 before 2:00 PM, Local Time
PRE-BID MEETING: Tuesday, June 23, 2026 at 2:00 PM
SR. PROCUREMENT AGENT: Kenny Fitch, kfitch@fayetteville-ar.gov
DATE OF ISSUE & ADVERTISEMENT: 06/14/2026 & 06/21/2026

No late bids shall be accepted. Bids shall be submitted in one of the following methods: (1) through the City's third-party electronic bidding platform or (2) delivering in person via sealed envelope to the City of Fayetteville Procurement Division. Submitting through the City's electronic bidding platform is strongly encouraged. 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.

NOTICE TO ALL BIDDERS:

All interested parties can obtain files for this project by going to http://fayetteville-ar.gov/bids. Bid documents shall be distributed electronically from the City of Fayetteville Procurement Division only.

BID PACKAGE INCLUDES THE FOLLOWING FILES WHICH SHALL BE LISTED UNDER "ATTACHMENTS":

FILE #01: PROJECT MANUAL – **680 Total Pages**
FILE #02: PLANS – **150 Plan Sheets**

*Additional files added as addendums are issued. Addendums will be uploaded and posted to the City's electronic bidding platform.

***PLAN HOLDER LISTINGS: A listing of vendors who have received documents can be found in the City's electronic bidding platform under the project section tab titled 'Plan Holders'.**

Bidder shall assume all responsibility for receiving updates and any addenda issued to this project by monitoring http://fayetteville-ar.gov/bids. Failure to acknowledge addenda issued as instructed could result in bid rejection.

CITY OF
FAYETTEVILLE
ARKANSAS

Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 26-43, Construction – Highway 112 Widening

The City of Fayetteville is accepting sealed bids from contractors to improve approximately 5,650 linear feet of Hwy 112 (Garland Ave) from Poplar St to Drake St. Construction will consist of, but is not limited to, street widening, traffic signal modifications, utility relocations, storm drainage, sidewalk, a curbed median, and a roundabout. Questions regarding this bid should be addressed to Kenny Fitch, Sr. Procurement Agent at kfitch@fayetteville-ar.gov.

A non-mandatory pre-bid meeting will be held Tuesday, June 23, 2026, at 2:00 PM. Details regarding the pre-bid meeting are available on the project page of the City's electronic bidding platform. All interested parties are encouraged to attend.

Bidding documents, plans, plan holders, and addenda shall be obtained at the City of Fayetteville Procurement Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids shall be received by Tuesday, July 7, 2026, before 2:00 PM local time, utilizing the electronic bidding software or by submitting a sealed bid to the City of Fayetteville Procurement Division. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline and livestreamed on Zoom.

Each bid exceeding $50,000 shall be accompanied by a cashier's check from a bank doing business in the State of Arkansas or a corporate bid bond for five (5) percent of the amount bid. In the event a bidder opts to submit a cashier's check for a bid bond, the actual physical cashier's check shall be delivered to the City prior to the deadline. One hundred percent (100%) performance and payment bonds are required after the contract award. This amount includes any approved contingency.

Bidders shall have a valid State of Arkansas Contractor's License, have a valid registration and be in good standing with the Arkansas Secretary of State, and have an active registration with the System for Award Management (SAM.gov) at the time of the contract award.

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.

The City of Fayetteville hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply. Build America, Buy America provisions apply to this project.

The City of Fayetteville reserves the right to waive irregularities, reject bids, and postpone the award of any Contract for a period which shall not exceed beyond ninety (90) days from the bid opening date.

City of Fayetteville
By: Kenny Fitch
Sr. Procurement Agent
479.578.8258 kfitch@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 06.14.26 & 06.21.26
This publication was paid for by the Procurement Division of the City of Fayetteville, Arkansas.
Amount paid: $496.12

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT

Contract Name: Highway 112 Widening: Poplar St. to Drake St.
Bid #: 26-43, Construction
Date: 7/14/26

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company Crossland Heavy Contractors

Name Mark Sell, Executive Chairman

Address 825 SE Avenue, Columbus, KS 66725

Principal Office Same as above

Corporation, partnership, individual, joint venture, other Corporation

Arkansas State General Contractor's License Number 0067301126

(Type or legibly print)

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 33 years and has performed work of the nature and magnitude of this Contract for 33 years. Bidder has been in business under its present name for 33 years.

2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.) Attached.

3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.) Attached Project Reference Sheets.

4. Has Bidder ever failed to complete any project? If so, state when, where, and why. No.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

5. Bidder normally performs the following work with his own forces:

Earthwork & Excavation, Structural Steel, Deep Foundations, Below-Grade Utilities,

Cast-in-place Concrete, Process Equipment Installation, Yard & Process Piping

6. Construction experience of key individuals in the organization is as follows (continued on attached sheets if needed):

Resumes are attached.

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

Fidelity & Deposit Company of Maryland/Federal Insurance Company

1299 Zurich Way, Shaumburg, IL 60196 / 202B Hall's Mill Rd, Whitehouse Station, NJ 08889

8. Bidder's Workmen's Compensation Experience Modifier Factor is: 0.59.

FINANCIAL STATEMENT

B. If requested by the City of Fayetteville during the evaluation of bids the bidder shall provide to the City of Fayetteville the following additional information:

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:

   a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).

   b. Net fixed assets.

   c. Other assets.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).

e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).

f. Name of firm preparing financial statement and date thereof:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgements are outstanding against Bidder:

	Judgment Creditors	Where Docketed and Date	Amount
a.	_____	_____	$_____
b.	_____	_____	$_____

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: 7/6, 20 26.

(OFFICIAL SEAL)

Name of Organization:

Crossland Heavy Contractors

By Mark Sell

(Type or legibly print)

By _____

(Signature)

Title Executive Chairman

(Type or legibly print)

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

(THIS PAGE INTETIONALLY LEFT BLANK)

END OF DOCUMENT 00140

SPONSOR

SUPPLEMENT TO PROPOSAL

ANTI-COLLUSION AND DEBARMENT CERTIFICATION

FAILURE TO EXECUTE AND SUBMIT THIS CERTIFICATION SHALL RENDER THIS BID NONRESPONSIVE AND NOT ELIGIBLE FOR AWARD CONSIDERATION.

As a condition precedent to the acceptance of the bidding document for this project, the bidder shall file this Affidavit executed by, or on behalf of the person, firm, association, or corporation submitting the bid. The original of this Affidavit shall be filed with the SPONSOR **at the time proposals are submitted**.

AFFIDAVIT

I hereby certify, under penalty of perjury under the laws of the United States and/or the State of Arkansas, that the bidder listed below has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid for this project, is not presently barred from bidding in any other jurisdiction as a result of any collusion or any other action in restraint of free competition, and that the foregoing is true and correct.

Further, that except as noted below, the bidder, or any person associated therewith in the capacity of owner, partner, director, officer, principal investigator, project director, manager, auditor, or any position involving the administration of Federal funds:

a. is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency;

b. has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past 3 years;

c. does not have a proposed debarment pending; and

d. has not been indicted, convicted, or had an adverse civil judgment rendered by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

SPONSOR

SUPPLEMENT TO PROPOSAL

ANTI-COLLUSION AND DEBARMENT CERTIFICATION

FAILURE TO EXECUTE AND SUBMIT THIS CERTIFICATION SHALL RENDER THIS BID NONRESPONSIVE AND NOT ELIGIBLE FOR AWARD CONSIDERATION.

EXCEPTIONS:

APPLIED TO	INITIATING AGENCY	DATES OF ACTION

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

Job No. _____

F.A.P. No. _____

_____
(Date Executed)

Crossland Heavy Contractors
(Name of Bidder)

_____
Mark Sell (Signature)

Executive Chairman
(Title of Person Signing)

The following Notary Public certification is **OPTIONAL** and may or may not be completed at the contractor's discretion.

State of Kansas)
County of Cherokee)ss.

Mark Sell, being duly sworn, deposes and says that he is

Executive Chairman (Title) of Crossland Heavy Contractors (Name of Bidder)

and that the above statements are true and correct.

Subscribed and Sworn to before me this 7th day of July, 20 26.
My commission expires: 07/18/2027

(NOTARY SEAL)

Amy Harlos
Notary Public
State of Kansas
My Appt. Exp. 7/18/27

Amy Harlos (Notary Public)

SPONSOR

SUPPLEMENT TO PROPOSAL

CERTIFICATION

The prospective contractor certifies, by signing and submitting this proposal, to the best of his or her knowledge and belief, that:

1 No Federal appropriated funds have been paid or will be paid, by or on his or her behalf, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2 If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal-Aid contract, the prospective contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions. (Available from Arkansas State Highway and Transportation Department, Programs and Contracts Division).

This Certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. This Certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code.

During the period of performance of this contract, the contractor and all lower tier subcontractors must file a Form-LLL at the end of each calendar year quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any previously filed disclosure form. Any person who fails to file the required Certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each failure.

The prospective contractor also agrees by submitting his or her proposal that he or she shall require that the language of this Certification be included in all lower tier subcontracts which exceed $100,000 and that all such subcontractors shall certify and disclose accordingly.

SPONSOR

SUPPLEMENT TO PROPOSAL

CERTIFICATION

THIS CERTIFICATION SHALL BE COMPLETED BY THE BIDDER AS PART OF THIS PROPOSAL

The bidder Crossland Heavy Contractors, proposed subcontractor _____, hereby certifies that he has X, has not _____, participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that he has X, has not _____, filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

(Currently, Standard Form 100 [EEO-1] is the only report required by the Executive Orders or their implementing regulations.)

JOB NO. _____

F.A.P. NO. _____

_____
(Date Executed)

Crossland Heavy Contractors
(Company)

By: _____
Mark Sell (Signature)

Executive Chairman
(Title of Person Signing)

NOTE: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7 (b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of $10,000 or under are exempt.)

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7 (b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U. S. Department of Labor.

DOCUMENT 00400 – BID FORM

Contract Name: Highway 112 Widening: Poplar St. to Drake St.

Bid Number: 26-43, Construction

BID TO:

Owner: The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

BID FROM:

Bidder: Crossland Heavy Contractors

825 SE Avenue

Columbus, KS 66725

ARTICLE 1 - INTENT

1.01 For clarification, the City will award this contract to one General Contractor (There is no intent to award different phases of the work to different contractors.) The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
1	6/17/26
2	6/22/26

3	6/26/26
4	7/9/26
5	7/14/26

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.

G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly

induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

L. 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.

ARTICLE 4 - BID PRICE

Bidders are required to provide pricing for all line items, including deductive alternate items. Failure to provide deductive alternate pricing can result in bid rejection.

The City intends to award this contract to the lowest qualified responsive responsible bidder based on the total base bid as long as the base bid amount falls within the amount of funds certified for the project plus 25%.

In the event no bid falls within the amount of funds certified for the project plus 25%, the City will utilize the deductive alternates in order to further evaluate bids until a bid received falls within the amount certified, plus 25%.

In the event all deductive alternates are subtracted from the total base bid and no bid falls within the amount certified, plus 25%, all bids shall be rejected and become confidential.

In no case shall the amount bid for the item of "mobilization" exceed 5% of the total contract amount for all items listed in the proposal or bid excluding Insurance & Bonding and Trench & Excavation Safety Systems. Should the amount entered into the proposal or bid for this item exceed 5%, the bid shall be rejected.

Bidder shall complete the work in accordance with the Contract Documents for the price(s) submitted by the Bidder.

ARTICLE 5 - CONTRACT ITEMS

5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.

5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

A. Required 5% Bid security in the form of a cashier's check from a bank located in the State of Arkansas or a Bid Bond in the amount of 5% of total bid amount Dollars ($ _____).

B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Brice Julian, Estimator

1800 S 52nd St Ste 300

Rogers, AR 72758

Email: bjulian@heavycontractors.com

Phone No. 479.550.1829

Fax No. _____

7.02 Required Bidder Information:

Arkansas State Contractor License No. (or date of application):

0067301126

Arkansas Secretary of State Filing No. (or date of application):

100205582

System for Award Management (SAM.gov) Registration No. (or date of application):

XLWJNERE6ER3

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No. _____ Fax No. _____

Email address: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No. _____ Fax No. _____

Email address: _____

A Corporation or LLC

Corporation Name: Crossland Heavy Contractors (SEAL)

State of Incorporation: Kansas

Type (General Business, Professional, Service, Limited Liability): Service

By: _____
(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): Mark Sell

Title: Executive Chairman

(CORPORATE SEAL)

Attest: _____
Holly Rhodes (Signature of Corporate Secretary)

Phone No. 620-429-1410 Fax No. _____

Email address: hrhodes@heavycontractors.com

Tax ID Number (TIN): 48-1131853

UEI # XLWJNERE6ER3

Cage Code: 1LD33

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

Highway 112 Widening: Poplar St. to Drake St.

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

Subcontractor's Work	Subcontractor's Name and Address	Expected Percentage or Value
Clearing/Demolition	ARK-O-MO	0.2%
SWPPP/Erosion Control	ERO-CON	0.1%
	SECOND NATURE	
Asphalt	APAC	19%
Concrete	HILGAR CARTWRIGHT	15%
Landscaping	SECOND NATURE	
Material Testing		
Other (designate)		

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

Bidder's Signature
Mark Sell, Executive Chairman

CROSSLAND HEAVY CONTRACTORS, INC. CORPORATE SEAL KANSAS 1962

DAN THOMPSON

President

CONTACT

dthompson@heavycontractors.com

479-366-1637

YEARS OF EXPERIENCE

27 Years

EDUCATION

Bachelor of Science
Construction Engineering & Technology
Pittsburg State University

CERTIFICATIONS

OSHA 10 Hour
Smith Driving Certified

INDUSTRY + CIVIC INVOLVEMENT

Springdale Rotary Club

As President of the Company and Manager of the Arkansas Division, Dan Thompson is responsible for supervising all management personnel based and operating within the Arkansas Division. He directly oversees all projects in his region, providing input and executive authorization. He actively maintains relationships with each of Crossland Heavy's valued partners and seeks out ways in which the company can serve them better.

Dan is an extremely active and involved Division Manager and offers guidance and direction throughout the life of each of his Division's projects. Dan oversees each project's budget and schedule, ensuring that Crossland Heavy is doing everything possible to meet or exceed our Owners' expectations. He offers input and guidance as necessary to help each project reach a timely and cost-efficient completion. A known problem solver, Dan maintains a keen focus on success, doing whatever he can to make our partners successful.

PROJECT EXPERIENCE *partial list*

Design-Build Projects:

- Davidson WWTP, Hot Springs, AR, $4.6M
- Tyson WWTP, Green Forest, AR $3.3M
- Decatur WWTP MBR Expansion, Decatur, AR, $9.6M
- RWU Train 2 Rehabilitation, Rogers, AR, $4.6M

CMAR Projects:

- BWD FTW & Solids Processing Impr., Lowell, AR, $4M
- WOKA Whitewater Park, Watts, OK, $30M
- Mid-Town Corridor, Fayetteville, AR, $14.5M
- RWU Solids Handling Facility Ph 1, Rogers, AR, $7.8M
- Hochatown Off-site Improvements, Hochatown, OK, $30M

Design-Bid-Build Projects:

- PWWSD No. 23 WTP, Fredonia, KS, $21.3M
- Beaver Water Treatment Plant, Lowell, AR, $26.2M
- River Intake & Dam Investigation, Fort Scott, KS, $2M
- Tyson WWTP Renovation, Springdale, AR, $2.6M

CHRIS WALTERS

Vice President

CONTACT

cwalters@heavycontractors.com

918-438-2800

YEARS OF EXPERIENCE

18 Years

EDUCATION

Bachelor of Science
Construction Management Technology
Oklahoma State University

CERTIFICATIONS

Class D Waterworks
Class D Wastewater Operator
AGC of America Construction Project Management Course
Competent Person
Confined Space
Trenching & Excavation Certified
P6 Scheduling

As our Vice President and Division Manager of Tulsa, Chris Walters is responsible for supervising all management personnel based and operating within the Oklahoma Region. He directly oversees all projects in his region, providing input and executive authorization.

Chris is an extremely active and involved Vice President and Division Manager, and will offer guidance and direction throughout the life of your project. During the Pre-Construction Phase, Chris will oversee your project's budget and schedule creation. During the Construction Phase, he will observe your project's production rates and progression, offering input and guidance as necessary to help your project reach a timely and cost-efficient completion. A known problem solver, Chris maintains a keen focus on your project's schedule and budget.

PROJECT EXPERIENCE *partial list*

- Lake Hefner WTP Expansion, Oklahoma City, OK, $49M
- Coweta WTF Process Improvements, City of Coweta, $9.8M
- AB Jewell WTP Clarifier Imp., Tulsa, OK, $5.8M
- AB Jewell Clarifier No. 2 Imp., Tulsa, OK, $8.9M
- AB Jewell Clarifier No. 3 Imp., Tulsa, OK, $12.7M
- COT NA Zone 3011, Tulsa, OK, $7.6M
- Northside WWTP Anaerobic Digester Imp., Tulsa, OK, $3.7M
- Haikey Creek WWTP Improv. Sludge Thick., Tulsa, OK, 2.7M
- Southside WWTP Odor Control Improv. Project, Tulsa, OK, 2.5M
- Southfork Joe Creek Channel Improv. Project, Tulsa, OK, $13M
- 15th St. Arterial St. Rehab, Tulsa, OK, $5.7M
- COT Peoria Bus Stops, Tulsa, OK, $5.1M

ERICK LOWE, ASSOC. DBIA

Project Executive

CONTACT

elowe@heavycontractors.com

913-449-3267

YEARS OF EXPERIENCE
11 Years

EDUCATION
Bachelor of Science
Construction Management
Pittsburg State University

CERTIFICATIONS
OSHA 30 Hour
Smith Driving Certified
Leadership Training
Rebar Cages - Safe Lifting and Handling
FMI Project Management Training

Your Advocate throughout your Project

As Manager of the Kansas City Division, Erick leads a team of construction professionals who specialize in water & wastewater projects. Erick is incredibly passionate about projects that make a big impact on a community. He understands the challenges we will likely face together and proactively plans to mitigate them. He will advocate for you to make sure we deliver a safe, reliable, high quality project that will serve you for years to come. Erick actively maintains relationships with each of Crossland Heavy's valued partners and seeks out ways in which we can serve them better.

Erick is an extremely active and involved Division Manager and offers guidance and direction throughout the life of each of his Division's projects. Erick oversees each project's budget and schedule, ensuring that CHC is doing everything possible to meet or exceed our Owners' expectations. He offers input and guidance as necessary to help each project reach a timely and cost-efficient completion. A known problem solver, Erick maintains a keen focus on making our partners successful.

PROJECT EXPERIENCE *partial list*

CMAR Projects:

- Olathe WTP No. 2, Olathe, KS, $17.2M
- Vertical Wells Impr. Ph 1 & 2, Olathe, KS, $10M

Design-Bid-Build Projects:

- Hedge Lane PS & Reservoir, Olathe, KS, $21.2M
- PWWSD #25 WTP, Lawrence, KS, $9.2M
- Louisburg WWTP Impr., Louisburg, KS, $11.1M
- Clinton WTP Taste & Odor, Lawrence, KS, $3.9M
- Nall Ave Pump Station & Rsvr, Leawood, KS, $9.1M
- Turkey Creek Pump Station Impr., Mission, KS, $5.1M
- Wolcott WTP Generator Facility, Kansas City, KS, $9M
- S. Wellfield PWSW No. 13, Leavenworth, KS, $3.1M
- Oread & Kasold Bstr Pump Stns, Lawrence, KS, $4.3M
- Blackbob Pump Station Repairs, Olathe, KS, $434k
- JCW Electrical Impr., Overland Park, KS, $5.1M
- South Lift Station Storage Tank, Gardner, KS, $1.9M

JUSTIN LILLIE

Division Manager - Oklahoma City

CONTACT

jlillie@heavycontractors.com

918-384-8208

YEARS OF EXPERIENCE
22 Years

EDUCATION
Bachelor of Science
Construction Management
Oklahoma State University

CERTIFICATIONS
Smith Driving Certification
OSHA 30 Hour

As Division Manager of the Oklahoma City Division, Justin Lillie is responsible for supervising all management personnel based and operating within the Oklahoma City Region. He directly oversees all projects in his region, providing input and executive authorization.

Justin is an extremely active and involved Project Executive and will offer guidance and direction throughout your project. During the preconstruction phase, Justin will oversee your project's budget and schedule creation. During the construction phase, he will observe your project's production rates and progression, offering input and guidance when necessary to help your project reach a timely and cost-efficient completion. A known problem solver, Justin will maintain a keen focus on your project's schedule and budget.

PROJECT EXPERIENCE *partial list*

- Arcadia Lake WTP Hdlg. & Imp., Edmond, OK, $38.17M
- 61st and Memorial Arterial St, Tulsa, OK, $5.89M
- Non-Arterial Street Rehab Zone 2065C, Tulsa, OK, $5.46M
- Hefner WTP Electrical Loop, Oklahoma City, OK, $6.1M
- 5th Street Extension, Tulsa, OK, $5.95M
- Arcadia Trail, Edmond, OK, $9.8M
- Haikey Creek WWTP Eq. Imp., Broken Arrow, OK, $9.2M
- Harvard Ave 51st to 61st, Tulsa, OK, $4.47M
- Britton Road, The Village, OK, $5.4M
- FedEx Ground OKC, OK, $2.31M
- 36th St N and Lewis Ave, Tulsa, OK, $7.54M
- Fred Creek IV Sleepy Hollow, Tulsa, OK, $3.24M
- Covell Road, Edmond, OK, $9.8M
- Ada Main Street Improvements, Ada, OK, $7.49M
- Cotton County RWD No. 2 WTP, Cache, OK, $5.38M
- Joe Creek 61st Street Sanitary Sewer, Tulsa, OK, $4.26M
- Edmond Trails Ped. Imp., Edmond, OK, $3.5M
- Downt Streetscape & Drain. Impr., Edmond, OK, $2.17M

MARK SELL

Chairman of the Board

CONTACT

msell@heavycontractors.com

620-429-1414

YEARS OF EXPERIENCE

41 Years

EDUCATION

Bachelor of Science
Construction Science
Kansas State University

CERTIFICATIONS

HAZCOM-GHS Training
Smith Driving Certification

Mark Sell is one of Crossland Construction's greatest assets, and has been with Crossland Heavy from its inception in 1993. Mark was hired to develop Crossland Heavy from the ground up, and serves as Chairman of the Board. Today, Crossland Heavy is an industry leader in civil construction projects, ranging from bridge and roadwork to water and wastewater treatment plants, site utilities, and pipework. Mark received his Bachelor of Science degree in Construction Science from Kansas State University. With over 40 years of experience, Mark will be there to ensure that every aspect of the construction process is pursued in the most cost-effective and professional manner.

WORK EXPERIENCE

Crossland Heavy Contractors, Columbus, KS 1993 - Present
Co-founded Crossland Heavy Contractors to pursue civil oriented projects including bridge work, water and wastewater treatment facilities, site utilities and pipe work.

Peter Kiewit Sons, Inc., Omaha, NE 1982-1993
Work history included numerous road and bridge projects throughout the Midwest. River intake pump station, sheet pile river weir across Kansas River. Subway renovation and light commuter rail projects in Chicago. Lock and Dam #16 renovation in Muscatine, Iowa.

CROSSLAND HEAVY CONTRACTORS

Current Jobs in Progess As of 04-01-26

Job	Contract Amt	Est. Completion	Owner	Owner Contact	Email	Phone	Engineer	Engineer Contact	Email	Phone
2025 WWTP Improvements	$6,253,700.00	2027-02-01	City of Fonganoxie	Kent Heskett			BG Consultants	Thaniel Monaco	thaniel.monaco@bgcons.com	(785) 5377448
8 MGD WATER TREATMENT PLA	$16,416,872.00	2025-11-04	CITY OF CHANUTE	Todd Newman		(620) 431-5210	Midwest Engineering Group, LLC	Danny Cochrane		(918) 264-9405
8TH STREET GATEWAY BRIDGE	$8,443,495.00	2025-11-01	CCC	Randy Armstrong	rarmstrong@crossland.com	(479) 464-7077	N/A	N/A	N/A	N/A
AMERICAN AIRLINES TIA WET	$14,596,996.00	2025-12-22	American Airlines	Mike Long	mike.long@aa.com	(817) 235-6912	Ghafari Associates	Sean Ruwart	sruwart@ghafari.com	(312) 984-2300
AMERICAN AIRLINES TUL	$3,700,790.00	2025-12-02	American Airlines	Mike Long	mike.long@aa.com	(817) 235-6913	Ghafari Associates	Sean Ruwart	sruwart@ghafari.com	(312) 984-2301
Art St Rehab Pine St and Martin Luther King Blvd	$1,158,000.00	2026-09-30	City of Tulsa OK							
ATHERTON N PUMP STATION	$1,790,092.00	2025-12-14	Little Blue Valley SD	Tammy Prater	tprater@lbvsd.org		HDR Engineering, Inc.	Matt Say	matthew.say@hdrinc.com	
ATHERTON WW PUMPS 1 & 2	$3,759,000.00	2027-04-29	Little Blue Valley SD	Bill Perkins	bperkins@lbvsd.org		Carollo			
BEAVER WATER DISTRICT PLA	$40,381,402.00	2027-03-01	Beaver Water District	Darryl Fendley	dfendley@bwdh2o.org	(479) 756-3651	Black & Veatch	Tim Malcolm	malcolmt@bv.com	(913) 458-2000
Beaver WTP Contract 23-4 Start WTP	$302,138,000.00	2030-01-03	Beaver Water District	Darryl Fendley	dfendley@bwdh2o.org	(479) 756-3651	Black & Veatch	Tim Malcolm	malcolmt@bv.com	(913) 458-2000
BENTONVILLE WRRF IMPROVEM	$130,056,396.00	2029-07-20	City of Bentonville	Chris Earl	chrise@bentonvillear.com	(479) 696-2273	Hawkins-Weir Engineers, Inc.	Brett Peters	brett.peters@hawkins-weir.com	
BLUE RIVER WWTP PHASE 2	$12,363,750.00	2026-11-26	JOCO Wastewater	Patrick Denning	patrick.denning@jcw.org	(913) 530-7582	Black & Veatch	Page Burks	burkspa@bv.com	(913) 458-3814
BROKEN ARROW EVENTS PARK	$23,637,287.20	2025-09-30	City of Broken Arrow	Charlie Bright	cbright@brokenarrowok.gov		Kimley Horn and Associates, Inc	Jeremy Stahle	jeremy.stahle@kimley-horn.com	(918) 209-3101
BWD 60 RAW WATER LINE REP	$187,130.08	2025-01-17	Beaver Water District	Darryl Fendley	dfendley@bwdh2o.org	(479) 756-3651	Black & Veatch	Tim Malcolm	malcolmt@bv.com	(913) 458-2000
BWD WESTERN CORRIDOR PUMP	$37,231,973.00	2025-12-31	Beaver Water District	Darryl Fendley	dfendley@bwdh2o.org	(479) 756-3651	Black & Veatch	Tim Malcolm	malcolmt@bv.com	(913) 458-2000
Charlie Craig State Fish Hatchery Facility Upgrade	$8,181,680.00	2027-08-05	Arkansas State Game and Fish Commission	Jerry Gomez	jerry.gomez@agfc.ar.gov	501-253-5815				
CITY OF OLATHE ON CALL	$36,513.00	2026-05-19	City of Olathe	Clint Kissinger	cmkissinger@olatheks.org	913-620-5970				
CNCA HOCHATOWN RV PARK	$1,128,083.00	2026-01-24	Choctaw Nation of Oklahoma	Caleb Dubler	cdubler@choctawnation.com	580-924-8280	Barker & Associates, Inc.	Wayne Barker	wbarker@barkerengineering.com	
CONTRACT 23-1 INTAKE EXPANSION	$1,598,950.00	2026-05-27	Beaver Water District							
COT 2 INCH WATERLINE REPL	$2,765,387.17	2025-07-03	Tulsa Metropolitan Utility Authority	Ryan McKaskle	rmckaskle@cityoftulsa.org	(918) 596-9600	COA Engineers			
COT ARTERIAL S. HARVARD	$2,772,000.00	2027-12-01	City of Tulsa	Ryan McKaskle	[redacted]	(918) 596-9600	Poe & Associates	Greg Cocker		(918) 665-6076
COT NA St Rehab & WL MZ 4031	$2,482,000.00									
COT NA ZONE 1153	$3,144,978.15	2026-08-04	City of Tulsa	Ryan McKaskle	rmckaskle@cityoftulsa.org	(918) 596-9600	Poe & Associates	Greg Cocker		(918) 665-6800
COT NA ZONE 4014	$2,602,000.00	2026-09-02	City of Tulsa	Ryan McKaskle	[redacted]	(918) 596-9600	Poe & Associates	Greg Cocker		(918) 665-6076
COT SPUNKY CREEK LS	$5,797,819.97	2025-11-25	Tulsa Metropolitan Utility Authority	Ryan McKaskle	rmckaskle@cityoftulsa.org	(918) 596-9600	Holloway, Updike and Bellen, Inc.	Stephen Tolar	stolar@hubengineers.com	(918) 251-0717
COT SSWWTP BIOSOLIDS	$7,980,854.20	2026-10-22	Tulsa Metropolitan Utility Authority	Ryan McKaskle	rmckaskle@cityoftulsa.org	(918) 596-9600	Garver, LLC	Cole Niblett	mcniblett@garverusa.com	(405) 928-7555
COURTNEY BEND WTP FALSE F	$7,661.00	2025-05-09	City of Independence Water Department	Anthony Dahl	adahl@indepmo.org	(816) 769-3079				
COURTNEY BEND WTP ROOF RE	$45,743.00	2025-07-06	City of Independence Water Department	Anthony Dahl	adahl@indepmo.org	(816) 769-3079				
DECATUR WWTP EXPANSION	$11,491,790.00	2026-02-28	City of Decatur	James Boston	james.boston@decaturkansas.us		Allgeier, Martin and Associates, Inc.	Eric Degruson	eric.degruson@amce.com	
DEER CREEK WASTEWATER	$11,114,569.00	2026-04-12	Oklahoma City Water Utilities Trust	Jay Kotey	jay.kotey@okc.gov					
DLSMB BUILDING 6 VALVE RE	$395,783.00	2026-02-23	Johnson County Wastewater	Bo Nead	bo.nead@jcw.org		HDR	Dylan Williams	dylan.williams@hdrinc.com	
DLSMB HVAC IMPROVEMENTS	$555,028.00	2026-04-21	Johnson County Wastewater	Bo Nead	bo.nead@jcw.org		Olsson			
DLSMB REHABILITATION PROJ	$10,987,582.00	2026-04-02	Johnson County Wastewater	Jeena John	jeena.john@jce.org		Carollo Engineers, Inc.			
Draper Filter Rehabilitation	$16,002,400.00	2028-02-25	Oklahoma City Water Utilities Trust	Kamran Mokhtari	[redacted]	(405) 297-2666	Carollo Engineers, Inc	Tom Crowley	[redacted]	(405) 840-7785
DRAPER WTP IMPROVEMENTS	$215,755.00	2026-06-12	Oklahoma City Water Utilities Trust	Kamran Mokhtari	[redacted]	(405) 297-3436	Freese & Nichols, Inc	Megan Brown	[redacted]	(405) 607-70065
EAST FAYETTEVILLE WATER	$8,153,352.00	2025-06-25	City of Fayetteville	Matt Casey	mcasey@fayetteville-ar.gov	(479) 444-3429	Olsson Associates, Inc.	Rick Herrick	rherrick@olsson.com	(479) 443-3464
Flask Tower Improvements	$483,600.00	2026-09-01	Sapulpa Rural Water Company	Steve McCormick	[redacted]		Kimley Horn	Ryan Smith	[redacted]	
GLENPOOL WWTP	$57,915,033.76	2027-04-02	City of Glenpool	David Agbetunsin	dagbetunsin@cityofglenpool.com	918-322-5442	Garver, LLC	Cole Niblett	mcniblett@garverusa.com	(405) 928-7555
HAR-BER AVENUE EXTENSION	$17,676,505.00	2025-05-26	City of Springdale	John Easterling	jeasterling@springdalear.gov	(479) 756-7716	Garver, LLC	Seth Yancey	syancey@garverusa.com	(405) 928-7555
HEFNER WTP OZONE	$43,971,081.00	2025-07-31	Oklahoma City Water Utilities Trust	Andrew Mishler	andrew.mishler@okc.gov	(405) 297-2094	Carollo Engineers, Inc.	Tom Crowley	tcrowley@carollo.com	(816) 682-2233
HSPS ELECTRICAL IMPROV	$6,368,000.00	2026-03-31	Oklahoma City Water Utilities Trust	Kendra Alexander	kendra.alexander@okc.gov	405-297-3555	Carollo Engineers, Inc.	Jeremy Brehm	jbrehm@carollo.com	(405) 840-7785
JUNCTION CITY WWTP	$55,457,978.00	2026-03-18	City of Junction City	Allen Dinkel	allen.dinkel@jcks.com	785-238-3103	HDR Engineering, Inc	Don Lindeman	donald.lindeman@hdrinc.com	(816) 347-1135
JUNCTION CITY WWTP -	$50,000.00	2026-03-18	City of Junction City	Allen Dinkel	allen.dinkel@jcks.com	785-238-3103	HDR Engineering, Inc	Don Lindeman	donald.lindeman@hdrinc.com	(816) 347-1135
KILL CREEK WRRF IMPROVE	$38,299,551.00	2026-10-01	City of Gardner Kansas	Jeff LeMire	jlemire@gardnerkansas.gov	(913) 856-0916	Black & Veatch	Nathan Grahl	grahlna@bv.com	913-458-1512
LLWWTP SLUDGE THICKENER	$219,325.00	2025-03-01	Broken Arrow Municipal Authority	Nathaniel Kohl	n.kohl@brokenarrowok.gov	(918) 259-7000	S2 Engineering, PLLC	Srinivasan Sundaramoorthy	srini@s2eokc.com	(918) 519-8081
MANHATTAN WW TREATMENT	$158,595.00	2026-07-01	City of Manhattan	Randy DeWitt	[redacted]	(785) 587-4532	Carollo Engineers, Inc.	Garrett Sheehan	[redacted]	(816) 342-5027
MARYVILLE NEW WATER TREAT	$266,515.00	2027-01-29	City of Maryville	Ryan Heiland	rheiland@maryvillemo.gov	660-562-8001	HDR Engineering, Inc.	Roopa Mutole	roopa.mutole@hdrinc.com	
MENA WWTP IMPROVEMENTS	$115,710.00	2026-11-03	City of Mena	James Looney	jameslooney@menawaterutilities.org		Hawkins Weir	Josh Durham	josh.durham@hawkins-weir.com	
MIDDLE BIG CREEK WWTP PHA	$79,920,660.00	2028-05-14	Little Blue Valley SD	Bill Perkins	bperkins@lbvsd.org		HDR	Matthew Say	matthew.say@hdrinc.com	
Moore WWTP Improvements	$12,990,630.00									
MUD - Hainey St Pump Station Rehab	$7,147,238.00									
MULBERRY WATER TREATMENT	$8,037,847.00	2025-07-25	City of Mulberry, Arkansas	Darren Fields	darren@mulberry.gov		Hawkins-Weir Engineers, Inc.	Meg Kelch	meg.kelch@hawkins-weir.com	(479)222-8424
Muskogee WWTP Imp	$86,992,000.00	2029-02-14	Muskogee Municipal Authority				Earles Engineering & Inspection	Peter Earles	[redacted]	
MUSTANG BELT FILTER PRESS	$1,092,684.00	2025-12-30	City of Mustang	David Russell	drussell@cityofmustang.org	(405) 376-4521	Cowan Group Engineering	Brian Schwegal	[redacted]	
NA St Rehab Waterline & Sewer Line Replacement	$2,772,000.00									
NELSON WWTF TCPS METER VA	$68,532.00	2026-01-26	Johnson County Wastewater	Shane Eberspacher-H	shane.eberspacher-harris@jcw.org	913-715-8636				
NORMAN WRF AERATION BASIN	$2,860,800.00	2026-07-23	Norman Utilities Authority	Ken Giannone	kenneth.giannone@normanok.gov	(405) 366-5377	Garver, LLC	Cole Niblett	mcniblett@garverusa.com	(405) 928-7555
NORTH 56TH STREET IMPROVE	$77,070.00	2026-01-20	City of Springdale	Ben Peters	bpeters@springdalear.gov		Olsson Associates, Inc.	Rick Herrick	rherrick@olsson.com	(479) 443-3464

NSWWTP JOCKEY BLOWER	$1,215,000.00	2026-03-06	Tulsa Metropolitan Utility Authority	Ryan McKaskle	rmckaskle@cityoftulsa.org		Tetra Tech FHC	Alexie Kindrick	alexie.kindrick@tetratech.com	(918) 249-3309
NSWWTP SWITCHGEAR	$3,076,000.00	2026-08-31	Tulsa Metropolitan Utility Authority	Ryan McKaskle	rmckaskle@cityoftulsa.org		Holloway, Updike and Bellen	Stephen Tolar	stolar@hubengineers.com	(918) 251-0717
OAK STREET IMPROVEMENTS-	$11,522,228.00	2025-07-31	City of Rogers	Jaime Kemp	[redacted]	(479) 621-1186	Crafton Tull & Associates, Inc.	Bill Burnett	Crafton Tull & Associates, Inc.	
ODOT CO 180 LIGHTING	$2,197,192.00	2025-05-03	ODOT - Tulsa	Chastity Coslow	ccoslow@odot.org	(918) 838-9933				
ODOT CO 780 - Pedestrian and Bike Improvement	$1,947,000.00	2026-11-08	Oklahoma Department of Transportation	Jake Hoover	[redacted]	(918) 838-9933	RL Shears Company	Robert Shears II		(918) 582-0612
OKC SOUTH CANADIAN WWTP	$189,590,212.00	2027-01-05	Oklahoma City Water Utilities Trust	Joy Kotey	joy.kotey@okc.gov		CP&Y, Inc.	Michael Graves	mgraves@cpyi.com	(539) 215-1995
OKEMAH WTP	$30,899,526.42	2026-03-11	Okemah Utilities Authority	Ronn Gott	ward4council@okemahok.org	(918) 623-1050	Wall Engineering	Daniel Crossland	dariel@wallengineering.com	(580) 924-1800
OLATHE WEST CEDAR CREEK S	$39,892,324.00	2026-10-31	City of Olathe	Aaron Wasko	amwasko@olatheks.org	(913) 971-9108	TREKK Design Group, LLC	Justin Likes	jlikes@trekkdesigngroup.com	(816) 874-4661
OLATHE WTP2 CHEM FEED AND	$13,408,380.00	2026-01-30	City of Olathe	Aaron Wasko	amwasko@olatheks.org	(913) 971-9108	Black & Veatch	Jacob Schultze	schultzejr@bv.com	
OLATHE WTP2 CHEMICAL FEED	$423,029.00	2025-12-08	City of Olathe	Aaron Wasko	amwasko@olatheks.org	(913) 971-9108	Black & Veatch	Jacob Schultze	schultzejr@bv.com	
PANTHER CREEK WWTP	$170,618,000.00	2028-07-06	North Texas Municipal Water District	Rocio Galindo	rgalindo@nmwd.com	469-626-4735	HDR Engineering, Inc	Joel Cantwell	joel.cantwell@hdrinc.com	(972) 960-7440
PAWNEE STORAGE TANK & BPS	$2,372,000.00	2026-07-13	Pawnee Public Works Authority	Alice Cottle	[redacted]	(918) 762-2658	Cimarron Valley Engineering	Matt Coe	[redacted]	(405) 240-6053
PITTSBURG WASTEWATER TREA	$60,250,103.25	2027-10-01	City of Pittsburg	Chris Fannucci	chris.fannucci@pittks.org		Earles Engineering & Inspection	Peter Earles	earlesinc@earlesokc.com	
POPLAR STREET IMPROVEMENT	$15,110,744.00	2026-01-02	City of Rogers	Lance Jobe	ljobe@rogersar.gov	(479) 621-1186	CEI			
PS 66 REHAB	$760,000.00	2025-07-01	Unified Government of Wyandotte County	Devin Tiebout	[redacted]					
PUMP STATION 6 SPIDER BOWEL ENCASEMENT	$89,150.00	2025-11-30	Unified Government of Wyandotte County	Apollo Hernandez	[redacted]	913-573-1353				
RENNER PS IMPROVEMENTS	$1,312,850.00	2026-11-02	City of Olathe	Nicole Woods	nwoods@olatheks.org	(913) 971-9119				
RHUA WPC 25-2	$399,358.00	2026-06-02	City of Tulsa	Ryan McKaskle	rmckaskle@cityoftulsa.org	(918) 596-9518	Holloway, Updike and Bellen, Inc	Stephen Tolar	stolar@hubengineers.com	(918) 251-0717
ROGERS COUNTY RWD 4 WTP	$4,936,082.50	2026-01-30	Rural Water District No. 4 Rogers County	Ken McMains	kmcmains@rogers4.com	(918) 443-2542	Kellogg Engineering, Inc.	Brian Kellogg	brian@kellogginc.com	(918) 275-4080
ROGERS SOLIDS HANDLING	$19,899,971.00	2026-03-03	Rogers Water Utilities	Brian Sartain	bhansartain@rwu.org	(479) 640-8970	Hawkins Weir Engineers, Inc	Josh Durham	josh.durham@hawkins-weir.com	
ROUTE 66 AERO BUS RAPID	$4,934,060.23	2025-07-15	City of Tulsa	Ryan McKaskle	rmckaskle@cityoftulsa.org	(918) 596-9518				
RSD #1 ROGERS COUNTY WWTP	$11,818,640.30	2026-05-01	Rural Sewer District No. 1, Rogers County	Larry LaValley	lavalley@rsd1.com	(918) 266-0003	Kellogg Engineering, Inc	Harley Swan	harley@kellogginc.com	(918) 275-4080
RWD #2 WATER TREATMENT PL	$16,150,585.00	2025-01-25	Rural Water District No. 2, Miami County, KS	Jerry Bennett	jbennett@ruralwater2mico.com	(913) 783-4325	Midwest Engineering Group,	Danny Coltrane	dcoltrane@mwest-engineers.com	(918) 264-9455
S. 28TH PLACE ROUNDABOUT	$1,584,380.00	2025-08-05	City of Rogers	Lance Jobe	ljobe@rogersar.gov	(479) 621-1186	CEI Engineering Associates, Inc			
SAPULPA WWTP DEGRITTER	$574,000.00	2026-01-01	City of Sapulpa	Steve Handl	shandl@cityofsapulpa.net	(918) 857-8102	Tetra Tech FHC	Hayley Voelkers	hayley.voelkers@tetratech.com	(918) 249-3309
SE 14TH STREET TUNNEL	$7,946,281.00	2025-11-03	Walton Enterprises, LLC	David Swain	dswain@weioffice.com		Walter P. Moore and Associates,	Gus Leutermann	gleutermann@walterpmoore.com	303-731-1830
SEMINOLE WWTP	$37,956,895.00	2026-08-07	Seminole Utility Authority	Jeff Griffin	water_office@seminole-oklahoma.net	(405) 382-0518	Wall Engineering	Brandon Wall	brandon@wallengineering.com	(580) 924-1800
SPRING HILL WWTF	$1,800,000.00	2026-02-01	City of Springhill							
SPRINGDALE FILTERS IMPROV	$142,275.00	2026-04-30	Springdale Water & Sewer Commission	Rick Pulvirenti	rpulvirenti@springdalewater.com		Garver	Andy Pruitt	IAPruitt@garverusa.com	
SPRINGDALE WESTERN CORRID	$35,331,971.00	2025-12-31	City of Springdale	Rick Pulvirenti	rpulvirenti@springdalewater.com					
STILLWATER FWPS & RWPS	$26,898,767.70	2026-07-13	Stillwater Utilities Authority	Chris Humes	[redacted]	(405) 742-8348	Carollo Engineers, Inc.	Erika Cooper	[redacted]	(469) 387-4956
Stillwater Water Distribution Tank Rehabilitations	$7,486,000.00									
STILLWATER WTP CHEMICAL	$24,968,000.00	2027-01-03	Stillwater Utilities Authority	Chris Humes	chris.humes@stillwater.org	(405) 742-8348	Black & Veatch	Amanda Johnson	johnsona@bv.com	(913) 458-3553
THUA LOWER BIRD CREEK	$25,989,548.30	2026-12-18	Tulsa Metropolitan Utility Authority	Ryan McKaskle	rmckaskle@cityoftulsa.org		STV, Inc.	Michael Graves	michael.graves@stvinc.com	(918) 443-0166
Verdigris River WTP Hypochlorite Generation Syste	$1,090,000.00	2027-08-02	Broken Arrow Municipal Authority	Charlie Bright	[redacted]		HDR			
VERDIGRIS RIVER WTP RAW WATER	$1,094,400.00	2027-05-30	Broken Arrow Municipal Authority	Jordan Grace	[redacted]	(539) 357-1451	HDR	Todd Townsend		
WALTON BOULEVARD	$7,338,538.00	2025-09-12	City of Bentonville	Jarrod Brightwell	jbrightwell@bentonvillear.com	(479) 418-8675	Garver, LLC	Luke Freedle	lfreedle@garverusa.com	
WOLCOTT HORIZONTAL COLLEC	$19,895,500.00	2027-01-21	WaterOne	Robert Beason	rbeason@wateronne.org	(913) 895-5885	Black & Veatch	Jim Winger	[redacted]	913-458-3484
	$1,935,261,367.23									

8TH STREET CORRIDOR IMPROVEMENTS

Bentonville, AR | $27,802,588 | Design-Bid-Build/Hard-Bid

Widening the roadway to provide easier access to Downtown Bentonville

Once complete, 8th Street Corridor Improvements will consist of reconstruction of approximately 7,273 linear feet, or 1.4 miles, of 8th Street from Southwest I-Street to Southeast J-Street in Bentonville, Arkansas. The reconstruction will widen the roadway to 4 and 5 lanes, provide new traffic signals, and replace the storm drainage systems for the length of project. The widened roadway will include vehicular lanes, a cycle-track with dedicated bike signals, and sidewalks. There will also be landscaping and light pole foundations included in this project. Minor utility adjustments and fire hydrant and valve relocations will be required to facilitate this scope of work.

Crossland Heavy was given 730 days to complete this project, and we are on track to finish on time and in budget.

CLIENT REFERENCE
City of Bentonville
Dennis Birge
479-271-6840

ENGINEER REFERENCE
Burns & McDonnell
Steven Beam
479-725-5460

SAIN STREET EXTENSION

Fayetteville, AR | $4,380,860 | Design-Bid-Build/Hard-Bid

Redirecting traffic to avoid congestion of busy intersection

Crossland Heavy Contractors took on the Sain Street Extension project for the City of Fayetteville to provide an alternate route for vehicles wanting to avoid the congested Joyce Blvd./College Ave. intersection. The project scope included approximately 1,950 LF of roadway construction from Frontage Road to Joyce Boulevard, along with a roundabout, a 320 LF new bridge over Mud Creek and associated structures, construction of associated earthwork, curb and gutter, sidewalk and enclosed drainage.

Additionally, an approximately 780 LF of 12' wide concrete trail was constructed with a retaining wall and lighting. Crossland Heavy delivered this project on time and in budget.

TIMELY COMPLETION
Contract Days: 426
Actual Days: 425

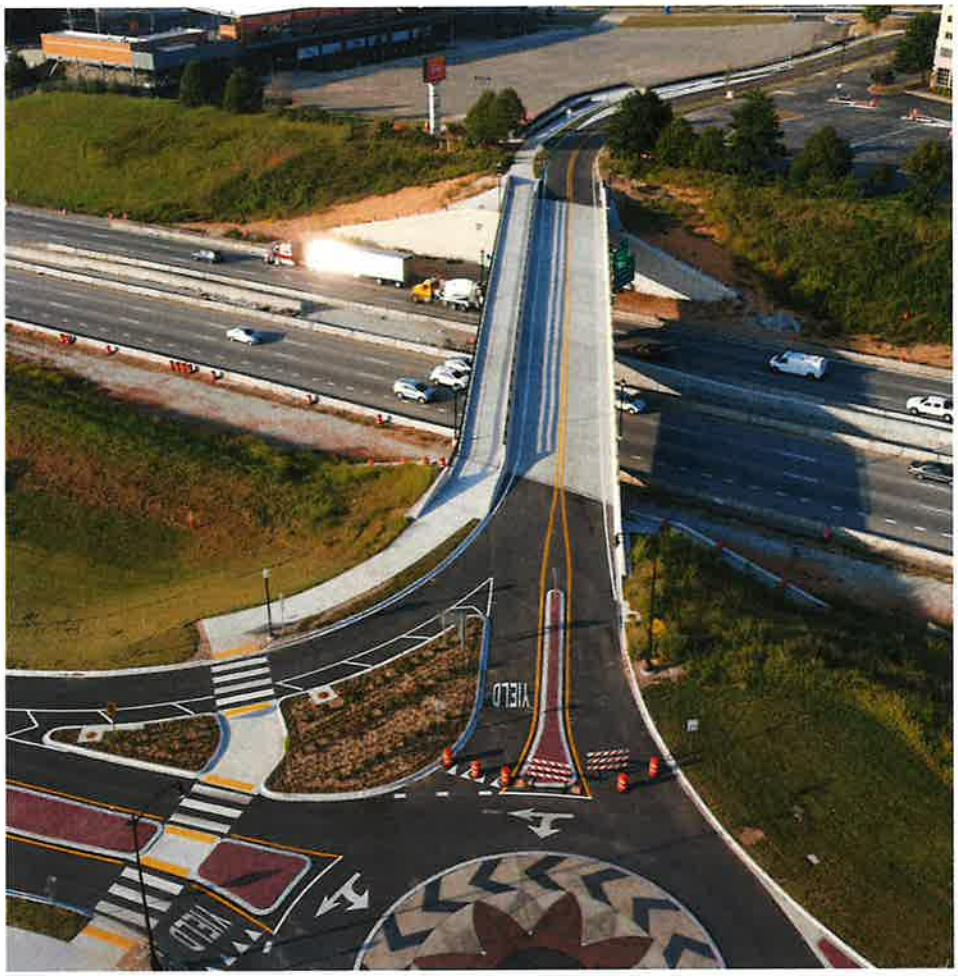
BUDGET ADHERENCE
Initial Contract: $4,380,860
Final Contract: $4,380,860

CLIENT REFERENCE
City of Fayetteville
Paul Libertini
479-444-3419

ENGINEER REFERENCE
McClelland Consulting Engineers, Inc.
Eric Anderson
479-443-2377

OAK ST. & UPTOWN OVERPASS IMPROVEMENTS

Rogers, AR | $20,701,144 | Design-Bid-Build/Hard-Bid



Aiming to incress mobility through the City of Rogers

The Oak Street and Uptown Overpass will consist of two Intersate 49 overpass projects. The Uptown Overpass consists of the extension of West Northgate Road for 1,700-ft. from S. Pinnacle Hills Parkway to S. Rife Medical Lane. The project also includes a 250-ft. bridge over Interstate 49, roundabout, raised intersection, bike plaza, bus stop, street lighting, water and sewer line relocations, retaining walls, and storm drainage systems.

The Oak Street Overpass consists of the extension of W. Oak Street for 3,100-ft. from S. Promenade Boulevard to S. 52nd Street. This project also includes the construction of a 230=ft. bridge over Interstate 49, roundabouts, street lighting, water and sewer line relocations, retaining walls, and storm drainage systems.

Crossland Heavy was given 480 days to complete this project, and we are on track to finish on time and in budget.

CLIENT REFERENCE

City of Rogers
Lance Jobe
479-621-1186

ENGINEER REFERENCE

Garver
Zach Moore
479-257-9188

LOCATION
Rogers, AR

CONTRACT VALUE
$11,500,000

DELIVERY METHOD
Competitive Bid

CLIENT
City of Rogers
Nathan Becknell
301 W Chestnut St
Rogers, AR 72756
479.621.1186

ENGINEER
McClelland Consulting Engineers
PO Box 1567
Rogers, AR 72757
479.443.2377

BELLVIEW ROAD NORTH

Crossland Heavy and our subcontractors were responsible for complete reconstruction of Bellview Road from Ajax Avenue to Pleasant Grove Road. This included roadway widening and turn lane additions, grade changes/ embankments, construction of a 4 span precast concrete arch bridge over Blossom Way Creek, construction and renovation of the I-49 overpass bridge, installation of a triple 8'x7'x900' box culvert, sidewalk and trail improvements, and asphalt paving operations. The newly constructed roadway allows a streamline flow of traffic for the city of Rogers, drainage improvements, and a public trail access for the Northwest Arkansas Greenway Trail.

Crossland Heavy worked with the City to sequence the work in a way that would allow traffic to continue running in all areas. The walking and biking trial that previously ran under the bridge would not have been safe to access during construction, so Crossland Heavy re-routed the trail so that Arkansas hikers and bikers were able to continue using it throughout the entirety of the project.

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE Crossland Heavy Contractors, Inc.
825 SE Avenue, Columbus, KS 66725

as Principal, hereinafter called the Principal, and Federal Insurance Company / Fidelity and Deposit Company of Maryland / Zurich American Insurance Company, 202B Hall's Mill Road, Whitehouse Station, NJ 08889 / 1299 Zurich Way, Schaumburg, IL 60196-1056

a corporation duly organized under the laws of the State of IN / IL / NY

as Surety, hereinafter called the Surety, are held and firmly bound unto City of Fayetteville, Arkansas
113 W. Mountain, Fayetteville, AR 72701

as Obligee, hereinafter called the Obligee, in the sum of Five Percent of Amount Bid

Dollars ($ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Bid 26-43, Construction - Highway 112 Widening

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 14th day of July 2026

Amy Parker
(Witness)

Crossland Heavy Contractors, Inc.
(Principal) (Seal)

By: Mark Sell, Executive Chairman (Title)

Huston Rotich
Huston Rotich (Witness)

Federal Insurance Company / Fidelity and Deposit Company of Maryland / Zurich American Insurance Company
(Surety) (Seal)

By: Cassidy D. Thweatt
Attorney-in-Fact (Title)

AIA DOCUMENT A310 ● BID BOND ● AIA ● FEBRUARY 1970 ED. ● THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 N.Y. AVE., N.W., WASHINGTON, D.C. 20006

CHUBB

Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company
Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, PACIFIC INDEMNITY COMPANY, a Delaware corporation, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Cassidy D. Thweatt

Bid Bond / Bid Bond

Surety Bond No. / Bid Bond

Obligee: City of Fayetteville, Arkansas

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 25th day of June, 2025.

Rupert HD Swindells, Assistant Secretary

Stephen M. Haney, Vice President

STATE OF NEW JERSEY
County of Hunterdon ss.

On this 25th day of June, 2025 before me, a Notary Public of New Jersey, personally came Rupert HD Swindells and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Rupert HD Swindells and Stephen M. Haney, being by me duly sworn, severally and each for himself did depose and say that they are Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal

Stacy J Loftin
NOTARY PUBLIC OF NEW JERSEY
No. 50175208
COMMISSION EXPIRES OCT 15, 2026

Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016; WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006; and ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

(1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.

(2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.

(3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.

(4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.

(5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Rupert HD Swindells, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

(i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect.
(ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this July 14, 2026.

Rupert HD Swindells, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

Bond No. Bid Bond / Bid Bond / Bid Bond

Obligee: City of Fayetteville, Arkansas

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by Christopher Nolan, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Cassidy D. Thweatt, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 7th day of February, A.D. 2025.

SEAL SEAL SEAL

ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Christopher Nolan
Vice President

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 7th day of February, A.D. 2025, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Christopher Nolan, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

Genevieve M. Maison
Notary Public
My Commission Expire January 27, 2029

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 14th day of July, 2026.

MJ Pethick

Mary Jean Pethick
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
reportsfclaims@zurichna.com
800-626-4577

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

CROSSLAND
HEAVY CONTRACTORS

501 S East Avenue | PO Box 350
Columbus, Kansas 66725
t 620.429.1410
f 620.429.2977

Corporate Resolution

BE IT RESOLVED: that at the monthly meeting of the Board of Directors of Crossland Heavy Contractors, Inc., held on the 30th day of January, 2026, the Board of Directors did, by unanimous decision, authorize Mark Sell, Chris Walters, Justin Lillie, Dan Thompson, Erick Lowe, Jason Lundry, Ron Edmond, Trace Drummond, Matt Rippe, or Ivan Crossland, Jr. to sign on behalf of said Corporation all documents and papers pertaining to the business of said Corporation.

All documents signed by Mark Sell, Chris Walters, Justin Lillie, Dan Thompson, Erick Lowe, Jason Lundry, Ron Edmond, Trace Drummond, Matt Rippe or Ivan Crossland, Jr. on behalf of Crossland Heavy Contractors, Inc. shall be legally binding on Crossland Heavy Contractors, Inc. and their successors and assigns.

Mark Sell, Executive Chairman of The Board

ATTEST: _____
Holly Rhodes, Secretary

CROSSLAND HEAVY CONTRACTORS, INC. CORPORATE SEAL KANSAS 1993

State of Kansas, County of Cherokee:

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mark Sell, Executive Chairman of The Board of Crossland Heavy Contractors, Inc. a corporation duly organized and existing in the State of Kansas, and he acknowledged the same on behalf of said Corporation.

In witness thereof I have set my hand and affixed my seal this 5th day of February, 2026.

Amy Harlos
Notary Public

My Commission Expires:
7/18/2027

Amy Harlos
Notary Public
State of Kansas
My Appt. Exp. 7/18/27

License No. 0067301126 ID #8600

State of Arkansas

Commercial Contractors Licensing Board

CROSSLAND HEAVY CONTRACTORS, INC.
501 S EAST AVENUE
COLUMBUS, KS 66725

This is to Certify That CROSSLAND HEAVY CONTRACTORS, INC.

is duly licensed under the provisions of Ark. Code Ann. § 17-25-101 et. seq. as amended and is entitled to practice Contracting in the State of Arkansas within the following classifications/specialties:

HEAVY CONSTRUCTION
MUNICIPAL & UTILITY CONSTRUCTION

This contractor has an unlimited suggested bid limit.

from October 24, 2025 **until** November 30, 2026 **when this Certificate expires.**

Witness our hands of the Board, dated at North Little Rock, Arkansas:

GREAT SEAL OF THE STATE OF ARKANSAS

CHAIRMAN

SECRETARY

October 24, 2025 - dsa

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 7/13/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
IMA, Inc. - Kansas City
11350 Switzer Rd
Suite 200
Overland Park KS 66210

CONTACT NAME: IMA Certificate Team
PHONE (A/C, No, Ext): **FAX (A/C, No):**
E-MAIL ADDRESS: robin.harris@imacorp.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Atlantic Specialty Insurance Company	27154
INSURER B : Hartford Fire Insurance Company	19682
INSURER C : Twin City Fire Insurance Company	29459
INSURER D : Pacific Insurance Company, Limited	10046
INSURER E : Hartford Insurance Company of the Southeast	38261
INSURER F :	

INSURED CROSCON-03
Crossland Heavy Contractors, Inc.
PO Box 350
833 S. East Avenue
Columbus KS 66725

COVERAGES **CERTIFICATE NUMBER:** 550390603 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	X **COMMERCIAL GENERAL LIABILITY** CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT [X] LOC OTHER:			37CSEQU4351	4/30/2026	4/30/2027	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 5,000,000 $ 2,000,000 $ 15,000 $ 5,000,000 $ 10,000,000 $ 10,000,000 $
B	**AUTOMOBILE LIABILITY** X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY			37UENQU4352	4/30/2026	4/30/2027	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 5,000,000 $ $ $ $
C	X **UMBRELLA LIAB** X OCCUR **EXCESS LIAB** CLAIMS-MADE DED X RETENTION $ 0			37XSAE2817	4/30/2026	4/30/2027	EACH OCCURRENCE AGGREGATE $	$ 10,000,000 $ 10,000,000 $
E	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [N] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		37WNQU4360	4/30/2026	4/30/2027	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 2,000,000 $ 2,000,000 $ 2,000,000
D A A	Professional & Pollution Liab. Builders Risk - Reporting Installation Floater - Reporting			34CPIAE5832 7900130720013 7100337760014	4/30/2026 4/30/2026 4/30/2026	4/30/2027 4/30/2027 4/30/2027	See Below Any One Job Site Any One Job Site	$150,000,000 $5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Professional Liability: $5,000,000 Each Claim, $10,000,000 Aggregate; Pollution Liability: $10,000,000 Each Claim, $10,000,000 Aggregate.

2nd Layer Excess Liability: Policy #1000588349261, Effective 4/30/2026 - 4/30/2027, Insurer: Starr Indemnity & Liability Company, NAIC #38318 $15,000,000 Each Occurrence, $15,000,000 Aggregate.
3rd Layer Excess Liability: Policy #UXP300009004, Effective 4/30/2026 - 4/30/2027, Insurer: Arch Insurance Company, NAIC #11150 $15,000,000 Each Occurrence, $15,000,000 Aggregate.
RE: Insurance qualification for Highway 112 Widening, Fayetteville, AR.
Additional coverages available at the request of Crossland Heavy Contractors.

CERTIFICATE HOLDER
City of Fayetteville Arkansas
113 W Mountain Rd
Fayetteville AR 72701

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Brenda Vinson

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U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT MODIFICATION

RECIPIENT: 5-Arkansas **FEDERAL PROJECT NO:** 9142041 **NO:** 12

RECIPIENT PROJ. NO(S): 040720

PROJECT TITLE: Poplar St. - Drake St. (Fayetteville)
PROJECT DESCRIPTION: Major Widening
UEI (SAM): U9GQWG2L9ZQ3
SUBRECIPIENT PROJECT: No
SUBRECIPIENT UEI(SAM):
SUBRECIPIENT NAME:
PROJECT END DATE: 09/30/2028

CLASSIFICATION OF PHASE OF WORK: CONSTR

THE PROJECT AGREEMENT FOR THE ABOVE REFERENCED PROJECT ENTERED INTO BETWEEN THE UNDERSIGNED PARTIES AND EXECUTED BY THE FHWA ADMINISTRATOR ON 12/06/2016 IS HEREBY MODIFIED AS FOLLOWS:

PROGRAM CODE	FAIN	URBAN / WITH		FORMER AMOUNT	REVISED AMOUNT
Y306	693JJ22630000Y306AR9142041		ESTIMATED TOTAL OF THE PROJECT	$180,000.00	$180,000.00
			FEDERAL FUNDS	$144,000.00	$144,000.00
			ADV CONSTRUCTION FUNDS	$0.00	$0.00
			PERCENT FEDERAL SHARE	80%	80%
Y240	693JJ22630000Y240AR9142041		ESTIMATED TOTAL OF THE PROJECT	$0.00	$10,000.00
			FEDERAL FUNDS	$0.00	$8,000.00
			ADV CONSTRUCTION FUNDS	$0.00	$0.00
			PERCENT FEDERAL SHARE	0%	80%
Z400	059142041Z400		ESTIMATED TOTAL OF THE PROJECT	$11,004,145.11	$11,004,145.11
			FEDERAL FUNDS	$146,486.00	$146,486.00
			ADV CONSTRUCTION FUNDS	$8,656,830.09	$8,656,830.09
			PERCENT FEDERAL SHARE	80%	80%
Y230	693JJ22630000Y230AR9142041	29494	ESTIMATED TOTAL OF THE PROJECT	$712,160.55	$712,160.55
			FEDERAL FUNDS	$500,000.00	$500,000.00
			ADV CONSTRUCTION FUNDS	$0.00	$0.00
			PERCENT FEDERAL SHARE	80%	80%
Y236	693JJ22630000Y236AR9142041		ESTIMATED TOTAL OF THE PROJECT	$10,000,000.00	$10,000,000.00
			FEDERAL FUNDS	$8,000,000.00	$8,000,000.00
			ADV CONSTRUCTION FUNDS	$0.00	$0.00
			PERCENT FEDERAL SHARE	80%	80%

RECIPIENT REMARKS:
Mod. #12 - Based on current state PE costs.
Mod. #11 - Based on estimated construction costs, current ROW consult and to extend the period of performance.
Mod. #10 - Based on estimated consultant right of way costs and to extend the period of performance.
Mod. #9 - Based on estimated right of way costs and to extend the period of performance.
Mod. #8 - Based on estimated utilities costs. Utility funds are authorized for planning purposes only. No work will begin on the project until the supporting NEPA documentation is complete. Also, to extend the period of performance.
Mod. #7 - To extend the period of performance to allow time for job completion.
Mod. #6 - Based on estimated PE costs.
Mod. #5 - Based on estimated PE costs.
Mod. #4 - Based on estimated PE costs.
Mod. #3 - Based on estimated PE costs.
Mod. #2 - Based on Task Order No. P164 with Crafton, Tull & Associates.
Mod. #1 - Based on estimated PE costs.
Based on requested PE funds.
This agreement is subject to the following award terms: http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf and http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf.

FHWA REMARKS:

ALL OTHER TERMS AND CONDITIONS OF THE PROJECT AGREEMENT WILL REMAIN IN FULL FORCE AND EFFECT.

ARKANSAS DEPARTMENT OF TRANSPORTATION

AVAILABLE FUNDS CERTIFIED BY:	Lindsay Atkinson	DATE:	05/12/2026
APPROVAL RECOMMENDED BY:	Douglas Meleney	DATE:	05/12/2026
APPROVED AND AUTHORIZED BY:	Daniel Siskowski	DATE:	05/12/2026

FEDERAL HIGHWAY ADMINISTRATION

APPROVAL RECOMMENDED BY:	Jessica Gordon	DATE:	05/13/2026
APPROVED AND AUTHORIZED BY:	Jesse Ward	DATE:	05/13/2026
MODIFICATION APPROVED BY:	Jessica Gordon	DATE:	05/14/2026

FEDERAL-AID PROJECT AGREEMENT

The Arkansas Department of Transportation hereby requests authorization to proceed with the following project.

PoDi/State Admin. [ ] PoDi/Locally Admin. [ ]
Assumed/State Admin. [X] Assumed/Locally Admin. [ ]
Other [ ]

Program Code : Z400, Z400(AC), Y306, Y230, Y236 & Y240

F.A.P. : CMF-STPLC-STPU-TAPLC-STPF-9142(41) State Job : 040720

Project Description : Poplar St. - Drake St. (Fayetteville) (S)

County(ies) : Washington Est. Letting Date : TBD (Month / Year)

Inventory Rt. # : 7x112x1xA Project Type : C "STIP" Item No. : 040720 Est. Constr. Date : NA (Month / Year)
(Demo Projects Only)

Beginning Milept. : 0000.793 Ending Milept : 0001.785 Demo. ID No. : NA
(Demo Projects Only)

Original Agreement : December 6, 2016 Description : Major Widening

Project End Date: September 30, 2028 CFDA # 20.205

FOR FHWA USE ONLY

Improvement Type :
Urbanized Area : NARTS
Rural or Urban : U
Functional System : M
Fed-Aid System : O
LPA : N

BRIDGES

Feature	Str. #	Type

FUNDING:

Improvement Type	Previously Authorized	Now Requested	Total Federal	Other [STATE]	Other [CITY]	Total Cost	F.F. %
	Federal Funds						
CMAQ - Z400							
State PE - 15	132,000.00	0.00	132,000.00	33,000.00		165,000.00	80
Consult Title I - 15	14,486.00	0.00	14,486.00	3,621.50		18,107.50	80
Total - Z400	146,486.00	0.00	146,486.00	36,621.50		183,107.50	
STPF - Y240							
State PE - 15	0.00	8,000.00	8,000.00	2,000.00		10,000.00	80
TAPLC - Y306							
Sidewalk - 28	144,000.00	0.00	144,000.00	0.00	36,000.00	180,000.00	80
Total - Y306	144,000.00	0.00	144,000.00	0.00		180,000.00	
STPU - Y230							
Sidewalk - 28	500,000.00	0.00	500,000.00	0.00	125,000.00	625,000.00	80
Total - Y230	500,000.00	0.00	500,000.00	0.00		625,000.00	
Non-Participating - 9030							
Sidewalk - 28	0.00	0.00	0.00	0.00	87,160.55	87,160.55	80
Total - 9030	0.00	0.00	0.00	0.00		87,160.55	
STPLC - Y236							
Roadway - 03	8,000,000.00	0.00	8,000,000.00	2,000,000.00	0.00	10,000,000.00	80
Total - Y236	8,000,000.00	0.00	8,000,000.00	2,000,000.00		10,000,000.00	
CMAQ - Z400(AC)							
Utilities - 43	396,525.96	0.00	396,525.96	99,131.49		495,657.45	80
Roadway - 03	6,657,396.13	(0.00)	6,657,396.13	1,664,349.03		8,321,745.16	80
R/W - 16	1,558,908.00	0.00	1,558,908.00	389,727.00		1,948,635.00	80
ROW Consult - 16	44,000.00	0.00	44,000.00	11,000.00		55,000.00	80
Total - Z400(AC)	8,656,830.09	(0.00)	8,656,830.09	2,164,207.52		10,821,037.61	
TOTAL	17,447,316.09	8,000.00	17,455,316.09	4,202,829.02	248,160.55	21,906,305.66	

Comments: Mod. #12 - Based on current state PE costs.

State PE Auth: 12/6/16, Rev: 06/19/2017, 07/05/17, 8/29/17, 9/18/17, 08/15/18, 01/29/19
Utilities Auth 12/10/21 ROW Consult Auth 05/13/24 ROW Auth 4/7/23
Max NWARPC STBGP-A $500,000 (2026) Constr. Auth 4/27/26
FHWA will be billed 100% of the 80% for Utilities, ROW, ROW consult & const.
T3CE apprvd 3/1/23

This agreement is subject to the following award terms: http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf and http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf.

The State agrees that as a condition to payment of Federal funds obligated, it accepts and will comply with the agreement provisions set forth in 23 CFR, Parts 630.106 and 630.112; and its signature constitutes the making of the certifications.

Original Agreement [ ]
Modified Agreement [X]

Approved for Submission : Lindsay Atkinson Date: 5/12/2026
For *Federal Programs Coordinator*

Approved in FMIS by Electronic Signature: Doug Maloney Date: 5/12/2026
Section Head - Program Funding

Agreement/ Modification Requested in FMIS by Electronic Signature: Daniel Dikowski Date: 5-12-26
Division Engineer - Program Management

Federal-Aid Project Agreement was approved and authorized by electronic signature on 5/14/26 by FHWA
Note a copy of Form FMISD06A has been printed and sent to the Master Files which shows the above date.

NWA Regional Planning Commission

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125 • Fax: (479) 751 7150 • http://nwarpc.org

June 17, 2025

Mayor Molly Rawn
City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Re: Hwy 112/Garland Ave. (Poplar to Drake St) (Job No. TBD) – Construction
NWARPC FFY 2026 Surface Transportation Block Grant Program – Attributable (STBGP-A)
Total NWARPC Federal Funds Awarded to Project to Date: $500,000

Dear Mayor Rawn:

I am pleased to inform you that the Hwy 112/Garland Ave. (Poplar to Drake St) (Job No. TBD) was selected by the Northwest Arkansas Regional Planning Commission on May 28, 2025, for Federal Fiscal Year (FFY) 2026 NWARPC Surface Transportation Block Grant Program – Attributable (STBGP-A) funding.

The awarded FY2026 NWARPC STBGP-A funds and the required local match are shown below:

NWARPC STBGP-A	**$500,000**	**(80% Federal)**
City Match	**$125,000**	**(20% Local Match)**
Total	**$625,000**	

The NWARPC STBGP-A funding is subject to an obligation limitation and the total available funds may change after final FFY 2026 funding is published by the Federal Highway Administration (FHWA).

These funds are required to be obligated by the end of the Federal Fiscal Year that ends on September 30, 2026. All required submittals to the Arkansas Department of Transportation (ARDOT) and required approvals for this project should be completed by August 15, 2026, to allow sufficient time to obligate the STBGP-A funds for this project.

ARDOT administers the Local Public Agency (LPA) program, providing oversight for federal-aid project delivery and ensuring compliance with applicable provisions of Title 23, U.S.C. ARDOT also processes reimbursement requests for NWARPC funding awards. For more details, please refer to the ARDOT Local Public Agency Project Manual. Required training for this program will be conducted by ARDOT on **Thursday, July 17, 2025, from 8:30 a.m. to 9:30 a.m. at the NWARPC office**. Please ensure the appropriate staff member(s) attend.

Please let us know if you have any questions or need additional information regarding this program.

Sincerely,

Tim Conklin
Executive Director

Cc: David Siskowski, ARDOT
Whitnee V. Bullerwell, ARDOT
Minghua Qiu Miller, ARDOT
Carlos Merideth, ARDOT
Ashley Smith, ARDOT
Sunny Farmahan, ARDOT
Anthony Hunter, ARDOT
Chris Brown, Fayetteville Public Works Director
Paul Libertini, Fayetteville Staff Engineer

Northwest Arkansas Regional Mobility Authority

Moving Northwest Arkansas Forward

Northwest Arkansas
Regional Mobility Authority
1311 Clayton St., Springdale, AR
72762 | Ph: (479) 751-7125

December 12, 2024

Lori Tudor, Director
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, AR 72209

Dear Director Tudor:

The Northwest Arkansas Regional Mobility Authority (NWARMA) was awarded $144,000 in Transportation Alternatives Program funding in 2023 for the Heritage Springs Trail from Poplar Street to Drake Street in Fayetteville.

The NWARMA Board of Directors met on December 4, 2024 and approved Resolution No. 2024-03 transferring the awarded funds to the City of Fayetteville for Job 040720, Poplar St. – Drake St. (Fayetteville) (S). Please find the resolution enclosed.

Thank you for your assistance in this matter.

Sincerely,

Barry Moehring
Northwest Arkansas Regional Mobility Authority
Chairperson

Encl. Resolution No. 2024-03

NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY

RESOLUTION #2024-03

A RESOLUTION REQUESTING THE TRANSFER OF $144,000 2023 ARDOT TAP FUNDS FOR HIGHWAY 112 HERITAGE SPRINGS TRAIL (POPLAR STREET TO DRAKE STREET IN FAYETTEVILLE) TO THE CITY OF FAYETTEVILLE FOR JOB 040720, POPLAR ST. – DRAKE ST. (FAYETTEVILLE) (S) TO CONSTRUCT A 12-FOOT SIDEPATH

WHEREAS, the Northwest Arkansas Regional Mobility Authority (RMA) was awarded a $144,000 Transportation Alternatives Program (TAP) funding by the Arkansas Department of Transportation (ARDOT) in 2023 for the Heritage Springs Trail from Poplar Street to Drake Street in Fayetteville; and

WHEREAS, the Highway 112 planned 12-foot sidepath, using federal funding, will be open and available for use by the general public and maintained by local government for the life of the project; and

WHEREAS, ARDOT and the City of Fayetteville have a partnership agreement for Job 040720, Poplar St. – Drake St. (Fayetteville) (S); and

WHEREAS, transferring these ARDOT TAP funds from the RMA to the City of Fayetteville meets the purpose and intent of the awarded grant funds to construct the 12-foot sidepath along Highway 112 from Poplar Street to Drake Street in Fayetteville.

NOW THEREFORE, BE IT RESOLVED BY THE NORTHWEST ARKANSAS REGIONAL MOBILITY AUTHORITY:

That the Northwest Arkansas Regional Mobility Authority (RMA) hereby requests that the 2023 Arkansas Department of Transportation (ARDOT) Transportation Alternatives Program (TAP) Grant of $144,000 for the Heritage Springs Trail from Poplar Street to Drake Street in Fayetteville be transferred to the City of Fayetteville for Job 040720, Poplar St. – Drake St. (Fayetteville) (S).

PASSED AND APPROVED ON THIS 4TH DAY OF DECEMBER 2024.

Judge Barry Moehring, Chairperson
Northwest Arkansas Regional Mobility Authority

ATTEST: _____

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2144

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Justin Bland, City Engineer

FROM: Kenneth Patterson, Federal Aid Project Manager

SUBJECT: **Approval for Contract Amendment #1 for Kimley Horn Design Services on E. Joyce Blvd.**

RECOMMENDATION:
Staff recommends approval of contract Amendment #1 to the master agreement with Kimley-Horn & Associates in the amount of $810,500 for additional design services on E. Joyce Blvd. for the Safe Streets and Roads for All Project.

BACKGROUND:
The City received a $25,000,000 Safe Streets for All grant for five construction projects, including the section of E. Joyce Blvd from Crossover Rd. to N. College Ave. Kimley Horn has a contract in place to provide a conceptual design which they are nearing completion on. This conceptual design phase included a public meeting which was held on May 14, 2026, as well as a supplemental presentation and input session for the Butterfield Trail Community that resides on the impacted stretch of road. Staff will present the recommended design concept along with public feedback/survey results at the Transportation Committee on July 28, 2026.

DISCUSSION:
The scope of services for this next phase of design includes the Preliminary Design Phase, which requires another round of public engagement, preparation of land acquisition documents, agency coordination for environmental review, and preliminary plan preparation, amongst other items. The amendment also includes similar tasks for completion of the final plan preparation and bidding services.

BUDGET/STAFF IMPACT:
The City has been awarded federal funding for this project through the Safe Streets and Roads for All (SS4A) Program, as approved by Resolution 301-24. The federal funding will pay for 74.63% of this cost while the city will cover the remaining 25.37%. The $810,500 cost in this proposal is for preliminary and final design services. Matching funds for the SS4A grant funds will come from the 2019 Bond Program. The funding breakdown for the contract amount is as follows:

Description	Account	Project	Amount
SS4A	2235.900.9224-5860.02	32401.9224	$604,876.15

Transportation	4802.860.7235-46020.7235.9224			$205,623.85
Bond Program	5860.02			

ATTACHMENTS: 3. Staff Review Form, 4. Joyce Boulevard SS4A Phase 2 Amendment_Partially Executed

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

File #: 2026-2144

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN & ASSOCIATES IN THE AMOUNT OF $810,500.00 FOR ADDITIONAL DESIGN SERVICES ASSOCIATED WITH THE SAFE STREETS AND ROADS FOR ALL PROJECT

WHEREAS, the City received a $25,000,000.00 Safe Streets for All grant for five construction projects, including the section of East Joyce Boulevard from Crossover Road to North College Avenue; and

WHEREAS, on August 5, 2025, City Council passed Resolution 169-25 authorizing a contract with Kimley-Horn for study and design phase services for the East Joyce Boulevard Safe Streets and Roads for All Project; and

WHEREAS, Amendment No. 1 will include the Preliminary Design Phase, preparation of land acquisition documents, agency coordination for environmental review, preliminary plan preparation, and bidding services.

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 authorizes Mayor Rawn to sign Amendment No. 1 with Kimley-Horn & Associates in the amount of $810,500.00 for additional design services associated with the Safe Streets and Roads for All Project.

City of Fayetteville Staff Review Form

2026-2144

Item ID

8/4/2026

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

Justin Bland	7/16/2026	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of contract Amendment #1 to the master agreement with Kimley Horn in the amount of $810,500.00 for additional design services on the Joyce Blvd. project

Budget Impact:

2235.900.9224-5860.02 4802.860.7235-5860.02	Safe Streets & Roads Grant Streets Projects 2024 Bonds
Account Number	Fund
32401.9224 46020.7235.9224	Safe Streets & Roads Grant - Joyce Blvd. Streets Bond Projects, SS4A - Joyce
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	1,107,547.00
		Expenses (Actual+Encum)	$	297,046.34
		Available Budget	$	**810,500.66**
Does item have a direct cost?	Yes	Item Cost	$	810,500.00
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	**0.66**

Purchase Order Number:

Previous Ordinance or Resolution # 301-24

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

August 4, 2026

Ken Patterson
Federal Aid Project Manager
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Amendment Number 01 to Professional Engineering Services Agreement
Joyce Boulevard SS4A Implementation Project

Dear :

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") and the City of Fayetteville ("Client") entered in a Professional Services Agreement dated August 5, 2025 ("Agreement") concerning the Joyce Boulevard SS4A Implementation Project ("Project").

The parties now desire to amend the Agreement to include services to be performed by Consultant for compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

Consultant will provide the services specifically set forth in **Appendix A**.

We will provide our services as expeditiously as practicable with the goal of meeting a mutually agreed upon schedule.

For the services set forth above, Client shall pay Consultant the following compensation set forth in **Appendix B**.

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Signed: _____

Printed Name: Luke A. Schmidt

Title: Vice President

Signed: _____

Printed Name: Amber L. Christenson

Title: Project Manager

AGREED AND ACCEPTED:
CITY OF FAYETTEVILLE

By: _____

Title: _____

Date: _____

APPENDIX A

Scope for Engineering Design Related Services for
Joyce Boulevard SS4A Improvements Project – Phase 2

The scope set forth herein defines the work to be performed by Kimely-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") in completing phase 2 of the project. Both the City of Fayetteville ("Client") and Consultant have attempted to clearly define the work to be performed and address the needs of this phase of the overall project.

Project Understanding

The objective of the Joyce Boulevard SS4A Improvements Project – Phase 2 is to design and construct safety countermeasures through the implementation of transportation infrastructure within the public right-of-way that are designed, operated, and maintained to enable safe, accessible, comfortable, and convenient access for all people and travel modes. This includes people traveling as pedestrians, by bicycle, by transit, and by motor vehicle (including commercial vehicles and emergency responders).

The project will be funded with Federal funds and will follow City of Fayetteville design criteria and FHWA requirements.

The project limits are along E. Joyce Boulevard from College Avenue to Crossover Road. The scope of this phase of this project includes two roundabouts; one 2x1 roundabout at the Vantage intersection and one 2x2 (striped for a 2x1) roundabout at the Old Missouri intersection, raised concrete median connection between the two intersections, sidewalk connections, overhead safety lighting upgrades along the existing overhead electric luminaires, a High-intensity Activated crossWalK (HAWK) signal at Parkview Drive, and landscaping / irrigation in the roundabout circles.

Assumptions

Kimley-Horn's scope and fee are based on the following assumptions:

a. All services outlined below are to be performed by Kimley-Horn except for topographic survey and SUE services.

b. Geotechnical engineering services will be coordinated and performed by the City.

c. Project delivery method for phase 2 of the overall project is anticipated to follow the Construction Manager / General Contract (CM-GC) process.

d. Design timeline for phase 2 of the overall project is anticipated to take twelve (12) months (pending complete franchise utility coordination/adjustments and right-of-way/easement acquisitions).

e. Construction timeline for phase 2 of the overall project is anticipated to take eighteen (18) months.

f. Kimley-Horn will utilize the planning level documents developed in Phase 1 of the Joyce Boulevard Safety Improvements Project. These documents include:
    a. *Traffic Study;*

b. *Lighting Study;*
c. *Pavement and Sidewalk Conditions Assessment;*
d. *Intersection Control Evaluation;*
e. *Corridor Study.*

g. Kimley-Horn will utilize applicable design criteria from the City of Fayetteville Minimum Street Standards and ARDOT Standard Details.

h. Project management for the Joyce Boulevard SS4A Improvements Project shall utilize the SMARTS™ web-based platform that was developed during phase 1 of the overall project.

i. Public engagement platforms for the project shall be through the Client's web-based platform using Konveio. The Consultant shall provide any necessary materials in advance of any public engagement meetings / workshops.

j. Concrete foundations are to follow ARDOT standards and specifications but shall be verified against the geotechnical report.

k. No detention / retention is being contemplated as a part of this project, nor are Low Impact Development measures being completed.

l. Any storm drain design as required as part of this project is only anticipated to be at the roundabouts and where existing drainage is impacted. Analysis and design of the entire existing system is not included as part of this project.

m. No irrigation design shall be included in this scope of services. Irrigation for the project is anticipated to be covered under an irrigation allowance with any improvements and / or adjustments to be determined and designed by the contractor.

n. Community engagement meetings are to be managed and facilitated by City staff. This includes City Council, stakeholder, and surface transportation committee meetings. Hours allocated under this scope of services shall be for meeting material preparation for the City to utilize.

o. Construction phase services are not included in this scope of services.

If any of these assumptions are not correct, then the scope and fee will change.

Scope of Services

Kimley-Horn will provide the services set forth below.

Task 1: Project Administration

A. Project Management

a. The Consultant will maintain project records, budgets, and communications for the duration of the project. The Consultant anticipates bi-weekly calls and monthly progress reports via e-mail between the Consultant's Project Manager and the Client staff to review the status of tasks and to keep the schedule current.

B. Team Management

   a. Lead, manage, and direct team activities including subconsultants (as needed)

   b. Communicate internally among team members.

   c. Task and allocate team resources.

C. Communications and Reporting

   a. Prepare and submit monthly invoices in the format requested by the Client.

   b. Prepare and submit monthly project status updates.

   c. Prepare and submit baseline project schedule initially, and project schedule updates monthly.

   d. Conduct QC/QA reviews and document submittal activities. Refer to Task 13 for further details.

D. Internal Project Team Meetings

   a. Progress meetings will be held internally as needed throughout the length of the project to coordinate production, key decisions, sub-consultant coordination, and project analysis / design. Also, the Consultant will prepare contracts for any sub-consultant(s), monitor sub-consultant staff activities, ensure sub-consultant(s) adhere to the project schedule, and review and recommend approval of sub-consultant invoices. A total of thirty (30) team meetings are anticipated.

E. Client Coordination.

   a. The Consultant will coordinate with Client Staff regarding the project or answer questions related to the project, including franchise utility coordination. Up to sixty (60) hours will be spent on Client coordination. Any additional time spent beyond the allotted sixty (60) hours will be considered additional services.

F. Deliverables

   a. Baseline project schedule.

   b. Monthly schedule updates with schedule narrative describing any current or anticipated schedule changes. Thirty (30) are anticipated.

   c. Monthly project status reports. Thirty (30) are anticipated.

   d. Monthly project invoices. Thirty (30) are anticipated.

Task 2: Conceptual Design (30%)

A. Data Collection.

   a. Consultant will gather available as-built information from the Client as needed prior to initiation of conceptual design. As-built information received from the Client will be visually verified in the field.

B. Conceptual Design Plans, Estimate, and Specifications (PS&E). The 30% design plans will consist of the following:

   a. *Cover and Index of Sheets*. Page shall include a vicinity map, engineer/owner contact and seal, index, indemnification statement, project title, and legend of symbols. The plans will consist of preliminary seal(s) (for the 30%, 60%, and 90% submittals) and final seal(s) (for the 100% submittal) by an engineer(s) licensed in the State of Arkansas.

   b. *General Construction Notes*.

   c. *Key Map*. Map shall note all specific use areas (e.g. schools, parks, recreation centers, library, commercial, industrial, fire zones, no-parking and designated parking areas, etc.) and street segment pages.

   d. *Existing and Proposed Typical Section Sheets*. Existing pavement will be utilized where applicable. Proposed pavement structure will reflect the pavement design recommendation per the geotechnical report (once complete).

   e. *Roundabout and Roadway Plan Sheets*. Sheets shall include plan view of the proposed roundabout alternatives, raised concrete medians, sidewalks / shared-use paths, driveways, curb ramps.

   f. *Storm Drain Horizontal Layouts*. Any inlet adjustments as part of the roadway and roundabout improvements shall be included on the conceptual plan set to show the horizontal alignment(s).

   g. *Pavement Marking and Signing Sheets*. Pavement marking and signing plans shall be in accordance with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).

   h. *HAWK Signal Sheets*. Signal plans shall include signal pole and mast arms, foundations, signal heads, pedestrian signal heads and push buttons, and applicable standard details.

      i. HAWK related pavement markings and signing will be included on the pavement marking and signing sheets section of the plans.

   i. *Illumination Sheets*. Illumination plans shall include luminaire upgrade locations only at the conceptual design stage and applicable standard details.

   j. *Landscape Sheets*. Landscape architecture design will show a 30% design concept only for the conceptual design.

   k. *Client and ARDOT Standard Detail Sheets*.

C. Roundabout Performance Checks

a. Consultant will prepare a performance checks package complying with the Federal Highway Administration (FHWA) method as outlined within National Cooperative Highway Research Program (NCHRP) Report 1043. The following performance checks will be prepared:

i. Theoretical maximum fastest path speeds ("fastest path");

ii. Design and Accommodation vehicles;

iii. Sight distance envelopes;

iv. Visibility to Left; and

v. Path tangency / path overlap.

D. Deliverables

a. Electronic (PDF) submittal of 22" x 34" Preliminary Design (30% Plan Set) and up to three (3) hard copies in 11" x 17" (as requested).

b. Opinions of Probable Construction Costs (OPCC).

c. Documentation of Key Design Decisions.

d. Roundabout Performance Checks package for each roundabout in .pdf format.

Task 3: Preliminary Design (60%)

A. 30% Conceptual Design Plan Review Meeting.

a. Consultant will conduct a virtual plan review meeting to go through the 30% conceptual design comments prior to the start of the 60% preliminary design.

B. Preliminary Design Plans, Estimate, and Specifications (PS&E). The 60% design plans shall address up to one (1) round of comments from the 30% submittal agreed upon with the Client following one (1) plan review meeting and will also consist of the following:

a. *Cover and Index of Sheets*.

b. *General Construction Notes*.

c. *Quantity Summary Sheets*. Summary table shall include quantity take-offs for the overall project.

d. *Key Map*.

e. *Existing and Proposed Typical Section Sheets*.

f. *Overall Project Right-of-Way / Easement Sheets*. Sheets shall include existing and preliminary boundaries of proposed permanent acquisitions, temporary and permanent construction easements and temporary right of entries.

g. *Traffic Control and Sequence of Construction*. Overall traffic control phasing and narrative shall be provided with the preliminary design plans in accordance with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).

h. *Removal Plan Sheets*.

i. *Roundabout and Roadway Project Control Sheets*.

i. The minimum survey information to be provided on the plans shall include the following:

1. The following information about each Control Point;

2. Identification of Control Point Type. Example: OWNER Monument #8901, PK Nail, 5/8" Iron Rod.

3. X, Y and Z Coordinates, in an identified coordinate system, and a referred bearing base. Z coordinate on OWNER Datum only.

4. Descriptive Location (Ex. Set in the centerline of the inlet in the South curb line of North Side Drive at the East end of radius at the Southeast corner of North Side Drive and North Main Street).

5. At least two horizontal control monuments and at least one benchmark will be shown on each sheet.

ii. Alignment data for each alignment shown on the paving plan. Each alignment will have the following information provided:

1. Station and coordinate data for all horizontal alignment P.C.'s, P.T.'s, P.I.'s

2. Bearings given on all proposed centerlines, or baselines.

3. Station equations relating utilities to paving, when appropriate.

j. *Roundabout and Roadway Plan and Profile Sheets*. Sheets shall include plan and profile views of the proposed roundabout layouts, raised concrete medians, sidewalks / shared-use paths, and curb ramps. Driveway grading information shall also be provided.

k. *Roundabout and Roadway Grading / Erosion Control Plan Sheets / SWPPP*.

i. Erosion Control plans will include erosion control devices (temporary and long-term) as well as revegetation methods with specific notes to meet ADEQ requirements and contours as required by the Client.

ii. The Storm Water Pollution Prevention Plan (SWPPP) will meet all ADEQ requirements and be accepted and approved by the Client and ADEQ.

l. *Storm Drain Layout Sheets*.

i. Storm drain layout sheets showing location and size of all inlets, manholes, junction boxes, culverts and piping to include storm drain profiles showing existing and proposed flow lines, flows, lengths and slopes of pipe, top of ground profile over pipe and connections to existing or proposed storm sewer systems. Storm drains shall be designed to match existing capacities.

m. *Pavement Marking and Signing Sheets*.

n. *HAWK Signal Sheets*. Signal plans shall include signal pole and mast arms, foundations, ground boxes, conduit, cable chart(s), signal heads, pedestrian signal heads and push buttons, and applicable standard details.

i. HAWK related pavement markings and signing will be included on the pavement marking and signing sheets section of the plans.

o. *Illumination Sheets*. Illumination plans shall include luminaire upgrade locations, wiring diagrams, cable chart, and applicable standard details.

p. *Landscape Sheets*. Landscape architecture design will show hardscape materials (if applicable), soil amendments, plant species, sizes, and location with associated details and specifications for all landscape and hardscape materials within the roundabouts.

q. *Client and ARDOT Standard Detail Sheets*.

C. Constructability Walk

a. Prior to the 60 percent review meeting with the Client, the Consultant shall schedule and attend a project site visit with the Client Project Manager and Construction personnel to walk the project.

b. The Consultant shall summarize the Client's comments from the field visit and submit this information to the Client in writing.

D. Deliverables

a. Electronic (PDF) submittal of 22" x 34" Preliminary Design (60% Plan Set) and up to three (3) hard copies in 11" x 17" (as requested).

b. Project Manual.

c. Opinions of Probable Construction Costs (OPCC).

d. 30% Comment Response Form.

e. Constructability Walk Meeting Minutes.

f. Documentation of Key Design Decisions.

g. Utility Conflict Coordination Package.

h. Right-of-Way / Easement Coordination Package.

Task 4: Pre-Final / Final Design (90% and 100%)

A. 60% Preliminary Design Plan Review Meeting.

a. Consultant will conduct a virtual plan review meeting to go through the 60% preliminary design comments prior to the start of the 90% pre-final design.

B. Pre-Final Design Plans, Estimate, and Specifications (PS&E). The 90% design plans shall address up to one (1) round of comments from the 60% submittal agreed upon with the Client following one (1) plan review meeting and will also consist of the following:

   a. *Cover and Index of Sheets*.

   b. *General Construction Notes*.

   c. *Quantity Summary Sheets*.

   d. *Key Map*.

   e. *Existing and Proposed Typical Section Sheets*.

   f. *Overall Project Right-of-Way / Easement Sheets*.

   g. *Traffic Control and Sequence of Construction*. Overall traffic control phasing, narrative, and plans shall also include all construction signing and pavement markings with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD). Up to twenty (20) project specific traffic control details will be developed.

   h. *Removal Plan Sheets*.

   i. *Roundabout and Roadway Project Control Sheets*.

   j. *Roundabout and Roadway Plan and Profile Sheets*.

   k. *Roundabout and Roadway Grading Plan / Erosion Control Plan Sheets / SWPPP*.

   l. *Storm Drain Layout Sheets*.

   m. *Pavement Marking and Signing Sheets*.

   n. *HAWK Signal Sheets*.

   o. *Illumination Sheets*.

   p. *Landscape Sheets*.

   q. *Client and ARDOT Standard Detail Sheets*.

   r. *Cross Sections*. Cross sections will be provided for the main corridor and side streets at intervals of 50 feet horizontally, at intersections, transition points, driveways, and storm drains.

C. 90% Pre-Final Design Plan Review Meeting.

   a. Consultant will conduct a virtual plan review meeting to go through the 60% conceptual design comments prior to the start of the 90% preliminary design.

   b. Consultant will also submit an original 22” x 34” cover sheet for signature by authorized Client officials.

D. Final Design Plans, Estimate, and Specifications (PS&E). The 100% design plans shall address up to one (1) round of comments from the 90% submittal agreed upon with the Client following one (1) plan review meeting and will also consist of the following:

   a. *Cover and Index of Sheets*.
   b. *General Construction Notes*.
   c. *Quantity Summary Sheets*.
   d. *Key Map*.
   e. *Existing and Proposed Typical Section Sheets*.
   f. *Overall Project Right-of-Way / Easement Sheets*.
   g. *Traffic Control and Sequence of Construction*.
   h. *Removal Plan Sheets*.
   i. *Roundabout and Roadway Project Control Sheets*.
   j. *Roundabout and Roadway Plan and Profile Sheets*.
   k. *Roundabout and Roadway Grading Plan Sheets / SWPPP*.
   l. *Storm Drain Layout Sheets*.
   m. *Erosion Control Sheets*.
   n. *Pavement Marking and Signing Sheets*.
   o. *HAWK Signal Sheets*.
   p. *Illumination Sheets*.
   q. *Landscape Sheets*.
   r. *Client and ARDOT Standard Detail Sheets*.
   s. *Cross Sections*.

E. Pre-Final In-Field Review

   a. Prior to the 100 percent submittal package, the Consultant shall schedule and attend a project site visit to walk the project. The Client Project Manager and Construction personnel will also be invited to attend.

   b. The Consultant shall summarize any Client's comments from the field visit and submit this information to the Client in writing.

F. Deliverables

   a. Electronic (PDF) submittal of 22" x 34" Pre-Final / Final Design (90% and 100% Plan Set) and up to three (3) hard copies in 11" x 17" (as requested for each submittal).

   b. Original 22" x 34" Cover Sheet for Signature (to be submitted before Final Design package).

c. Project Manual for each submittal.

d. Local Government Certification Letters (to be submitted with Pre-Final Design package).

e. Opinions of Probable Construction Costs (OPCC) for each submittal.

f. 60% Comment Response Form (to be submitted with Pre-Final Design package).

g. 90% Comment Response Form (to be submitted with Final Design package).

h. Pre-Final In-Field Review Meeting Minutes.

i. Documentation of Key Design Decisions for each submittal.

j. Utility Conflict Coordination Package for each submittal.

k. Right-of-Way / Easement Coordination Package for each submittal.

Task 5: Community and Council Engagement

A. Meeting Material Preparation

a. Online Engagement

i. *SMARTS™*. The Consultant will utilize the existing SMARTS™ web-based platform developed in Phase 1 of the overall project. The platform will be updated based on project updates throughout the duration of Phase 2.

b. Community Meetings

i. *Community Meetings*. Kimley-Horn will prepare materials, attend, and documents as needed for up to two (2) community meetings. The Client will be responsible for selecting and scheduling the meeting location and distributing notifications to the public.

B. Deliverables

a. Stakeholder meeting summaries with action items for up to two (2) stakeholder coordination meetings.

b. Presentation materials and meeting summaries with action items for up to two (2) City Council meetings.

c. Meeting summaries with action items for up to two (2) Surface Transportation Committee meetings.

d. Updates to the SMARTS™ web-based platform based on Phase 2 updates for the overall project.

e. Materials and summaries from community meetings / events.

Task 6: Environmental Clearance

Consultant will review the 30% plans and project constraints to confirm the National Environmental Policy Act (NEPA) class of action. It is assumed that the project will have only minor impacts on adjacent private property and not have significant environmental impacts. The NEPA class of action is anticipated to be a D-List Categorical Exclusion (CE). If it is determined through scoping and coordination with FHWA that an Environmental Assessment (EA) is required, additional scope and fee would be required. It is our understanding that the public meeting to solicit input held during Phase 1 of the overall project satisfied the requirement to initiate the NEPA process as discussed with FHWA. It is assumed that additional public outreach and engagement will not be needed. Based on coordination with FHWA, it is assumed that environmental clearance for both the Phase 2 and Phase 3 project limits will be performed at the same time.

A. Project Initiation & Scoping.

    a. Coordination with Client and FHWA to scope the project and discuss deliverables and considerations associated with the review process for the SS4A funding.

B. Existing Conditions & Purpose and Need.

    a. Describe the existing conditions.

    b. Identify why the project is needed and the purpose.

C. Discussion of Alternatives Analysis and the Proposed Action.

D. Environmental Resource Review & Technical Studies.

    a. Natural Resources.

        i. Review of desktop resource maps, databases, and regulatory information.

        ii. Field visit to identify potential aquatic features and species habitat within the project study area.

        iii. Due to the nature of the project area, memorandum format with corresponding figures and attachments is anticipated to be appropriate to document natural resource studies.

    b. Cultural Resources.

        i. The cultural resources assessment will include review of files from the Automated Management of Archeological Site Data in Arkansas (AMASDA) and other databases to determine if any previously recorded National Register of Historic Places Properties (NRHP), cemeteries, archeological sites, State Historic Landmarks (SHL), State Historical Markers, districts and previous cultural resource surveys, are located within one mile of the project area. This effort will also include review of soil survey maps, relevant aerial photography, historical maps, land use maps, and other sources to assess the impacts from the proposed project on cultural resources that could be considered Historic Properties. Project historians will visit the project area and document, through

photographs and notes, any buildings greater than 50 years in age within or directly adjacent to the project footprint. The results of background research and field effort will be presented in a letter report format that inventories and depicts known Historic or Potentially Historic Properties, summarizes potential impacts and constraints for the proposed project and makes an assessment whether any further investigations would be needed to satisfy Section 106.

c. Hazardous Materials.

i. Site visit to identify potential visual evidence of concerns.

ii. Historic map and database review.

iii. Documentation of findings.

d. Right-of-Way.

i. Analysis of impacts on private and federal properties.

e. Temporary Construction Impacts.

E. Tribal and Agency Coordination

a. Agency coordination consistent with FHWA requirements and the funding source.

F. Impact Evaluation & CE Documentation

a. Prepare CE documentation and address one round of FHWA comments.

G. Project Coordination

a. Virtual meetings are anticipated and will not exceed five (5) meetings. This includes prep for, attendance and meeting summaries with action items for no more than five meetings.

H. Deliverables

a. Draft CE Documentation (draft environmental technical reports and forms) for FHWA review.

b. Revised CE documentation (final environmental technical reports and forms).

c. Environmental meeting summaries and action items for up to five (5) meetings.

Task 7: Construction Manager / General Contractor (CM-GC) Coordination

A. Kimley-Horn shall provide CM-GC coordination for up to sixty (60) hours, which may include the following:

a. Requests for information and / or response to comments.

b. Standalone coordination meetings (outside of the project coordination meetings with the City).

c. Incorporate any revisions in the form of an addenda to the construction documents and issue conformed sets (Issue for Construction – IFC).

B. Deliverables

a. Meeting summaries;

b. Comment review log(s).

Task 8: Right-of-Way / Easement Services

A. Kimley-Horn will, via a subconsultant, perform services related to right-of-way and easement research and preparation along Joyce Boulevard from Vantage Drive to Old Missouri Road. Such services shall include the following:

a. *Boundary Resolution*. The consultant shall complete records research, field research, and boundary resolutions along the adjoining right-of-way along Joyce Boulevard from Vantage Drive to Old Missouri Road.

b. *Exhibit Maps and Descriptions*. The Consultant shall complete maps and legal descriptions for up to 25 properties within the project limits.

i. Each exhibit map will show any right-of-way, easements, or temporary construction easements needed for each subject property.

ii. All exhibit maps will be accompanied by separate legal descriptions for each acquisition area shown on said maps.

c. It is anticipated that the City will handle any and all procurement processes as part of the resolution(s).

B. Deliverables

a. Up to twenty-five (25) exhibits showing any right-of-way, easement, or temporary construction easements.

Task 9: Survey and Subsurface Utility Engineering Services

A. Kimley-Horn will, via a subconsultant, perform services related to topographic survey and subsurface utility engineering along Joyce Boulevard from Vantage Drive to Old Missouri Road. Such services shall include the following:

a. *Topographic Survey*. The Consultant will complete topographic survey within the survey limits along Joyce Boulevard from Vantage Drive to Old Missouri Road. Details typically shown include (but are not limited to): contours, flowlines, utility poles and pedestals, structures, roads, sidewalks, geotechnical bores (if applicable), storm water structures, and sanitary sewer manholes.

i. *The Consultant will also compile and provide publicly available LiDAR and GIS parcel data along Joyce Boulevard from College Avenue to Vantage Drive, and from Old Missouri Road to Crossover Road*.

b. *Subsurface Utility Engineering (SUE)*. The Consultant will conduct utility investigation and survey the field locations by the following methods:

i. Level D SUE: Records and GIS research.

ii. Level C SUE: Order surface utility locates from ARKUPS/811.

B. Deliverables

a. Drawing of the project layout with dimensions and coordinate list.

b. SUE plan drawings sealed by a professional engineer registered in the State of Arkansas.

Task 10: Quality Control / Quality Assurance

A. QC / QA Plan

a. The Consultant will provide the Client a Quality Control / Quality Assurance Plan (QC/QA Plan) outlining the Consultant's method of ensuring customary levels of design and accuracy are incorporated into the calculations, plans, specifications, and estimates.

b. The Consultant is responsible for and shall coordinate all subconsultant activity to include quality and consistency of plans.

c. If, at any time, during reviewing a submittal of any item it becomes apparent to the Client that the submittal contains errors, omissions, and inconsistencies, the Client may cease its review and return the submittal to the Consultant immediately for appropriate action. A submittal returned to the Consultant for this reason may be rejected by the Client's Project Manager.

B. QC / QA of Survey and SUE Data

a. The Consultant's surveyor shall perform Quality Control / Quality Assurance on all procedures, field surveys, data, and products prior to delivery to the Client. The Client may also require the Consultant's surveyor to perform a Quality Assurance review of the survey and/or subsurface utility engineering (SUE) work performed by other surveyors and SUE providers.

b. The Consultant's surveyor shall certify in writing via a letter that the survey information provided has undergone a Quality Control / Quality Assurance process.

c. The Consultant's subsurface utility engineering provider shall certify in writing via a letter that the SUE information provided has undergone a Quality Control / Quality Assurance process.

C. QC / QA of Design Documentation

a. The Consultant shall perform a QC / QA review of all documents being submitted for review at all stages of the design including the 30%, 60%, 90%, and 100% document design review submittals. QA should be performed by an individual within the firm who is not on the design team.

b. A Comment Resolution Log must be used to document conflicting comments between reviewers and to highlight comments made by the Client that the Consultant is not incorporating into the design documents along with the associated explanation. The Consultant shall develop a Comment Resolution Log template, unless one is provided by the Client.

c. The documentation of a QC / QA review includes:

i. *A copy of the color-coded, original marked-up document (or "checkprint") developed during the QA checking process and/or review forms which sequentially list documents and associated comments; and*

ii. *A QC sign-off sheet with signatures of the personnel involved in the checking process. Mark-ups may also be documented using the Comment Resolution Log.*

d. Evidence of the QC / QA review will be required to accompany all submittals. Documentation shall include, but is not limited to, the following items:

i. *PDF of the completed detailed checklists.*

ii. *PDF of the QC / QA checkprint of the plans, specifications, and estimates demonstrating that a review has been undertaken.*

iii. *PDF of previous review comments (if any) and the Consultant's responses to those comments in the Comment Resolution Log.*

e. If any of the above information is missing, is incomplete or if any comments are not adequately addressed; the Client may contact the Consultant and request the missing information. If the Consultant does not respond to the request within 24 hours, the Client may reject the submittal. No additional time will be granted for a returned submittal.

f. If the Consultant has not adequately addressed the comments, the submittal shall be rejected and returned to the Consultant immediately to address the issues.

D. Deliverables

a. QC / QA Documentation for each deliverable (30%, 60%, 90%, 100).

Task 11: Client Project Meetings

A. Kick-off Meeting with Client Staff.

a. Prepare for and attend a kick-off meeting with the Client via conference call based on tasks that are authorized by the Client. This meeting will be facilitated by the Consultant Project Manager to discuss the following:

i. Preliminary schedule;

ii. Goals and objectives;

iii. Request for information (RFI);

iv. Data collection; and

v. Other coordination items.

B. Client Staff Coordination Meetings.

a. *Meetings*. The Consultant will conduct and document coordination meeting with the project team and any additional Client department members. This task includes weekly coordination meetings (or on an as-needed basis) during the project design phase to review progress, provide updates, and receive feedback on the work. The project design phase is anticipated to take twelve (12) months for a total of up to twelve (12) coordination meetings.

i. A baseline schedule will be provided as an attachment based on an agreed upon scope of services.

ii. Schedule, provide logistics, conduct, and prepare meeting summaries and action items for each coordination meeting and uploaded to SMARTS™. Consultant will provide materials needing review up to three (3) business days ahead of time for the Client to review in advance of the coordination meeting.

C. Deliverables

a. Baseline project schedule.

b. Meeting summaries with action items for a total of up to twelve (12) coordination meetings.

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at Kimley-Horn's then-current hourly rates. Additional services Kimley-Horn can provide include, but are not limited to, the following:

A. Negotiation of easements or property acquisition.

B. Services related to development of the Client's project financing and/or budget.

C. Landscaping and irrigation outside of the roundabout circles.

D. Pedestrian and / or continuous safety lighting analysis or design.

E. Structural foundation design.

F. Sidewalk retaining wall design greater than five (5)-feet maximum.

G. Any environmental engineering services specifically identified in the above scope including greenhouse gas emissions, traffic noise and vibration studies, socioeconomic studies, air quality (area is attainment), historic resources survey, archeological survey, Section 4(f)/6(f) visual aesthetic resources, and USACE permitting.

H. Construction progress status meetings or reimbursement packages.

I. Site inspections related to compliance of pedestrian infrastructure with accessibility requirements and standards for pedestrian infrastructure.

J. Engineering design services not outlined in the scope of services.

K. Services related to disputes over pre-qualification, bid protests, bid rejection and re-bidding of contract for construction.

L. Performance of materials testing or specialty testing services.

M. Preparation of final signatory documents for right-of-way or easement acquisition.

N. Services necessary due to the default of the Contractor.

O. Services related to damages caused by fire, flood, earthquake or other acts of God.

P. Services related to warranty claims, enforcement, and inspection after final completion.

Q. Services to support, prepare, document, bring, defend, or assist in litigation undertaken or defended by the Client.

R. Performance of miscellaneous and supplemental services related to the project as requested by the Client.

Information Provided By Client

Kimley-Horn shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following:

A. Existing roadway / structures as-built plans.

B. Geotechnical report(s) and information required for design documentation.

C. Franchise utility coordination information.

D. Community engagement meeting summaries.

Schedule

Kimley-Horn will perform the services as expeditiously as practicable with the goal of meeting a mutually agreed upon schedule.

ATTACHMENT B
COMPENSATION

Transportation Planning and Engineering Services for
Joyce Boulevard SS4A Implementation Project – Phase 2

Time and Materials with Rate Schedule

I. Compensation

A. The Consultant shall be compensated in an amount not to exceed $810,500 for personnel time, non-labor expenses, and subcontract expenses in performing services enumerated in **Appendix A** as follows:

i. **Personnel Time**. Personnel time shall be compensated based upon hours worked directly in performing the project multiplied by the appropriate Labor Category Rate for the Consultant's team member performing the work.

Labor Category Rate as presented in the rate schedule table below is the rate for each labor category performing the work and includes all direct salaries, overhead, and profit.

Hourly Labor Rate Schedule

Classification	Rate
Analyst I	$165 - $185
Analyst II	$195 - $230
Professional	$225 - $280
Senior Professional I	$275 - $360
Senior Professional II	$365 - $450
Senior Technical Support	$200 - $325
Technical Support	$110 - $210
Support Staff	$100 - $160

*** Effective through June 30, 2027*

Annual adjustments to the hourly rates are anticipated to be escalated year over year.

Kimley-Horn will not exceed the total maximum labor fee shown without authorization from the Client. However, Kimley-Horn reserves the right to reallocate amounts among tasks as necessary.

ii. **Non-Labor Expenses**. Non-labor expenses shall be reimbursed as Direct Expenses at invoice or internal office cost.

(1) Direct Expenses (non-labor) include, but are not limited to, mileage, travel and lodging expenses, mail, supplies, printing and reproduction services, other direct

expenses associated with delivery of the work; plus applicable sales, use, value added, business transfer, gross receipts, or other similar taxes.

iii. **Subcontract Expenses**. Subcontract expenses and outside services shall be reimbursed at cost to Consultant plus a markup of ten percent (10%).

iv. **Budgets**. Consultant will make reasonable efforts to complete the work within the budget and will keep the Client informed of progress toward that end so that the budget or work effort can be adjusted if found necessary.

Consultant is not obligated to incur costs beyond the indicated budgets, as may be adjusted, nor is the Client obligated to pay the Consultant beyond these limits.

If the Consultant projects, in the course of providing the necessary services, that the project cost presented in this Agreement will be exceeded, whether by change in scope of the project, increased costs or other conditions, the Consultant shall immediately report such fact to the Client and, if so instructed by the Client, shall suspend all work hereunder.

When any budget has been increased, the Consultant's excess costs expended prior to such increase will be allowable to the same extent as if such costs had been incurred after the approved increase.

B. The Consultant shall be paid monthly payments as described in Section II - Method of Payment.

II. Method of Payment

A. The Consultant shall be paid by the Client based upon an invoice created on the basis of statements prepared from the books and records of account of the Consultant, based on the actual hours and costs expended by the Consultant in performing the work.

B. Each invoice shall be verified as to its accuracy and compliance with the terms of this Agreement by an officer of the ENGINEER.

C. Consultant shall prepare and submit invoices in the format and including content as agreed upon with the Client.

D. Payment of invoices will be subject to certification by the Client that such work has been performed.

III. Progress Reports

A. The Consultant shall prepare and submit to the designated representative monthly progress reports and schedules in the format required by the City.

IV. Summary of Total Project Fees

Task Number & Name		Hours	Labor	Expenses	Subtotal
1	Project Administration	335	$85,500		$ 85,500
2	Conceptual Design (30%)	414	$86,300		$ 86,300
3	Preliminary Design (60%)	896	$184,500		$ 184,500
4	Pre-Final / Final Design (90%,100%)	874	$181,600	$200	$ 181,800
5	Community and Council Engagement	20	$4,500		$ 4,500
6	Environmental Clearance	260	$54,900		$ 54,900
7	CM-GC Coordination	60	$16,900		$ 16,900
8	Right-of-Way / Easement Services	25	$6,500		$ 69,300
	Subconsultant: McClelland Consulting Engineers, Inc.			$62,800	
9	Survey and SUE Services	10	$2,700		$ 56,800
	Subconsultant: McClelland Consulting Engineers, Inc.			$54,100	
10	Quality Control / Quality Assurance	194	$53,000		$ 53,000
11	Client Project Meetings	67	$17,000		$ 17,000
				Total:	**$ 810,500**

See following section for task / hour fee breakdown. Kimley-Horn will not exceed the total maximum labor fee shown without authorization from the Client. However, Kimley-Horn reserves the right to reallocate amounts among tasks as necessary. The labor categories are as follows:

Labor Categories

P7 – Senior Professional II
P6 – Senior Professional I
P5 – Senior Professional I (Senior Engineer)
P4 – Professional (Project Engineer)
P3 – Professional (Design Engineer)
P2 – Analyst (EIT II)
P1 – Analyst (EIT I)
O4 – Support Staff
B3 – Support Staff

V. Task / Hour Fee Breakdown

A. Task 1 – Project Management

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
1.1	RFI and Data Sourcing		15	30						45
1.2	Team Management (10 hrs./month for 12 months)			120						120
1.3	Communications and Reporting			30						30
1.4	Internal Project Team Meetings (30 total)		15	30	15		30			90
1.5	City Coordination (up to 50 hours)			50						50
	Subtotal:		**30**	**260**	**15**		**30**			**335**
									Task 1 Labor Subtotal:	$ 85,500
									Task 1 Expense Subtotal:	$ 0
									Task 1 Fee Total:	**$ 85,500**

B. Task 2 – Conceptual Design (30%)

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
2.1	Data Collection		10	10		10				30
2.2	30% PS&E Package									
	- Cover						4			4
	- Construction Notes						6			6
	- Key Map						6			6
	- SUE Sheet			2			2			4
	- Typical Sections			2		4				6
	- Roadway Plan Sheets		20	20	40	60	60			200
	- Storm Horizontal Layouts				20					20
	- Signing and Striping					6	10			16
	- HAWK Signal					8				8
	- Illumination				4					4
	- Landscape		1	8		41				50
	- Standards		2	2			4			8
2.3	AutoTURN Exhibits		1	6			20			27
2.4	OPCC		2	4	4	1	10			21
2.5	Key Design Decisions		2	2						4
	Task 2 Subtotal:		**38**	**56**	**68**	**130**	**122**			**414**
									Task 2 Labor Subtotal:	$ 86,300
									Task 2 Expense Subtotal	$ 0
									Task 2 Fee Total:	**$ 86,300**

C. Task 3 – Preliminary Design (60%)

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
3.1	30% Comment Review Meeting	2	2	2	2					8
3.2	60% PS&E Package									
	- Address 30% Comments		2	2	8	8	16			36
	- Cover						2			2
	- Construction Notes						6			6
	- Quantity Summary Sheets			10	20		30			60
	- Key Map						3			3
	- SUE Sheet			2			2			4
	- Typical Sections			2		8				10
	- Right-of-Way / Easement Sheets				25					25
	- Traffic Control Narrative and Phasing		4	4	20		20			48
	- Removal Sheets			10	20		60			90
	- Roadway Project Control Sheets				10					10
	- Roadway Plan & Profile Sheets		10	20	20	60	60			170
	- Grading / Erosion / SWPPP					40				40
	- Drainage Area Map		5			20				25
	- Storm Design and Sheets		10		30	50				90
	- Utility Adjustment Sheets		5			20				25
	- Signing and Striping					10	20			30
	- HAWK Signal					10	20			30
	- Illumination					6				6
	- Landscape		1	11		26				38
	- Standards					2	4			6
	- OPCC		2	4	4	1	10			21
	- Key Design Decisions		2	2						4
3.3	Constructability Walk									
	- Site Visit		20	20	10	10				60
	- Meeting Minutes			1		1				5
3.4	60% Utility Conflict Package		2	8			12			22

Task 3 – Preliminary Design (60%) (Continued)

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
3.5	60% Right-of-Way / Easement Package		2	8			12			22
	Subtotal:	**2**	**67**	**106**	**169**	**275**	**277**			**896**
									Task 3 Labor Subtotal:	$ 184,500
									Task 3 Expense Subtotal:	$ 0
									Task 3 Fee Total:	**$ 184,500**

D. Task 4 – Pre-Final / Final Design (90% and 100%)

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
4.1	60% Comment Review Meeting	2	2	2	2					8
4.2	90% PS&E Package									
	- Address 60% Comments		4	4	16	16	24			64
	- Cover						1			1
	- Construction Notes						1			1
	- Quantity Summary Sheets			10	20		30			60
	- Key Map						2			2
	- SUE Sheet						2			2
	- Typical Sections						2			2
	- Right-of-Way / Easement Sheets						2			2
	- Traffic Control Plans		10	10	10	20	50			100
	- Removal Sheets			10	15		30			55
	- Roadway Project Control Sheets				4					4
	- Roadway Plan & Profile Sheets		5	10	20	20	20			75
	- Grading / Erosion / SWPPP		5		20					25
	- Drainage Area Map		5		20					25
	- Storm Sheets		5		15		20			40
	- Utility Adjustment Sheets		5		15		20			40
	- Signing and Striping					4				4
	- HAWK Signal					2				2
	- Illumination					2				2

Task 4 – Pre-Final / Final Design (90% and 100%) (Continued)

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
	- Landscape		1	12		26				39
	- Cross Sections		4			40				44
	- Standards					2	4			6
4.3	90% Utility Conflict Package		2	8			12			22
4.4	90% Right-of-Way / Easement Package		2	8			12			22
4.5	90% Comment Review Meeting	2	2	2	2					8
4.6	100% PS&E Package									
	- Address 90% Comments		2	2	12	12	20			48
	- Cover					1				1
	- Construction Notes					1				1
	- Quantity Summary Sheets			2		4				6
	- Key Map					1				1
	- SUE Sheet					1				1
	- Typical Sections					1				1
	- Right-of-Way / Easement Sheets					1				1
	- Traffic Control Plans		2	4		8	8			22
	- Removal Sheets			4		8				12
	- Roadway Project Control Sheets			1		2				3
	- Roadway Plan & Profile Sheets			4		8				12
	- Grading / Erosion / SWPPP			2		4				6
	- Drainage Area Map			2		4				6
	- Storm Sheets			2		4				6
	- Utility Adjustment Sheets			2		4				6
	- Signing and Striping			1		2				3
	- HAWK Signal			1		2				3
	- Illumination			1		2				3
	- Landscape			5		15				20
	- Cross Sections		4			20				24
	- Standards					1	2			3
4.7	Final Site Visit		4	4	4		4			16
4.8	100% Utility Conflict Package		1	2			4			7

Task 4 – Pre-Final / Final Design (90% and 100%) (Continued)

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
4.9	100% Right-of-Way / Easement Package		1	2			4			7
	Subtotal:	**4**	**66**	**117**	**175**	**238**	**274**			**874**
									Task 4 Labor Subtotal:	$ 181,600
									Task 4 Expense Subtotal:	$ 200
									Task 4 Fee Total:	**$ 181,800**

E. Task 5 – Community and Council Engagement

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
5.1	Meeting Material Preparation									
	- Online Engagement									
	- Community Meetings (2)		4	4	4			8		20
	Subtotal:		**4**	**4**	**4**			**8**		**20**
									Task 5 Labor Subtotal:	$ 4,500
									Task 5 Expense Subtotal:	$ 0
									Task 5 Fee Total:	**$ 4,500**

F. Task 6 – Environmental Clearance

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
6.1	Existing Conditions / P&N	6			4	10	14			34
6.2	Alternatives Analysis / Proposed Action	2			6					8
6.3	Env Resource Review & Tech Studies	8			14	32	72	16		142
6.4	Agency / FHWA Coordination	10			4	16		2		32
6.5	Impact Evaluation & CE Documents	8			16	8	12			44
	Subtotal:	**34**			**44**	**66**	**98**	**18**		**260**
									Task 6 Labor Subtotal:	$ 54,900
									Task 6 Expense Subtotal:	$ 0
									Task 6 Fee Total:	**$ 54,900**

G. Task 7 – CM-GC Coordination

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
7.1	CM-GC Coordination		20	40						60
	Subtotal:		**20**	**40**						**60**
									Task 7 Labor Subtotal:	$ 16,900
									Task 7 Expense Subtotal:	$ 0
									Task 7 Fee Total:	**$ 16,900**

H. Task 8 – Right-of-Way / Easement Services

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
8.1	Subconsultant Coordination			10						10
8.2	Meetings with Property Owners			15						15
	Subtotal:			**25**						**25**
									Task 8 Labor Subtotal:	$ 6,500
Subconsultant – McClelland Consulting Engineers, Inc.										
8.1.1	Boundary Resolution – Up to 25 Parcels for Phase 2 Project Limits									$ 22,800
8.1.2	Exhibit Maps and Descriptions ($1,600 / Parcel) – Up to 25 Parcels									$ 40,000
									Task 8 Subconsultant (McClelland Consulting Engineers, Inc.) Subtotal:	$ 62,800
									Task 8 Fee Total:	**$ 69,300**

I. Task 9 – Survey and Subsurface Utility Engineering Services

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
9.1	Subconsultant Coordination			10						10
	Subtotal:			**10**						**10**
									Task 9 Labor Subtotal:	$ 2,700
Subconsultant – McClelland Consulting Engineers, Inc.										
9.1.1	Topographic and Subsurface Utility Engineering – Phase 2 Project Limits									$ 54,100
									Task 9 Subconsultant (McClelland Consulting Engineers, Inc.) Subtotal:	$ 54,100
									Task 9 Fee Total:	**$ 56,800**

J. Task 10 – Quality Control / Quality Assurance

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
10.1	QC / QA Plan			8						8
10.2	QC / QA Survey and SUE		6	6	6					24
10.3	QC / QA of Design Documents									
	- Conceptual Design (30%)	6	12	20						38
	- Preliminary Design (60%)	6	12	24						42
	- Pre-Final Design (90%)	2	12	20						34
	- Final Design (100%)	2	6	10						18
10.4	Comment Resolution Log									
	- Preliminary Design (60%)			4			10			14
	- Pre-Final Design (90%)			4			10			14
	- Final Design (100%)			2			6			8
	Subtotal:	**16**	**48**	**98**	**6**		**26**			**194**
									Task 10 Labor Subtotal:	$ 53,000
									Task 10 Expense Subtotal:	$ 0
									Task 10 Fee Total:	**$ 53,000**

K. Task 11 – Client Project Meetings

Task Description		P7	P6	P5	P4	P3	P2	P1	O4	Subtotal
11.1	Kickoff Meeting with City Staff	2	6	2	8	2	4			24
11.2	City Staff Design Coordination and Meetings									
	- Baseline Project Schedule		1	6						7
	- Twelve (12) Meetings		12	12			12			36
	Subtotal:	**2**	**19**	**20**	**8**	**2**	**16**			**67**
									Task 11 Labor Subtotal:	$ 17,000
									Task 11 Expense Subtotal:	$ 0
									Task 11 Fee Total:	**$ 17,000**

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2469

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Terry Gulley, Asst Public Works Director - Ops

FROM: Ross Jackson, Fleet Operations Superintendent

SUBJECT: **Skid Steer Replacement for Drake Field Airport through JA Riggs Tractor Company**

RECOMMENDATION:
A RESOLUTION TO APPROVE THE PURCHASE OF ONE SKID STEER AND ADDITIONAL ATTACHMENTS FROM JA RIGGS TRACTOR COMPANY FOR THE PURCHASE PRICE OF $104,064.58 ALONG WITH ANY ADDITIONAL SURCHARGES, FREIGHT CHARGES OR DELIVERY FEES IN ACCORDANCE TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (020223-CAT).

BACKGROUND:
Asset 354 (APMN_F010) is a 2006 Ford F550 dump truck that is no longer needed based on telematics utilization data.
Asset 668 (APMN_N003) a 2005 skid steer, will be replaced by a more capable skid steer.
Asset 9058u (APMN_F005) a 2005 forklift will be replaced with fork attachments.
Asset 787 (APMN_F013) snow blower will be replaced with an adequately sized snowblower attachment.
Asset 9315u (APMN_N016) Multihog sweeper will be replaced with sweeper attachment.

DISCUSSION:
During the Airport's annual fleet replacement planning review, Fleet staff identified an opportunity to consolidate five underutilized assets into a single, properly equipped skid steer with multiple attachments. The new unit will perform the work currently completed by four separate assets while eliminating the need for an additional low-utilization vehicle (354 APMN_F010).

The airport will utilize a shared Public Works dump truck when needed rather than maintaining its own dedicated unit, which averaged only 38 hours of use annually, according to telematics data. This consolidation reduces fleet size, improves equipment utilization, and simplifies operations while maintaining operational capability.

Fleet Operations recommends approval of this purchase and rightsizing of Airport assets.

The Airport will receive the proceeds from the sale or transfer of the existing assets once the surplus or transfer process has been completed.

BUDGET/STAFF IMPACT:
There are sufficient funds within the Airport's replacement vehicle project for this FY23-approved replacement.

ATTACHMENTS: 3. Staff Review Form, 4. Quote - Airport $104,064.58, 5. PO In Lieu of Signature Accepted & Price Hold

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

File #: 2026-2469

A RESOLUTION TO APPROVE THE PURCHASE OF A SKID STEER AND ADDITIONAL ATTACHMENTS FROM JA RIGGS TRACTOR COMPANY IN THE AMOUNT OF $104,064.58, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE

WHEREAS, during the Airport's annual fleet replacement planning review, Fleet staff identified an opportunity to consolidate five underutilized assets into a single, properly equipped skid steer with multiple attachments; and

WHEREAS, a new unit will perform the work currently completed by four separate assets while eliminating the need for an additional low-utilization vehicle.

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 authorizes the purchase of a skid steer and additional attachments from JA Riggs Tractor Company in the amount of $104,064.58, pursuant to a Sourcewell cooperative purchasing contract, plus any applicable surcharges, freight charges, and delivery fees up to 10% of the original purchase price.

City of Fayetteville Staff Review Form

2026-2469

Item ID

8/18/2026

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

Ross Jackson	7/22/2026	FLEET OPERATIONS (770)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

A RESOLUTION TO APPROVE THE PURCHASE OF ONE SKID STEER AND ADDITIONAL ATTACHMENTS FOR THE PURCHASE PRICE OF $104,064.58 ALONG WITH ANY ADDITIONAL SURCHARGES, FREIGHT CHARGES OR DELIVERY FEES IN ACCORDANCE TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (020223-CAT).

Budget Impact:

9700.770-1920.5802.00	Fleet
Account Number	Fund
97001.5550.760	Airport
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	335,000.00
		Expenses (Actual+Encum)	$	-
		Available Budget	$	335,000.00
Does item have a direct cost?	Yes	Item Cost	$	104,064.58
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	230,935.42

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

Jul 14, 2026

CITY OF FAYETTEVILLE
1525 S HAPPY HOLLOW RD
FAYETTEVILLE, Arkansas 72701-7258

Dear Ross Jackson,
We are pleased to quote the following for your purchase consideration.
One (1) New Caterpillar Model: 255 Compact Construction Equipment with all standard equipment in addition to the additional specifications listed below:

STOCK NUMBER: FL722055 **SERIAL NUMBER:** 0FL722055 **YEAR:** 2026 **SMU:** 0

SELL PRICE	$104,064.58
CSA	Included
NET BALANCE DUE	**$104,064.58**

WARRANTY

Extended Warranty:	STANDARD WARRANTY – GOV 24 MONTH/2000 HR
CSA	24 MO/1000 HR PARTS ONLY CVA

Thank you for your interest in Riggs CAT and Caterpillar products for your business needs.If there are any questions, please do not hesitate to contact me.

Sincerely,
Draven Doss
Machine Sales Representative Riggs CAT
dossd@jariggs.com
+1 (501) 353-9322

Accepted by_____ **on** _____

_____
Signature

One (1) New Caterpillar Model: 255A DCA4 Compact Construction Equipment with all standard equipment in addition to the additional specifications listed below:

MACHINE SPECIFICATIONS

CAB PACKAGE, PRO PLUS
IDLER WHEELS, TRIPLE FLANGE
REAR LIGHTS
DOOR, CAB, GLASS
SEAT BELT, 2"
COLD STARTING PACKAGE (120V)
GUARDING / SEALING PKG, (HD1)
TRACK,RUBBER,400MM(15.7IN)BLCK
FUEL, MANUAL PRIMING
AIR CONDITIONING, R134A REF
INTEGRATED RADIO
PRODUCT LINK, CELLULAR PLE643
BUCKET-Multipurpose, 74", Bolt On Cutting Edge - **$4,259**
CARRIAGE, 46", FORKS, 48", SSL – **$1,052**
BROOM, PICKUP, BP118C - **$8,949**
SNOW, BLOWER, SR118 - **$9,103**
KIT, SIDE-VIEW CAMERAS
KIT, COUNTERWEIGHT

List Price – $138,942
Sourcewell/Riggs Discount – $34,876.42

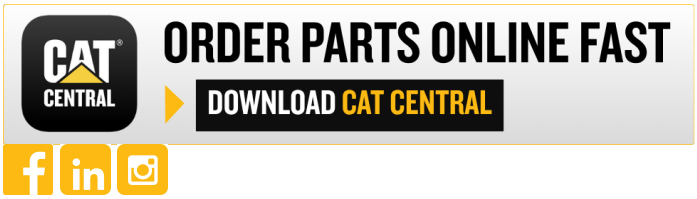
Jackson, Ross

From: Draven Doss <dossd@jariggs.com>
Sent: Wednesday, July 22, 2026 12:44 PM
To: Jackson, Ross
Cc: Voden, Chelsey
Subject: Re: Quote Question

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pricing will remain the same as long as the machine configuration remains the same!

Draven Doss
Territory Account Manager
4117 Wagon Wheel Rd | Springdale, AR | 72764
Office +1 (479) 927-8969
Mobile +1 (501) 353-9322



From: Draven Doss <dossd@jariggs.com>
Sent: Tuesday, July 21, 2026 5:09 PM
To: Jackson, Ross <rjackson@fayetteville-ar.gov>
Cc: Voden, Chelsey <cvoden@fayetteville-ar.gov>
Subject: Re: Quote Question

Yes we can accept the PO instead! I will confirm the pricing on it first thing in the morning!

Draven Doss
Territory Account Manager
4117 Wagon Wheel Rd | Springdale, AR | 72764
Office +1 (479) 927-8969
Mobile +1 (501) 353-9322

From: Jackson, Ross <rjackson@fayetteville-ar.gov>
Sent: Tuesday, 21 July 2026 17:07:09
To: Draven Doss <dossd@jariggs.com>
Cc: Voden, Chelsey <cvoden@fayetteville-ar.gov>
Subject: Quote Question

Good evening Draven,

In regards to the attached quote, will you accept a PO in-lieu of signature?

Also will you honor pricing through September 4th?

That is when I would conclude we would have a PO ready to send, if approved at City Council on August 18th.

Thank you,

Ross Jackson Jr., CAFM
Fleet Operations Superintendent
Fleet Operations
Public Works Department
City of Fayetteville, Arkansas
479-444-3494
rjackson@fayetteville-ar.gov

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2574

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Steven Dotson, Chief Financial Officer

FROM: Amanda Beilfuss, Procurement Director
Ross Jackson, Fleet Operations Superintendent

SUBJECT: **Approval of Fleet Fuel Card Application**

RECOMMENDATION:
A resolution for approval of a credit application and for the use of Corpay Technologies Operating Company, LLC (Fuelman) for Fleet fuel card services within the approved operating budget, utilizing OMNIA cooperative purchasing contract #R260401, through June 30, 2029, and any future renewals.

BACKGROUND:
The City currently uses WEX Bank for fuel card services utilizing a statewide contract through the State of Arkansas. That contract is set to expire on September 7, 2026.

The Corpay (Fuelman) contract was competitively solicited through OMNIA Partners Cooperative. This contract allows the City to set rules for how the card can be used, how often and when, giving the City flexible control limits. Corpay (Fuelman) also utilizes and integrates with our existing Fleet Management solution FASTER and our Fleet Telematics System, Samsara. The extra tracking capabilities will result in not only streamlined operations and organization for the City's Fleet, but the Telematics integration will help the Fleet Division obtain more precise, thorough, and accurate information to track the fuel usage for each individual vehicle, in real time.

DISCUSSION:
Corpay fuel cards are accepted by all local fueling stations and provide access to a large fleet card network. The City will utilize a retail-based pricing program that includes discounts per gallon, based on billing terms. Utilizing the Weekly Net 14 option will give the City the maximum discount per gallon offered. This will give the City a per-transaction discount as opposed to volume-based rebates.

BUDGET/STAFF IMPACT:
There is no immediate expense. Funds for fuel Citywide are approved with each annual budget.

ATTACHMENTS: 3. Staff Review Form, 4. Corpay - Fuelman Application, 5. 2026 Gas-diesel Excise Tax Exemption Certificate - 2026 FY, 6. 2027 Gas-diesel Excise Tax Exemption Certificate - 2027 FY, 7. Corpay/OMNIA Lead Agency Award Letter

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

File #: 2026-2574

A RESOLUTION TO APPROVE A FUEL CARD PROGRAM CONTRACT WITH CORPAY TECHNOLOGIES OPERATING COMPANY, LLC, PURSUANT TO AN OMNIA COOPERATIVE PURCHASING CONTRACT, THROUGH JUNE 30, 2029, AND ANY FUTURE RENEWALS

WHEREAS, the City currently uses WEX Bank for fuel card services utilizing a statewide contract through the State of Arkansas that will expire on September 7, 2026; and

WHEREAS, the Corpay contract was solicited through OMNIA Partners Cooperative and allows the City to set rules for how the card can be used, how often and when, giving the City flexible control limits; and

WHEREAS, Corpay also utilizes and integrates with the existing Fleet Management solution FASTER and the Fleet Telematic system, Samsars, with extra tracking capabilities that will result in streamlined operations and organization for the City's Fleet, and will help the Fleet Division obtain more precise, thorough and accurate information to track the fuel usage for each individual vehicle in real time.

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 authorizes Mayor Rawn to sign a contract with Corpay Technologies Operating Company, LLC, pursuant to an OMNIA cooperative purchasing contract, to enable the City to participate in a fuel card program through June 30, 2029, and any future renewals.

City of Fayetteville Staff Review Form

2026-2574

Item ID

8/18/2026

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

Amanda Beilfuss	7/29/2026	PURCHASING (160)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

A resolution for approval of a credit application and for the use of Corpay Technologies Operating Company, LLC (Fuelman) for Fleet fuel card services within the approved operating budget, utilizing OMNIA cooperative purchasing contract #R260401, through June 30, 2029 and any future renewals.

Budget Impact:

Various	Various
Account Number	Fund
Various	N/A
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	
		Expenses (Actual+Encum)	
		Available Budget	$ -
Does item have a direct cost?	No	Item Cost	
Is a Budget Adjustment attached?	No	Budget Adjustment	$ -
		Remaining Budget	$ -

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

Fuelman

OMNIA® PARTNERS

APPLICATION FOR FLEET CARD ACCOUNT

For OMNIA Partners participating Public Agencies using the Region 4 ESC Master Agreement No. R260401 for Fuel Card Services.

CUSTOMER INFORMATION (Required)

Fax or Email Completed Application to:

Company or Other Governmental Entity's Full Legal Name City of Fayetteville	Type of Business Government Years in Business Under Current Owner
Subsidiary or DBA N/A	Main Phone # 479-575-8256
Street Address (No PO Boxes) 113 W. Mountain St.	Cell Phone # N/A
Street Address 2	Fax #
City: Fayetteville State: AR ZIP: 72701	Federal ID #: 71-6018462 Tax Exempt #: N/A
Is Billing Address Different than Business Address? Yes ☐ No ☒	# of Vehicles Monthly Fuel Spend
Billing Address (If Different Than Above)	# of Full Time Employees
Billing Address 2	Security Code (5 digit)
City State ZIP	Email Address purchasing@fayetteville-ar.gov
First Name: Molly Last Name: Rawn	Title Mayor

Type of Organization: ☐ Non-Profit ☒ Government

AUTHORIZED SIGNATURE Required *(Representative acknowledges receiving fuel pricing and payment terms)* Initial Here _____

Corpay Technologies Operating Company, LLC ("Corpay") operates the Fuelman Fleet Card program. By signing this application, I represent and warrant that I am duly authorized to request that a Fuelman Fleet Card account be created and the card(s) issued on behalf of the company or other governmental entity identified above ("Applicant"). Corpay is hereby authorized to check Applicant's credit worthiness, initially as well as from time to time, including but not limited to obtaining credit report(s), contacting the Applicant's bank, and obtaining trade references. Applicant acknowledges that this application is subject to approval and acceptance by Corpay. If this application is approved, then the Applicant's Authorized Representative listed above will be notified of the account's available credit limit, the acceptable payment terms & method, and any applicable program fees. Program details including General Terms & Conditions for Use of Fleet Cards which were submitted as an "Other Response Attachment" in Corpay's response to Region 4 ESC RFP #26-04 and are also attached to this application, including Limitation of Liability provisions (herein "the Region 4 ESC/OMNIA Contract"), which Applicant hereby acknowledges it has been provided access to such due diligence documents through OMNIA Partners website which are made available at the following web address: (https://www.omniapartners.com/publicsector), or have otherwise been provided by Corpay upon Applicant's written request. Applicant may also receive from Corpay from time-to-time a copy of its Fuelman Fleet Card Client Agreement Terms and Conditions, which is Corpay's standard pamphlet style terms and conditions (herein "Terms & Conditions Pamphlet"). The Terms & Conditions Pamphlet is not intended to supersede the OMNIA Contract, however there may be items covered in the Terms & Conditions Pamphlet which are not specifically addressed in the Region 4 ESC/OMNIA Contract. In the event of a conflict between the Region 4 ESC/OMNIA Contract and the Terms & Conditions Pamphlet, the terms and conditions of the Region 4 ESC/OMNIA Contract shall control. Applicant acknowledges that the fleet card program is not a revolving credit account and that any purchases made during the billing cycle are due and payable in full, including any applicable fees, upon receipt of the billing statement. If the Applicant's unpaid balance ever meets or exceeds the established credit limit, the account may be suspended immediately and the Applicant's credit history may be reported to credit reporting agencies. Applicant's acceptance, signing, in whatever form, or use of any of the cards provided to the Applicant will constitute acceptance of the terms and conditions contained in this application and the account agreement. Applicant agrees that any liability arising or resulting from the misuse, unauthorized or fraudulent use, loss or theft of any of the cards issued to the company's account shall be fully borne, assumed and paid by the Applicant. If Corpay uses an attorney or collection agency to collect an unpaid overdue amount, the Applicant agrees to pay reasonable attorney and/or collection fees. Applicant agrees that the account and cards are for business/commercial use only and are never to be used for either personal or household purposes, and Applicant agrees that use of the cards for any consumer and/or household purposes shall be grounds for immediate termination of the Applicant's account. Corpay complies with Section 326 of the USA Patriot Act, which mandates that Corpay verify certain information about the Applicant and/or Applicant owner, as may be applicable from time to time, while processing this account application and during any future operation of an account.

FUELMAN® is a registered trademark of Corpay Technologies Operating Company, LLC.

☒ **I Agree to the Terms of this Application (Please check box)** ☒ **I do not want to consider other card programs**

Print Name (Authorized Representative) Molly Rawn	Signature (Authorized Representative)
Title Mayor	Date
Telephone # 479-575-8256	

BUSINESS OWNER/ACCOUNT PRINCIPAL Required for all Proprietorships, Partnerships or any other business/organization less than two years old or having fewer than five (5) employees.

Each principal ("Principal") for this Account, if any, is personally and unconditionally, jointly and severally liable with Applicant, as principal and not as surety or guarantor, for the payment and performance when due of all obligations owed on the Account, regardless of who made purchases using the Cards, and the Principal agrees to pay such amounts according to the terms of this Agreement. Principal is responsible under this Agreement for all use of all of the Cards issued on the Account to the fullest extent permitted by law. This constitutes Principal's agreement, individually, regarding the provisions under "AUTHORIZED SIGNATORY" above, including without limitation checking and reporting your credit and confirming your identity.

Principal First Name	Middle Initial	Last Name	Principal Signature
Principal Street Address (No PO Boxes)		Social Security #	Date of Birth
Principal Street Address 2		Home Phone # -or-	Cell Phone #
City	State	ZIP	

OFFICE USE ONLY

Market: Rep ID: Rep Name: **V 02-03-2026**

TERMS DEFINITION

BILLING CYCLE: ☒ Weekly ☐ Bi-Weekly ☐ Calendar Monthly ☐ FM Monthly

CHECK TERMS: ☐ NET 10 ☒ NET 14 ☐ NET 21 ☐ NET 30

PAYMENT METHOD

☒ CHECK ☒ EFT (Attach EFT Authorization Form*)

EFT TERMS: ☐ NET 4 ☐ NET 7 ☐ NET 10 ☒ NET 14 ☐ NET 21

BILLING TERMS DEFINITION Select the desired BF/PT in table below, subject to Corpay credit approval)

Mark (X) for the desired BF/PT	BF / Terms ID	Billing Frequency / Payment Terms Description *	Applicable Billing Terms Group for Pricing
☐	WN4	Weekly Net 4 (EFT)	**GROUP 1 (Shorter Terms)**
☐	WN7	Weekly Net 7 (EFT)	
☐	BWN4	Bi-Weekly Net 4 (EFT)	
☐	WN10	Weekly Net 10	
☐	BWN7	Bi-Weekly Net 7 (EFT)	
☐	BWN10	Bi-Weekly Net 10	
☒	WN14	Weekly Net 14	
☐	MN4	Monthly Net 4 (EFT)	

Mark (X) for the desired BF/PT	BF / Terms ID	Billing Frequency / Payment Terms Description *	Applicable Billing Terms Group for Pricing
☐	BWN14	Bi-Weekly Net 14	**GROUP 2 (Medium Terms)**
☐	MN7	Monthly Net 7 (EFT)	
☐	WN21	Weekly Net 21	
☐	MN10	Monthly Net 10	
☐	BWN21	Bi-Weekly Net 21	
☐	MN14	Monthly Net 14	
☐	WN30	Weekly Net 30	
☐	MN21	Monthly Net 21	**GROUP 3 (Longer Terms)**
☐	BWN30	Bi-Weekly Net 30	
☐	MN30	Monthly Net 30	

* NOTE: Where "EFT" is indicated above, EFT is a mandatory payment method and the applicant MUST submit an EFT Enrollment Form with the Application.

EFT enrollment rules specify: If Weekly, must be Net 7 days or less, if Bi-Weekly, must be Net 14 days or less, if Monthly, must be Net 25 days or less.

PRICING SELECTION (Select Option 1 or Option 2, not both):

☐ **OPTION 1 - OPIS BASED COST-PLUS PRICING AT PREFERRED NETWORK LOCATIONS**

Check the Desired Billing Terms Group & Price that Shall Apply[1]	Billing Terms Group[1]	OFF-SITE PRICING (Cost-plus Markups Per Gallon) Unleaded	Mid-Grade	Premium	Diesel
☐	GROUP 1	$0.140	$0.210	$0.240	$0.240
☐	GROUP 2	$0.150	$0.220	$0.250	$0.250
☐	GROUP 3	$0.170	$0.240	$0.270	$0.270

☐ **OPTION 1 (Continued) – Alternative Fuels that shall always be priced based on Retail Price with Discounts Per Gallon AT PREFERRED NETWORK LOCATIONS**

Check the Desired Billing Terms Group & Price that Shall Apply[1] (Should check same as above)	Billing Terms Group[1]	OFF-SITE PRICING ALT. FUELS (Retail Minus Discounts Per Gallon) High Ethanol Blends (E85, E15, E30)	High Biodiesel Blends (B5 or Higher Blends) or Renewable Diesel	DEF Dispensed	CNG or LNG (Propane)
☐	GROUP 1	-$0.040	-$0.060	-$0.030	-$0.010
☐	GROUP 2	-$0.030	-$0.050	-$0.020	-$0.000
☐	GROUP 3	-$0.010	-$0.030	-$0.000	-$0.000

☒ **OPTION 2 - RETAIL BASED PRICING WITH DISCOUNTS PER GALLON AT PREFERRED NETWORK LOCATIONS**

Check the Desired Billing Terms Group & Price that Shall Apply[1]	Billing Terms Group[1]	OFF-SITE PRICING (Retail Minus Discounts Per Gallon) All Gasoline Products incl. High Ethanol Blends	All Diesel incl. High Biodiesel Blends or Renew. Diesel	DEF Dispensed	CNG or LNG (Propane)
☒	GROUP 1	-$0.070	-$0.100	-$0.040	-$0.010
☐	GROUP 2	-$0.060	-$0.090	-$0.030	-$0.000
☐	GROUP 3	-$0.040	-$0.070	-$0.010	-$0.000

[1] See the Billing Terms Group Definitions table above, Check the applicable Billing Terms Group you have chosen based on your Billing Terms selection.

SERVICES: ☐ OFF-SITE RETAIL ☐ TAX EXEMPT

OPTIONAL REPORTS: Optional Reports delivered via Web (online system logon) unless special requested by Email

Check or Mark (X) for the desired Optional Report	Optional Report ID	Optional Report Description
☐	FN03	Employee Management Report (Monthly)
☐	FN04	Vehicle Management Report (Monthly)
☐	FN07	Tax Management Report (Monthly)

Check or Mark (X) for the desired Optional Report	Optional Report ID	Optional Report Description
☒	TRN85	Electronic Transaction File, check below for frequency, Email Delivery, & Contact: ☐@ Billing ☒ Wkly ☐ BW ☐ Monthly ☒Email Del. ☒ Fleet or ☐ AP contact

REPORT DELIVERY METHOD (Reports at Billing): ☐ MAIL - $9.95 ☐ FAX - $4.95 ☒ EMAIL (no charge) ☒ WEB (no charge)

REPORT/STATEMENT DELIVERY INFORMATION:

FLEET MANAGER:		**ACCOUNTS PAYABLE REPRESENTATIVE:**	
Name:	Ross Jackson	Name:	Kenny Fitch
Email:	rjackson@fayetteville-ar.gov	Email:	kfitch@fayetteville-ar.gov
Phone #:	479-444-3495	Phone #:	479-575-8256

Terms & Conditions of the Region 4 ESC/OMNIA Partners contract # R260401 apply. I fully understand and accept the terms of this program.

Name: Molly Rawn Title: Mayor

Signature: _____ Date: _____

OFFICE USE ONLY

Market: Rep ID: Rep Name:

V. 02-17-2026

ATTACHMENT A
To Fuelman Fleet Credit Card Application
Applicable to OMNIA Partners Participating Public Agencies using the Region 4 ESC Master Agreement No. R260401 for Fuel Card Services
Extended Network Pricing Definitions and Never Below Corpay's Cost Plus Minimum Margin

Per Corpay's RFP response (Response Attachment 18 - Pricing, Section 1 defining Fuelman Card or Corpay Select Card pricing) in the Region 4 ESC contract #R260401, a copy of applicable sup-paragraph 3 within this section is provided below which **defines certain merchants that are considered "Extended Network". Extended Network locations are excluded from OPIS-based, cost-plus pricing and pricing shall be based on Retail Price. Discounts apply at certain locations or for certain fuel types as explained below.** Additionally, a copy of section 9 of the RFP response, **which explains a pricing exception in the contract for *Never Below Corpay's Cost plus Minimum Margin***.

3. PRICING AT EXTENDED NETWORK LOCATIONS

The current list of merchants (subject to future change) with applicable Extended Network Pricing includes:

3.1. Extended Network (No Discount or surcharge applies, subject to Exceptions Noted)

At the following chains or brands that offer chain-wide or brand-wide acceptance, Participating Agencies will be charged based on the station's Retail Price and in the case of ARCO, Retail Price plus the quoted per gallon rate. For certain states where Participating Agencies have their address, we define exceptions that shall apply.

- ARCO brand-wide acceptance stations at posted Retail Price plus $0.05 per gallon.
- Buc-ee's locations at posted Retail Price.
- Chevron/Texaco[1] brand-wide acceptance stations at posted Retail Price.
  [1] For Participating Agencies that have their address in the States of California, Oregon or Washington, Corpay agrees to provide a discount equaling $0.02 (2 cents) per gallon on all fuel types at Chevron/Texaco brand-wide acceptance locations. Discounts to be applied at the transaction level in reporting, not as a rebate.
- Sinclair[2] brand-wide acceptance stations at posted Retail Price.
  [2] For Participating Agencies that have their address in the State of Utah, Corpay agrees to provide a discount equaling $0.04 (4 cents) per gallon on all gasoline products, $0.05 (5 cents) per gallon on all diesel fuel products, at Sinclair brand-wide acceptance locations. Alternative/Evolving fuel types at Sinclair locations as follows: CNG/LNG - no discount, DEF Dispensed - $0.02 (2 cents) per gallon. All discounts to be applied at the transaction level in reporting, not as a rebate.

3.2. Extended Network - Chains or Brands where a 3 cents Discount Shall Apply

At the following chains or brands that offer chain-wide or brand-wide acceptance, participating agencies will be charged based on the station's Retail Price, minus a discount equaling **$0.03 (3 cents)** per gallon on all fuel types.

- Casey's
- CENEX
- Exxon/Mobil brand-wide acceptance locations
- Maverik/Kum & Go
- Murphy USA/Murphy Express
- OnCue
- QuikTrip (QT)
- Sams Club
- Sheetz
- Walmart
- Wawa

3.3 Extended Network (Major Truck Stops where 8 cents discount on Diesel Only applies)

At the following major truck stop chains, **Diesel Fuel** shall always be priced based on the credit Retail Price for diesel minus a discount equaling **$0.08 (8 cents)** per gallon. Gasoline, DEF Dispensed, CNG, or LNG shall be priced based on the station's Retail Price with no discount.

- Love's Country Store / Travel Stop Locations
- Pilot or Flying J Travel Center Stations, Pilot Convenience Stores, or Pilot unattended card lock stations
- TravelCenters of America (TA) or Petro Travel Centers

9. Never Below Corpay's Cost Plus Minimum Margin

Corpay reserves the right to never bill Customer for any purchase at a price below Corpay's cost to settle with the Merchant plus a minimum margin to Corpay equaling $0.03 (3 cents) per gallon and in the event the Customer's price (including all merchant taxes before exemption) calculates to be below Corpay's cost to settle with the Merchant, Corpay's cost **plus a minimum margin to Corpay equaling $0.03 (3 cents) shall apply**.

NOTE: Optional services: Fuelman Maintenance powered by CarAdvise; and Fraud Protector Program require signing separate Addendum with Terms & Conditions.

Corpay Fuelman

Corpay's General Terms & Conditions for Use of Fuelman Fleet Cards
Applicable to OMNIA Partners Participating Public Agencies using the Region 4 ESC
Master Agreement No. R260401 for Fuel Card Services

Summary of Rates, Fees, and Other Costs

Important Note: Please review all of these materials so that you, Customer, are fully informed about your terms and conditions. Please select "AGREE" to certify your agreement to each specific Program Fee(s) included in the table below that you, Customer, are agreeing to pay Corpay Technologies Operating Company, LLC ("Corpay") in connection with your execution of this Agreement.

AGREE	Category	Fee Amount	When Charged
☒	Expedited Next Day Air Card Shipping Fees	• Up to $35 per Card.	Charged when Customer requests additional cards and requires expedited next day shipping. Fee is generally assessed on a per package shipped basis.

1.1 Security, Loss, Theft, or Unauthorized Use of Card.

1.1.1 General Security. Each fuel card ("Card") can be programmed to only allow Fuel or both Fuel & Maintenance services such as oil changes, vehicle washes, etc. Typically, each transaction is authorized with the Card number, product code, quantity and driver's Driver ID across the proprietary Fuelman network to ensure that the purchase is authorized and limited to the product and quantity (e.g. gallons of Fuel or dollars of Maintenance) that have been pre-approved. This system also helps prevent unauthorized Driver IDs and stolen Cards from being used to make purchases. The product and quantity controls are subject to each merchant location's POS Authorization Limitations described herein.

1.1.2 Corpay's Liability. In the event an unauthorized transaction occurs, subject to the limitations and Customer responsibilities explained in this Section 1.1 and in the event that Customer's account (the "Account") has been issued fewer than ten (10) Cards, Corpay will assume full responsibility for those purchases which occur so long as Customer has complied with all its respective obligations and/or responsibilities set forth under Sections 1.1.3 and 1.1.4 included herein. If the Account has been issued ten (10) or more Cards, Customer assumes all liability and responsibility for unauthorized transactions and/or Account activity.

1.1.3 Customer's Responsibility. It is the responsibility of Customer to ensure proper security controls are kept in place to protect the Cards and Driver IDs and that only authorized employees or agents of Customer use them to make purchases. It is also the Customer's responsibility to lock any inactive, misplaced, or stolen Cards and Driver IDs immediately. Corpay is not responsible for fraudulent transactions made on unlocked Cards with valid Driver IDs. Customer should use the online account application to lock Cards and Driver IDs instantly. Alternatively, the Customer can contact Corpay Customer Service during regular business hours via fax or email with the requested change, in which case Corpay will make the requested changes within 24 hours and assume responsibility for any unauthorized purchases at that point. All transactions in which a valid/unlocked Card number was used in conjunction with a valid/active Driver ID will be considered to be authorized transactions in which Customer is fully responsible for payment. It is also the Customer's responsibility to review the standard fleet management reports and optional electronic mail or email exception alerts to identify potential purchasing discrepancies. Customer should instruct its Cardholders to keep any record of their Driver ID separate from the vehicle's Card.

1.1.4 Lost or Stolen Cards. Customer shall report all lost or stolen Cards to Corpay immediately via phone call or email to Corpay's Customer Service department identifying the Card number and such other details concerning the loss or theft of the Cards as are known by Customer. Customer shall be liable for all transactions made by lost or stolen Cards until Corpay receives Customer's written notice of such lost or stolen Cards. Customer and Guarantor(s) agree to and acknowledge full liability for any losses resulting from any failure to promptly report the loss and/or theft of Card(s) in accordance with the terms hereof.

1.1.5 Terminated Drivers. It is the Customer's responsibility to lock a terminated driver's Driver ID as explained herein.

1.1.6 Merchant Limitations. The personnel (if any) at a Merchant Location are not the agents or employees of Corpay and Corpay shall not be responsible for the products or services rendered by any of the Merchants or any other liability or damage which arises from the action or negligence of the personnel of any of the Merchants, their agents or their employees.

1.1.7 POS Authorization Limitations. Authorization controls are provided as a convenience to the Customer and are not guaranteed to prevent unauthorized purchases. Specifically, depending on the particular point-of-sale (POS) equipment and Fuel dispenser controls being used by a particular Merchant Location, the product type and spending limit may not be enforceable prior to completing the transaction. In these situations, the transaction will still be considered to be authorized, but will be identified as an exception on the Customer's standard fleet management report and reported via email if desired by Customer.

1.1.8 Claims. All claims for defective Fuel or Maintenance must be made to the Merchant operating the Merchant Location where such Fuel or Maintenance was purchased. Any claim for defective Fuel or Maintenance is waived by Client unless made in writing to Merchant, with a copy to Corpay, within fifteen (15) days from the date of the purchase of the alleged defective Fuel or Maintenance giving rise to the claim.

1.2 Account Administration and Card Issuance.

1.2.1 Credit Limit. Upon receipt of notice of award of SOLICITATION/contract and signed credit applications from Customer, Corpay will establish an aggregate spending limit for all the Cards issued to Customer under the Account(s) (the "Credit Limit") based on Corpay's evaluation of the Customer's creditworthiness. The initial Credit Limit may have already been established (applicable to existing older accounts already using Fuelman cards issued by Corpay). Corpay reserves the right to increase or decrease this Credit Limit at any time with or without providing notice to Customer. So long as sufficient creditworthiness exists, the intention shall be to have sufficient credit limit to meet the anticipated purchasing projections or purchasing history/activity of the Customer under the billing frequency and terms provided in the relevant RFP response. The total outstanding balance (the amount Customer owes Corpay) appears as the "Amount Due" or "Total Amount Due" on Customer's statement. This is not a revolving credit account. The Amount Due/Total Amount Due shown on each Account statement is due and payable by the due date ("Due Date") shown on the statement. The Amount Due/Total Amount Due includes current transactions, applicable service fees, amounts past due, late fees, charges for returned checks and other applicable charges. Corpay can accept late or partial payments, as well as payments that reflect "paid in full" or other restrictive endorsements, without losing any of Corpay's rights under these terms and conditions.

1.2.2 Administration of Cards. Customer shall be solely responsible for the use, maintenance, administration, and security of the Cards and Driver IDs within Customer's business, including, but not limited to, distributing Cards to, and collecting Cards from, its employees and agents. Notwithstanding any other provision in these terms and conditions, Customer is responsible for any loss and/or misuse of Cards by its employees and/or agents. See Section 1.1 for more information regarding Customer responsibilities.

1.2.3 Account Administration (Contact Persons). To ensure effective communication between your Fleet Manager or Card Program Administrator, your Accounts Payable Representative, and Corpay, Customer will provide the requested contact information for both an authorized Fleet Contact and Billing Contact. Up-to-date information about your account will be communicated through these designated persons. For example, if your account becomes past due or exceeds the assigned credit limit, or if we have identified suspected fraudulent activity, the listed individuals on the account may be notified electronically to avoid a disruption in service or to confirm whether suspected fraudulent purchases identified are legitimate. Customer shall contact Corpay's Fuelman customer service department or your account manager if any of this information changes for the authorized Fleet Contact or Billing Contact person.

1.2.4 Cancellation of Cards. If, at any time, for any reason, Customer desires to cancel any particular Card, but not the Account, Customer's Representative must notify Corpay via the online application or in writing of such cancellation. Customer's liability for purchases made using the canceled Card shall when Corpay receives written notice of such Card cancellation. The on-line application allows customer to instantly cancel (lock) cards.

1.2.5 Suspension of Cards. Corpay, at its sole discretion, may suspend or terminate the use of any Card at any time for any reason, including, but not limited to, inactivity, unusual activity, or suspected loss, theft, fraud, or in compliance with the USA Patriot Act. However, nothing in these terms and conditions shall obligate Corpay to monitor the use of any Card, and, as described in these terms and conditions, Customer is solely responsible for the use of any outstanding Cards.

1.2.6 Suspension of Account. Corpay, reserves the right to suspend or terminate the use of an Account due to substantial change in creditworthiness, late payment (excessive days beyond terms), aggregate outstanding balance owing on the Account (outstanding Account balance and unbilled transactions) over the Credit Limit or in compliance with the USA Patriot Act.

1.3 Limitation of Liability; Force Majeure; Modifications; Miscellaneous.

1.3.1 Limitation of Liability. THE PARTIES WILL HAVE NO LIABILITY FOR INDIRECT, SPECIAL, CONSEQUENTIAL, PUNITIVE, OR INCIDENTAL DAMAGES OF ANY KIND, INCLUDING CLAIMS FOR LOSS OF PROFITS, WHETHER RESULTING DIRECTLY OR INDIRECTLY TO CUSTOMER, CORPAY, GUARANTOR, OR THIRD PARTIES, AND WHETHER ARISING IN CONTRACT, TORT, OR OTHERWISE, EVEN IF SUCH DAMAGES WERE FORESEEABLE OR RESULT FROM A BREACH OF THESE TERMS AND CONDITIONS. IN THE EVENT A COURT IN A FINAL, NON-APPEALABLE AWARD FINDS CORPAY OR CUSTOMER LIABLE FOR ANY DIRECT DAMAGES, CORPAY OR CUSTOMER'S LIABILITY IN THE AGGREGATE FOR SUCH DIRECT DAMAGES WILL NOT EXCEED THE AMOUNT PAID OR PAYABLE BY CUSTOMER TO CORPAY FOR THE THREE (3) MONTHS PRECEDING THE DATE ON WHICH THE CLAIM AROSE.

1.3.2 Force Majeure. Corpay shall not be liable for failure to perform when such failure is occasioned or caused by an act of God or other circumstances beyond its control.

1.3.3. Modifications. Unless otherwise set forth herein, any material amendments, modifications, and/or changes to these specific "Corpay's General Terms & Conditions for Use of Fleet Cards Applicable to OMNIA Partners Participating Public Agencies using the Region 4 ESC" may only be effectuated through a written agreement or instrument which has been duly executed by both Corpay and Customer.

1.3.4. Miscellaneous. These terms and conditions: (a) will be governed by the laws of the state where the Customer is domiciled, without regard to its conflicts of laws principles, (b) may be assigned by either party only upon the prior written approval of the other party which will not be unreasonably withheld conditioned or delayed; (c) will be binding on the parties' successors and permitted assigns; (d) together with the RFP response, as applicable, constitute the entire agreement of the parties with respect to its subject matter; supersedes all prior agreements and understandings, oral or written, of the parties with respect to this subject matter; and except as expressly set forth in these terms and conditions, may only be modified by a writing signed by Corpay and Customer or by Customer's acceptance of additional or substitute terms delivered to Customer by Corpay via phone, website, email, text, or such other means as may be elected by Corpay; and (e) do not create any partnership, agency relationship, or joint venture. If any provision of these terms and conditions is found to be fully or partially invalid or unenforceable, it will be enforced to the extent permitted by law, and the remainder will not be affected. No waiver of any provision of these terms and conditions will constitute a waiver of the same provision on another occasion. The rights and obligations of these terms and conditions which by their nature are intended to survive expiration or termination will so survive. Customer and Corpay agree that any electronic signatures used in connection with Corpay's General Terms & Conditions are intended to authenticate this writing and to have the same force and effect as a manual signature.

ACCEPTED AND AGREED:

Customer Name: City of Fayetteville

Signature: _____

Printed Name: Molly Rawn, Mayor

Date: _____

Corpay Technologies Operating Company, LLC **MARKETER**_____ **BG ACCT#** _____
109 Northpark Blvd, Ste 500
Covington, LA 70433
FEIN: 20-2008209 **Tax Exempt Fax: 866-224-3835**
Tax Exempt email: Taxdeptqueuecs@Corpay.com **2026**

Federal Excise Tax Exemption Certificate Request for Credit/Refund

For use by States, Territories or political subdivisions thereof, the District of Columbia and Non-Profit Education Organizations to support vendor/credit card issuers claim for a credit, refund or payment under Section 6416(a)(4)(B) (gas) AND/OR 6427(l)(5)(D) (diesel) of the Internal Revenue Code

The undersigned ultimate purchaser ("Buyer") hereby certifies under penalties of perjury that he/she is:

Molly Rawn, Mayor
(Name & Title of officer or agent)

of City of Fayetteville AR
(Department, Bureau or Commission or Organization – **Legal Name**) (City) (State)

and that he/she is authorized to execute this certificate and that the article or articles specified below or for the period indicated below were purchased and Buyer is eligible for a tax credit or refund by virtue of being (classification must be checked and applicable information furnished):

Buyer to which this certificate relates is (**check one**):

X 1. A state, any political subdivision thereof, or the District of Columbia

_____ 2. A non-profit educational organization, in section 170(b)(1)(A)(ii) of the IRS code, which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on
(IF YOU CHECKED #2, PLEASE PROVIDE COPY OF IRS DETERMINATION LETTER)

Date of Internal Revenue Service Ruling Letter if #2 above checked _____.

The Buyer will provide a new certificate to the vendor/credit card issuer if any information in this certificate changes. The undersigned understands that the credit or refund of tax in the case of sales of articles covered under this exemption certificate is limited to the sale of articles purchased for its exclusive use, and it is agreed that if articles purchased on which credit or refund has been issued under this exemption certificate are used otherwise or are sold to employees or others, such fact will be reported to the vendor/credit card issuer covered by this certificate. It is understood that the fraudulent use of this certificate may subject the guilty parties to a maximum fine of $10,000 and imprisonment for not more than 5 years. If the articles sold hereunder are subjected to Federal excise taxes, the Buyer agrees that it shall pay all tax, penalties and interest or reimburse the credit card issuer for such amounts assessed by the Federal Government. Buyer understands that by signing this certificate, Buyer gives up its right to claim a credit or refund for the articles for which this certificate relates. The buyer further certifies that buyer has not and will not file for credit or refund for the articles for which this certificate relates. The buyer consents to the allowance of a credit or refund of any taxes paid.

Blanks must be filled in:
Purchases made during the period of 01/01/2026 through 12/31/2026 (period not to exceed one year)

OR Purchaser's Order No. _____

_____ _____
(Signature of Officer or Agent) (Date Signed)

7 1 - 6 0 1 8 4 6 2
(FEDERAL EMPLOYER IDENTIFICATION NUMBER/FEIN/EIN)
Not to be confused with your State ID number

113 W. Mountain St., Fayetteville, AR 72701
(Address of Buyer)

Business phone number 479-575-8256

Business fax number 479-575-8257

Email Address of person completing form:
abeilfuss@fayetteville-ar.gov

NOTES: *IF YOU ARE SALES TAX EXEMPT, PLEASE SUBMIT A COPY OF YOUR SALES TAX EXEMPT CERTIFICATE FOR REVIEW
*** NO EXEMPTION FOR $.007/GALLON FEDERAL UNDERGROUND STORAGE (LUST), SUPERFUND, AND OIL SPILL FEES**

Corpay Technologies Operating Company, LLC
109 Northpark Blvd, Ste 500
Covington, LA 70433
FEIN: 20-2008209 **Tax Exempt Fax: 866-224-3835**
Tax Exempt email: Taxdeptqueuecs@Corpay.com

MARKETER_____ **BG ACCT#** _____

2027

Federal Excise Tax Exemption Certificate Request for Credit/Refund

For use by States, Territories or political subdivisions thereof, the District of Columbia and Non-Profit Education Organizations to support vendor/credit card issuers claim for a credit, refund or payment under Section 6416(a)(4)(B) (gas) AND/OR 6427(l)(5)(D) (diesel) of the Internal Revenue Code

The undersigned ultimate purchaser ("Buyer") hereby certifies under penalties of perjury that he/she is:

Molly Rawn, Mayor
(Name & Title of officer or agent)

of City of Fayetteville AR
(Department, Bureau or Commission or Organization – **Legal Name**) (City) (State)

and that he/she is authorized to execute this certificate and that the article or articles specified below or for the period indicated below were purchased and Buyer is eligible for a tax credit or refund by virtue of being (classification must be checked and applicable information furnished):

Buyer to which this certificate relates is (**check one**):

X 1. A state, any political subdivision thereof, or the District of Columbia

_____ 2. A non-profit educational organization, in section 170(b)(1)(A)(ii) of the IRS code, which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on
(IF YOU CHECKED #2, PLEASE PROVIDE COPY OF IRS DETERMINATION LETTER)

Date of Internal Revenue Service Ruling Letter if #2 above checked _____.

The Buyer will provide a new certificate to the vendor/credit card issuer if any information in this certificate changes. The undersigned understands that the credit or refund of tax in the case of sales of articles covered under this exemption certificate is limited to the sale of articles purchased for its exclusive use, and it is agreed that if articles purchased on which credit or refund has been issued under this exemption certificate are used otherwise or are sold to employees or others, such fact will be reported to the vendor/credit card issuer covered by this certificate. It is understood that the fraudulent use of this certificate may subject the guilty parties to a maximum fine of $10,000 and imprisonment for not more than 5 years. If the articles sold hereunder are subjected to Federal excise taxes, the Buyer agrees that it shall pay all tax, penalties and interest or reimburse the credit card issuer for such amounts assessed by the Federal Government. Buyer understands that by signing this certificate, Buyer gives up its right to claim a credit or refund for the articles for which this certificate relates. The buyer further certifies that buyer has not and will not file for credit or refund for the articles for which this certificate relates. The buyer consents to the allowance of a credit or refund of any taxes paid.

Blanks must be filled in:
Purchases made during the period of 01/01/2027 through 12/31/2027 (period not to exceed one year)

OR Purchaser's Order No. _____

_____ _____
(Signature of Officer or Agent) (Date Signed)

7 1 - 6 0 1 8 4 6 2
(FEDERAL EMPLOYER IDENTIFICATION NUMBER/FEIN/EIN)
Not to be confused with your State ID number

113 W. Mountain St., Fayetteville, AR 72701
(Address of Buyer)

Business phone number 479-575-8256

Business fax number 479-575-8257

Email Address of person completing form:
abeilfuss@fayetteville-ar.gov

NOTES: *IF YOU ARE SALES TAX EXEMPT, PLEASE SUBMIT A COPY OF YOUR SALES TAX EXEMPT CERTIFICATE FOR REVIEW
*** NO EXEMPTION FOR $.005/GALLON FEDERAL UNDERGROUND STORAGE (LUST), SUPERFUND, AND OIL SPILL FEES**

Docusign Envelope ID: 57474F8C-108B-84F9-8280-237F9D0943D8

REGION 4
EDUCATION SERVICE CENTER

June 23, 2026

Joseph (Joey) Kendrick
President, Fleet Mastercard
Corpay Technologies Operating Company, LLC
3280 Peachtree Road, Suite 2400
Atlanta, GA 30305
Joseph.kendrick@corpay.com

Re: Award of Contract # R260401

Dear Joseph (Joey) Kendrick:

Per official action taken by the Board of Directors of Region 4 Education Service Center on June 23, 2026, we are pleased to announce that Corpay Technologies Operating Company, LLC has been awarded a three (3) year contract, contingent upon successful negotiations, if needed, for the following, based on the online proposal RFP# 26-04 opened on February 19, 2026:

Commodity/Service	**Supplier**
Fuel Card Services	Corpay Technologies Operating Company, LLC

This contract is effective July 1, 2026, and will expire on June 30, 2029. As indicated above, your contract number is R260401. This contract may be renewed annually for an additional two (2) years if mutually agreed upon by Region 4 ESC and Corpay Technologies Operating Company, LLC.

Your participation in the proposal process is appreciated and we look forward to a successful partnership. Please feel free to provide copies of this letter to your sales representative(s) to assist in their daily course of business.

If you have any questions, please contact our Procurement Department at 713-462-7708 or questions@esc4.net.

Sincerely,

Signed by:
Enrique Kladis
184FDFD39CD840F...
Enrique Kladis
Procurement Director

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2564

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Peter Nierengarten, Environmental Director

FROM: Brian Pugh, Waste Reduction Coordinator

SUBJECT: **Award of Bid 26-44, Scrap Metal Removal and Recycling to Rogers Iron and Metal for the operational cost of $132 per ton for a period of one (1) year with four (4) automatic one (1) year renewal options.**

RECOMMENDATION:
Award of Bid 26-44, Scrap Metal Removal and Recycling to Rogers Iron and Metal for the operational cost of $132 per ton for a period of one (1) year with four (4) automatic one (1) year renewal options.

BACKGROUND:
Bid 26-44 was released on June 21st, 2026, and closed on July 15th, 2026. The bid requests services for the removal and recycling of scrap metal items that are recovered from operations related to the Recycling and Trash Collection Division. The bid was requested to receive the best pricing possible for the recycling service and to develop a system based upon a national index

DISCUSSION:
The national index chosen for this bid will be the monthly Fast Track Metal Market publication and will utilize the Chicago market for #2 bundles. By tying the pricing to a national index, the City will receive better and more reliable pricing for the amounts of scrap metal sold.

BUDGET/STAFF IMPACT:
None

ATTACHMENTS: 3. Staff Review Form, 4. Bid 26-44 Bid Tab - Final, 5. Bid 26-44 Submittal - Rogers Iron Metal Corp. - E, 6. Bid 26-44, City Issued Bid

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

File #: 2026-2564

A RESOLUTION TO AWARD BID 26-44 TO ROGERS IRON AND METAL CORPORATION FOR THE REMOVAL AND RECYCLING OF SCRAP METAL ITEMS FROM THE CITY OF FAYETTEVILLE RECYCLING AND TRASH COLLECTION DIVISION IN THE AMOUNT OF $132.00 PER TON FOR A TERM OF ONE YEAR WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid 26-44 to Rogers Iron and Metal Corporation for the removal and recycling of scrap metal items in the amount of $132.00 per ton for a period of one year with automatic renewals for up to four additional one year terms.

City of Fayetteville Staff Review Form

2026-2564

Item ID

8/18/2026

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Brian Pugh	7/29/2026	RECYCLING/TRASH COLLECTION (750)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Award of Bid 26-44, Scrap Metal Removal and Recycling to Rogers Iron and Metal for the operational cost of $132 per ton for a period of one (1) year with four (4) automatic one (1) year renewal options.

Budget Impact:

		Account Number		Fund
		Project Number		Project Title
Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	-

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

CITY OF FAYETTEVILLE ARKANSAS

BID TABULATION

Bid 26-44, Scrap Metal Removal & Recycling

DEADLINE: Wednesday, July 15, 2026 at 2:00 PM

				Rogers Iron & Metal Corp.		AMMCO RECYCLING, LLC dba Total Environmental	
		Total		$26,400.00		$36,200.00	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended
1	Removal Fee = $XX per gross ton (2240 lb)	200	TON	$132.00	$26,400.00	$181.00	$36,200.00

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

Trevel Young, Procurement Agent

Kenny Fitch, Sr Procurement Agent

Bid 26-44 Addendum 1
Rogers Iron & Metal Corp.
Supplier Response

Event Information

Number: Bid 26-44 Addendum 1
Title: Scrap Metal Removal & Recycling
Type: Invitation to Bid
Issue Date: 6/21/2026
Deadline: 7/15/2026 02:00 PM (CT)
Notes: The City of Fayetteville is seeking bids from qualified bidders for the removal and recycling of scrap metal. Any questions concerning the bidding process should be addressed to Trevel Young, City of Fayetteville Procurement Agent, at tyoung@fayetteville-ar.gov or by calling (479)575-8289.

Contact Information

Contact: Trevel Young
Address: Purchasing
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Phone: 1 (479) 575 8289
Fax: (479) 757 8257
Email: tyoung@fayetteville-ar.gov

Rogers Iron & Metal Corp. Information

Contact: Wes Glass
Address: 730 N Arkansas St
Rogers, AR 72756
Phone: (479) 636-2666
Email: wglass@yaffeco.net

By submitting your response, you certify that you are authorized to represent and bind your company.

WESLEY GLASS
Signature

wglass@yaffeco.net
Email

Submitted at 6/26/2026 09:01:44 AM (CT)

Requested Attachments

FastTrack Issue #7 AMM_260626_083614.pdf

Please upload a copy of the 7th effective issue of the month from Fastmarkets (formerly American Metal Market).

Bid Attributes

1 Arkansas Secretary of State Number

No response

2 Check Yes or No:

Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

☐ Yes
☑ No

3 Check Yes or No:

Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy,
Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any
public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel,
Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

☐ Yes
☑ No

4 Addendum Acknowledgement:

By selecting "I agree", you acknowledge that you have read and understand any addendums that have been issued for this bid.

☑ I agree

5	**Name of Firm** Purchase Order/Payments shall be issued to this name ROGERS IRON AND METAL CORP
6	**D/B/A or Corporation Name** ROGERS IRON AND METAL CORP
7	**Tax ID Number** 71-0304948
8	**Business Address** 721 N ARKANSAS ST ROGERS, AR 72756/ P.O. BOX 1806 ROGERS AR, 72757
9	**Contact Phone Number and Email Address** (479) 636-2666 wglass@yaffeco.net/mmcnally@yaffeco.net
10	**Submitter's Name & Title** WES GLASS ASST MANAGER
11	**Conflict of Interest** 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. N/A
12	**If a conflict exists, please explain** *No response*

Bid Lines

1	Removal Fee = $XX per gross ton (2240 lb) Quantity: 200 UOM: TON Price: $132.00 Total: $26,400.00 Supplier Notes: AMM 10TH EDITION CHICAGO #2 BUNDLES 60% JUNE PRICING BELOW $220*60%=$132 GROSS TON

Response Total: $26,400.00

Outlook

RE: Bid 26-44 Submission

From Wesley Glass <wglass@yaffeco.net>
Date Wed 7/15/2026 3:48 PM
To Young, Trevel <tyoung@fayetteville-ar.gov>

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry mis understood the question

We are not boycotting anything

From: Young, Trevel <tyoung@fayetteville-ar.gov>
Sent: Wednesday, July 15, 2026 3:43 PM
To: Wesley Glass <wglass@yaffeco.net>
Subject: Bid 26-44 Submission

Hi Wes,

I hope you're doing well. I wanted to follow up regarding your bid submission for the scrap metal removal and recycling that closed today.

While reviewing your bid, I noticed that you selected 'No' in response to these questions below. I wanted to clarify your responses, as selecting "No" indicates that your company **does** boycott these items. Can you please confirm whether that is correct?

Bid Attributes

1	**Arkansas Secretary of State Number** *No response*
2	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing. ☐ Yes ☑ No
3	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing. ☐ Yes ☑ No
4	**Addendum Acknowledgement:** By selecting "I agree", you acknowledge that you have read and understand any addendums that have been issued for this bid. ☑ I agree

CONSUMER BUYING PRICES

Estimated domestic consumer buying prices in US$/gross ton; delivered mill price. (p) Preliminary price NA--Not available †Canadian currency; in net tons

	Alabama	Ark/Tenn Border	Chicago	Cincinnati	Cleveland	Detroit	Houston	N. Carolina/ Virginia	Philadelphia	Pittsburgh	South Carolina	Hamilton, Ontario†	Montreal†	Composites
DATE REVIEWED:	*05/08/26*	*05/08/26*	*04/09/26*	*04/09/26*	*05/07/26*	*04/09/26*	*05/08/26*	*04/09/26*	*05/06/26*	*05/07/26*	*04/09/26*	*04/10/26*	*04/10/26*	.....
No1 heavy melt	390	395	375	370	380	375	355	390	350	380	390	314	310	368.33
No2 heavy melt	380	.....	360	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
No1 bundles	450	455	455	450	475	445	.....	.....	440	465	.....	450	.....	.....
No2 bundles*	.....	362	220	.....	.....	.....	.....	.....	305	290	.....	.....	210	.....
No1 busheling	450	460	450	445	475	450	410	440	450	465	440	436	350	463.33
No1 industrial bundles	.....	.....	.....	.....	.....	.....	.....	.....	.....	475	.....	.....	.....	.....
Shredded auto scrap	443	435	430	440	430	425	400	425	410	430	425	506	.....	428.25
Machine shop turnings	290	275	260	245	.....	295	250	290	155	285	290	.....	250	.....
Cast iron borings	.....	.....	320	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cut structural/plate, 2' max	.....	.....	524	.....	.....	.....	.....	.....	490	.....	.....	.....	.....	.....
Cut structural/plate, 3' max	450	.....	.....	.....	.....	.....	.....	.....	365	450	.....	.....	.....	.....
Cut structural/plate, 5' max	405	390	400	420	420	375	360	405	380	420	405	313	350	.....
Foundry steel, 2' max	.....	.....	474	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cupola cast	.....	.....	494	.....	.....	.....	.....	.....	370	.....	.....	.....	.....	.....
Clean auto cast	.....	.....	592	.....	.....	.....	.....	.....	360	.....	.....	.....	.....	.....
Unstripped motor blocks	.....	.....	455	.....	.....	.....	.....	.....	340	.....	.....	.....	.....	.....
Heavy breakable cast	.....	.....	502	.....	.....	.....	.....	.....	311	.....	.....	.....	.....	.....
Drop broken machinery cast	.....	.....	537	.....	.....	.....	.....	.....	416	.....	.....	.....	.....	.....
Rail crops, 2' max	.....	.....	.....	.....	.....	.....	.....	.....	598	.....	.....	.....	.....	.....
Random rails	.....	.....	.....	.....	.....	.....	.....	.....	350	.....	.....	.....	.....	.....
Steel car wheels	.....	.....	440	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Steel (tin) can bundles	.....	.....	385	.....	410	355	.....	.....	.....	315	.....	.....	.....	.....

*Shredders may also be considered consumers for this grade

FASTMARKETS AMM INDEXES

Ferrous Scrap Export Index ($/tonne, evaluated 05/06/26)	
HMS 1&2 (80:20) East Coast (fob New York)	361.50
HMS 1&2 (80:20) West Coast (fob Los Angeles)	342.00
Shredded Steel Scrap, East coast (fob New York)	381.50
Shredded Steel Scrap, West coast (fob Los Angeles)	350.00
MB Iron Ore Index ($/tonne, evaluated 05/08/26)	
MBIO Index	112.97

SHREDDER FEED

Estimated prices in US$/gross ton

DATE REVIEWED:	*05/04/26*
Ohio Valley	196.68
Midwest	218.40
Southeast	174.21

CONSUMER BUYING PRICE TREND

Estimated trends in US$/gross ton, from prior month

	Seattle/Portland
DATE REVIEWED:	*04/09/26*
No1 heavy melt	0
No1 busheling	.....
Shredded auto scrap	0
Machine shop turnings	.....
Cut structural/plate, 5' max	0

DEALER SELLING PRICES

Estimated prices in US$/gross ton, shipping point dealer yard

	Atlanta	St. Louis
DATE REVIEWED:	*04/09/26*	*05/08/26*
No1 heavy melt	340	303
No1 bundles	.....	403
No1 busheling	380	403
Shredded auto scrap	375	376
Machine shop turnings	185	270
Cut structural/plate, 5' max	365	313

EXPORT YARD BUYING PRICES

Estimated prices an export dealer, broker or processor will pay for items delivered to his yard, in US$/gross ton.

	Boston	L.A.	N.Y.	Philly
DATE REVIEWED:	*05/04/26*	*05/04/26*	*05/04/26*	*05/04/26*
No1 heavy melt	260	180	285	285
No2 bundles	195	90	235	210
No1 busheling	.....	190	.....	.....
Machine shop turnings	.....	55	180	.....
Mixed cast	260	.....	280	285
Unstripped motor blocks	255	.....	300	280
Auto bodies	165	.....	265	250
Cut structural/plate 5' max	270	190	305	315

IT IS A VIOLATION OF FASTMARKETS COPYRIGHT TO PHOTOCOPY/DISTRIBUTE THIS PRODUCT

City of Fayetteville, Arkansas
Procurement Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8256
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

Bid 26-44, Scrap Metal Removal & Recycling

DEADLINE: Tuesday, July 14, 2026, before 2:00 PM, Local Time

PROCUREMENT AGENT: Trevel Young, tyoung@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: 6/21/2026

No late bids will be accepted. Bids shall be submitted in one of the following methods: (1) through the City's third-party electronic bidding platform, or (2) delivering in person via sealed envelope to the City of Fayetteville Procurement Division. Submitting through the City's electronic bidding platform is strongly encouraged.

City of Fayetteville
Procurement Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder 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 Procurement Director.

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 26-44, Scrap Metal Removal & Recycling

The City of Fayetteville is seeking bids from qualified bidders for the removal and recycling of scrap metal. The estimated tonnage is approximately 200 tons annually. The contract shall be for one year with up to four automatic one-year renewals. Any questions concerning the bidding process should be addressed to Trevel Young, City of Fayetteville Procurement Agent, at tyoung@fayetteville-ar.gov or by calling (479)575-8289.

Bidding documents, plans, plan holders, and addenda shall be obtained at the City of Fayetteville Procurement Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids shall be received by Tuesday, July 14th, 2026, before 2:00 PM, local time utilizing the electronic bidding software, which is strongly encouraged, or by submitting a sealed physical bid prior to the stated time. The City shall not be responsible for lost or misdirected bids, or for failure of bidders' technical equipment.

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.

Any bidder providing a service must be registered with the Arkansas Secretary of State by the bid award. The City reserves the right to waive irregularities, to reject bids, and to postpone the award of the Contract for a period of time which shall not exceed beyond ninety calendar days from the bid opening date.

City of Fayetteville
By: Trevel Young, Procurement Agent
479.575.8289
tyoung@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 6/21/2026
This publication was paid for by the Procurement Division of the City of Fayetteville, Arkansas.
Amount paid: $149.15

EXECUTION OF BID -

This bid shall be completed in full, executed, and submitted by an authorized agent of the bidder. All bids shall provide responses to items in the following categories utilizing the online bidding portal or the physical bid form obtained via the online bidding portal:

- Attributes
- Line Items
- Response Attachments

Actual specification of any deficient item shall be noted on a separate attachment or as a note in the Line Item section of the online bidding portal. If specifications of item bid differ from provided literature, deviation shall be documented and certified by the manufacturer as a regular production option.

If submitting a physical bid is preferred, please contact the Procurement Division at (479) 575-8256.

PRICE: Bidders shall submit pricing on the City's online bidding portal (www.fayetteville-ar.gov/bids) in the format presented online or delivering a sealed, labeled envelope containing the Bid Invitation document obtained via the online portal to the City of Fayetteville Procurement Division.

Upon submitting this Bid, the bidder certifies that:

1. Bidder has read and agrees to the requirements set forth in this bid, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.

2. Unless otherwise noted and explained, the items bid and listed meet or exceed all of these requirements as specified by The City of Fayetteville.

3. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

4. Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

5. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

6. The Bidder certifies they are an officer of this organization, or have attached a letter of authorization, and they are duly authorized to certify the information provided herein is accurate and true.

7. 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.

8. 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, when applicable.

9. The bidder certifies they are not presently debarred, suspended, and they are in compliance with the below Federal Executive Order:

    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. Bidder certifies that neither bidder nor principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

END OF BIDDING INSTRUCTIONS

1. SUBMISSION OF BID & BID EVALUATION:

    a. Bids shall be reviewed following the stated deadline, as shown on the cover sheet of this document.

    b. Bidders shall submit bids based on documentation published by the Fayetteville Procurement Division.

    c. Bidding documents and addenda shall be obtained at the City of Fayetteville Procurement Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids shall be received by the deadline, utilizing the electronic bidding software or as stated in the bid advertisement. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed on zoom. No late bids shall be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or for failure of bidder's technical equipment.

    d. Bidders shall have experience in providing products and/or services of the same or similar nature.

    e. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Bidder's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.

    f. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the time as shown by the atomic clock located in the Procurement Division Office or electronic clock located in the City's third-party bidding software.

    g. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

    No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this bid must be sent in writing via e-mail to the Procurement Agent. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the bid. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

    Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Procurement Division. In the event a similar product does not meet the required specifications, a substitution request for an approved equal may be submitted to the Procurement Division for review. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

a. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.

b. The City of Fayetteville reserves the right to accept or reject any or all bids.

c. The City of Fayetteville reserves the right to cancel the entire bid.

d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.

e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. COSTS INCURRED BY BIDDERS:

All expenses involved with the preparation and submission of bids to the City, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.

6. CONFLICT OF INTEREST:

a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled “Authority of City Employee to Contract with the City”.

b. All bidders shall promptly notify Trevel Young, City Procurement Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstances which may influence or appear to influence the bidder’s judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. WITHDRAWL OF BID:

A bid may be withdrawn prior to the time set for the bid submittal, based on a written request from an authorized representative of the firm; however, a bid shall not be withdrawn after the time set for the bid unless approved by the Procurement Division.

8. LATE BID OR MODIFICATIONS:

Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Procurement Division at (479) 575-8256 to ensure receipt of their submittal documents prior to opening time and date listed.

9. CONSTITUTIONAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

   a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all constitutional, state, and federal directives, orders and laws as applicable to this bid and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.

   b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority, women and veteran-owned 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, women, and veteran-owned business enterprises.

10. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the bidder, the bidder agrees to make available to all Government agencies, departments, municipalities, and counties, the bid prices submitted in accordance with said bid terms and conditions therein, should any said governmental entity desire to buy under this bid. Eligible Users shall mean all state of Arkansas agencies, legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

11. COLLUSION:

The Bidder, by affixing his or her signature to this bid, agrees to the following: "bidder certifies that his or her bid is made without previous understanding, agreement, or connection with any person, firm or corporation making a bid for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

   a. The City of Fayetteville reserves the privilege of auditing a Contractor's records as such records relating to purchases between the City and said Contractor.

   b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

   c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. INDEMNIFICATION:

The successful bidder(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for bid apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by bidders prior to submitting a bid on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Individuals with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Individuals needing translation of this document shall contact the City of Fayetteville, Procurement Division, immediately.

16. DIGITAL ACCESSIBILITY REQUIREMENTS:

If applicable, the awarded Contractor shall provide accessibility conformance reports (ACRs) for any software provided by the Contractor that will be accessible by the public upon delivery, whether developed by the Contractor or a third-party. Visit the link for more information: https://www.fayettevillear.gov/DocumentCenter/View/39767/Web-Accessibility-Requirements-for-Vendors_-and-Technology-Addendum.

a. Contractor must address all accessibility issues in any software provided or licensed by the Contractor and delivered to the City, as well as any documents delivered by the Contractor.

b. Contractor must ensure that end user deliverables adhere to the WCAG 2.1 AA standard as defined by title II of the Americans with Disabilities Act.

    i. Deliverables are defined as any web platform or mobile application, or documents that may be hosted on a web or mobile platform. This includes documents, spreadsheets or presentations regardless of format (Microsoft Office products, PDF, etc.)

c. Contractor must ensure accessibility is addressed during all stages of a project, from commencement to implementation. Contractor must meet with City staff at the City's discretion to review accessibility issues.

d. d. If Contractor deliverables fail to comply with WCAG 2.1 Level AA standard, the Contractor shall provide the City with a credit to cover the cost of additional accessibility testing and resolution. Such credits shall not exceed 5% of either (1) the total fixed price due to the Contractor under the contract or (2) the total not-to-exceed amount of the contract if entered under a time and materials basis.

17. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its bidders to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

18. PAYMENTS AND INVOICING:

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Procurement Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice being received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. Payments can be processed through bidder's acceptance of Visa at

no additional costs to the City for expedited payment processing. The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee. The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

19. CANCELLATION:

a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.

b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.

c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.

d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the Contractor of such occurrence and contract shall terminate the last day of the current fiscal period without penalty or expense to the City.

20. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.

b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a bid to a firm that has disclosed its intent to assign or subcontract in its response to the bid, without exception shall constitute approval for purpose of this Agreement.

21. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the Contractor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

22. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for bids, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for bid , request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Procurement Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision, lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for bid, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for bid, request for qualification, bid or contract to be rejected.

23. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this bid from the bidder. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

24. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

25. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Procurement Division and enter information only in the spaces where a response is requested. Bidders may use an attachment as an addendum to the bid form(s) if sufficient space is not available on the original form for the bidder to enter a complete response. **Any modifications or alterations to the original documents by the bidder, whether intentional or otherwise, will constitute grounds for rejection of such response.** Any such modifications or alterations a bidder wishes to propose shall be clearly stated in the bidder's response and presented in the form of an addendum to the original bid documents.

26. CERTIFICATE OF INSURANCE:

The successful bidder shall provide a Certificate of Insurance in accordance with the following guidelines, prior to commencement of any work: $1,000,000 Commercial Liability, Statutory Worker's Compensation, and General Automotive, if applicable. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid, when applicable, throughout project completion.

27. PRICING:

a. The City reserves the right to re-evaluate bidders in their standing in the event of a price increase.

28. OTHER GENERAL CONDITIONS:

a. Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.

b. Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. ***Sales tax shall not be included in the bid price***. Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.

c. Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.

d. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

e. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

f. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs incurred by the Bidder in responding to this request for bid is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Bidder for any expense so incurred, regardless of whether or not the bid is accepted.

g. If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.

h. Any uncertainties shall be brought to the attention to Trevel Young immediately via telephone (479.575.8289) or e-mail (tyoung@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Procurement Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.

i. No oral interpretation or clarifications will be given as to the meaning of any part of this request for bid. All questions, clarifications, and requests, together with answers, if any, will be provided to all interested parties via written addendum. Names of vendors submitting any questions, clarifications, or requests will not be disclosed until after the bid award.

j. Any information provided herein is intended to assist the bidder to properly respond to this bid. The bid is designed to provide qualified Bidders with sufficient basic information to submit the bid meeting minimum specifications and/or test requirements but is not intended to limit a bid's content or to exclude any relevant or essential data.

k. Bidders irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Bidder hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.

l. The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.

m. The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

29. INVOICING: All invoices shall be presented to the City with the minimum information listed below.

    a. City Department that ordered the materials or services

    b. Order Date

    c. Delivery date or the date of services

    d. Name of the City Employee that requested or picked up the goods, materials, or service

    e. Bid Number that applies to the purchase and invoices. Amounts in the bid shall match invoicing.

30. ATTACHMENTS TO BID DOCUMENTS:

    a. Appendix A: General Specifications

BIDDING REQUIREMENTS:

- All unit(s) bid shall meet or exceed the minimum requirements, or they will be deemed incomplete and will not be considered for bid award.

1. GENERAL:

1.1 This bid is for service only.

1.2 All specifications are written to minimums, unless otherwise noted.

1.3 The estimated annual volume shall be approximately 200 tons.

1.4 The bid award shall be for one year with up to four automatic one year renewals

1.5 Bidder shall provide proof of Workers' Compensation, $1,000,000 General Liability, and automobile insurance, with the City of Fayetteville listed as an additional insured.

2. REMOVAL & RECYCLING SPECIFICATIONS:

2.1 Pickup of scrap metal will be on an on-call basis upon container reaching maximum capacity.

2.2 Bidder shall pick up container and replace the existing unit with an empty one within 2-3 business days.

2.3 Bidder shall pay the City within 30 calendar days from date of pickup.

2.4 Removal of materials shall be made at:

a. Fayetteville Compost Facility, 1708 Armstrong Ave, Fayetteville, AR

2.5 Vendor shall furnish and spot (deliver and place) all necessary equipment at the location identified above. Loaded equipment shall be removed and replaced with empty equipment as required.

2.6 All material shall be weighed on certified truck scales and bidder shall provide two (2) copies of each scale ticket to the City upon payment.

2.7 The monthly market price shall be based on the seventh (7th) published issue during that month of the Fastmarkets (formerly American Metal Market) shredded auto scrap consumer buying price for the Chicago market.

2.8 The City agrees to maintain a diligent effort to keep all trash and/or hazardous substances out of the scrap containers.

2.9 Payment to the City shall be accompanied by the following information:

a. Date of request from City
b. Date of pickup request from City
c. Price per bid ton amount, as stated on the bid form document.
d. Total tonnage that was picked up.
e. Total amount paid to City showing breakdown of figures showing the calculated volume from the load less the calculated expense (bid price) totaling the amount due to the City.

	Index Price		Tonnage		Total Tonnage Revenue
A	$ _____	x	_____	=	$ _____

	Expense Price per Ton (amount bid)		Tonnage		Total Tonnage Expense based on Bid
B	$ _____	x	_____	=	$ _____

Total Tonnage Revenue (A) - Total Tonnage Expense (B) = Total Payment to the City

Bid 26-44, Addendum 1

CITY OF FAYETTEVILLE ARKANSAS

Date: Monday, June 29, 2026

To: All Prospective Vendors

From: Trevel Young – 479.575.8289 – tyoung@fayetteville-ar.gov

RE: Bid 26-44, Scrap Metal Removal & Recycling

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Interested parties should indicate their receipt of same in the appropriate blank of the Bid. ***BIDDERS SHALL ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.***

- DEADLINE:
    - Due to a scheduling conflict, the bid opening date has been changed from **Tuesday, July 14, 2026, at 2:00 PM** to **Wednesday, July 15, 2026, at 2:00 PM**. All other provisions of the bidding documents remain unchanged.

Telecommunications Device for the Deaf TDD (479) 521-1316 113 West Mountain - Fayetteville, AR 72701

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2260

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Citlali Samano, Planner

SUBJECT: **APPEAL: RZN-2026-0018: Rezoning (1845 W WEDINGTON DR/KHOA THAI & STEPHEN SHAW WILSON, 442): Submitted by SYDNIE WILSON for property located at 1845 W WEDINGTON DR. in WARD 4. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.55 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE – URBAN**

RECOMMENDATION:
City Staff recommend approval of the rezone request as described and shown in the attached Exhibits 'A' and 'B', whereas Planning Commission voted in denial of the rezone request.

BACKGROUND:
The subject property is in west Fayetteville and is approximately ¼ mile south of the Asbell Elementary School. The property contains one parcel totaling 0.55 acres which is currently zoned RSF-4, Residential Single-Family, Four Units per Acre and contains a single-family dwelling constructed in 1951 per Washington County Assessor records but is not individually eligible for the National Register of Historic Places. The property is not subject to any overlay districts.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban. The applicant has indicated an intent to develop infill housing towards the south end of the parcel.

Public Comment: Staff has received four public comments in opposition, citing drainage and neighborhood compatibility.

Findings: Staff finds the requested rezoning from RSF-4 to RI-U highly compatible with the surrounding neighborhood and the City Plan 2040 long-range goals. While the current RSF-4 zoning limits development to single-family homes, the proposed RI-U district allows a broader mix of housing types by-right, including single- to four-family dwellings, accessory dwelling units, cluster housing, and short-term rentals. This transition is well-suited for the site, which sits between single-family homes to the north, east, west, and south, and mixed-residential uses to northern side of Wedington Dr. Furthermore, the RI-U district's lot width, area, and building height standards are comparable to RSF-4. Both districts allow up to three stories, but the RI-U zone strictly requires a 10-foot setback from the Master Street Plan right-of-way for upper floors to preserve the existing neighborhood scale and urban form.

This rezoning directly aligns with the City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which promotes a wide variety of housing scales. Specifically, the change supports Goal #6 by expanding housing choices and increasing neighborhood density within highly walkable areas that have strong access to transit and active transportation networks. The site's location and the surrounding development patterns are ideal for supporting this diverse, transit-oriented residential growth. Finally, while shifting from RSF-4 to RI-U may cause a minor increase in local traffic, the physical size of the property naturally limits the overall density, ensuring that any new vehicular impact remains minimal and manageable for the area.

DISCUSSION:
At the June 22, 2026, meeting, the Planning Commission voted 1-6-0 to deny the rezoning request south of Wedington Drive, following a motion to approve by Commissioner Brewer and a second by Chair Werner. The majority of the commission, including Chair Werner and Commissioners Brewer, Brink, Madden, and McGetrick, voted in dissent due to concerns over drainage issues and potential spot zoning, especially given the unknown long-term plans for the area. In response, city engineering staff clarified that specific drainage requirements are always thoroughly reviewed during the site development process and noted that capital Improvement funds could potentially be available to address regional infrastructure. However, staff emphasized that such funding would require a neighborhood-led initiative since multiple surrounding residents would need to participate. Ultimately, the commissioners maintained their dissent, officially citing the city's drainage criteria and the risks of spot zoning as their primary reasons for denying the request. One member of the public spoke regarding drainage concerns on their property that is in relation to drainage issues in the vicinity along with neighborhood compatibility concerns.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Appeal Letter, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report, 7. Additional Information - Stormwater Presentation

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

File #: 2026-2260

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2026-18 FOR APPROXIMATELY 0.55 ACRES LOCATED AT 1845 WEST WEDINGTON DRIVE IN WARD 4 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

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, Four Units per Acre, to RI-U, Residential Intermediate-Urban.

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.

FORMAL APPEAL REQUEST
RZN-2026-0018 | 1845 W Wedington Dr

Property: 1845 W Wedington Dr, Fayetteville, AR
Applicant: Sydnie Wilson
Property Owners: Khoa Thai and Stephen Shaw Wilson

Dear City Clerk's Office:

Pursuant to UDC §155.05(A)(1) and the form, time, and place requirements set forth in UDC §155.02(A), §155.02(B)(1), and §155.02(C)(1), I respectfully submit this written appeal of the Fayetteville Planning Commission's denial of RZN-2026-0018, heard on June 22, 2026. This appeal is filed with the City Clerk within ten working days of the Planning Commission's final action and sets out the reasons I contend the decision was in error. As the applicant, I am adversely impacted by the denial because it prevents the requested residential rezoning from moving forward to City Council despite staff's recommendation of approval and the findings in the record that the request is consistent with adopted City plans, compatible with surrounding land use patterns, and served by existing infrastructure.

RZN-2026-0018 requested rezoning of approximately 0.55 acres located at 1845 W Wedington Dr from RSF-4, Residential Single-Family, Four Units Per Acre, to RI-U, Residential Intermediate – Urban. The Planning Commission denied the request by a vote of 1-6-0.

I respectfully contend that the denial was in error because the staff report and record support approval of the requested rezoning. City staff recommended forwarding RZN-2026-0018 to City Council with a recommendation of approval. Staff found that the requested RI-U zoning is compatible with surrounding land uses and zoning patterns and is consistent with the City Plan 2040 Future Land Use Map designation of Residential Neighborhood.

The Residential Neighborhood designation supports a variety of housing types at appropriate scale and context, including single-family homes, duplexes, rowhouses, multifamily housing, and accessory dwelling units. The requested RI-U zoning remains residential in nature and does not introduce commercial zoning or an unrelated land use into the neighborhood.

The rezoning also supports City Plan 2040 goals related to infill, efficient use of existing infrastructure, discouraging suburban sprawl, and expanding housing choices. The Long Range Planning memo found that the request aligns with City Plan 2040 Goals 1, 2, and 6. The City Plan 2040 Infill Matrix further supports the request, with the property receiving a score of 8 and a weighted score of 9.5.

The subject property is served by existing public infrastructure and nearby civic amenities. Staff identified W Wedington Dr as a fully improved Neighborhood Link Street with asphalt paving, sidewalk, curb, and gutter. Public water is available through an existing 8-inch water line along W Wedington Dr, and sanitary sewer is available through an existing 6-inch sewer main along the south side of the property. The property is also near Fire Station 8, Asbell Elementary School,

the University of Arkansas campus, Eva Avenue Green Space, Lewis Soccer Complex, bicycle facilities, and Razorback Transit stops.

I acknowledge and respect the concerns raised by Planning Commissioners and the public regarding drainage, neighborhood compatibility, building form along W Wedington Dr, traffic, spot zoning, and long-term planning for the area. These are important issues that should be carefully reviewed before any development occurs.

However, I respectfully contend that those concerns do not support denial of the rezoning where staff found the requested residential district consistent with adopted plans, compatible with surrounding land use patterns, and served by existing infrastructure. Many of the concerns raised relate to future development design and technical review, not the rezoning request itself.

The rezoning request does not approve a final site plan, grading plan, drainage plan, stormwater design, building elevations, building permits, or any exemption from City development standards. Any future development would remain subject to applicable City review, including drainage, engineering, stormwater, environmental, access, parking, tree preservation, utility, and permitting requirements.

The hearing discussion also reflected that drainage concerns in the area may involve broader neighborhood infrastructure issues rather than impacts unique to this rezoning request. Staff noted that drainage improvements may involve neighborhood-led initiatives and potential Capital Improvement funds. That context supports addressing drainage through the City's infrastructure and development review processes, rather than denying a residential rezoning request that staff found consistent with adopted City policy.

The applicant's concept plan was illustrative only and showed small-scale residential infill consisting of two duplex structures, four total units, eight parking spaces, internal circulation, and access from W Wedington Dr. This concept does not constitute final development approval and does not bypass later review.

I further contend that the requested rezoning is not improper spot zoning. The City Plan 2040 Future Land Use Map already designates this area as Residential Neighborhood, which supports a variety of housing types at appropriate scale. RI-U is a residential district and is consistent with the City's adopted goals for infill, housing choice, and efficient use of existing infrastructure.

For these reasons, I respectfully request that City Council find that the Planning Commission's denial placed disproportionate weight on speculative future development concerns and broader neighborhood drainage issues, despite staff's findings that the requested rezoning is consistent with adopted plans and compatible with surrounding land use patterns.

I respectfully request that the City Clerk accept this appeal and forward the matter to the Fayetteville City Council for review pursuant to UDC §155.05(A)(1), UDC §155.02(A), UDC §155.02(B)(1), and UDC §155.02(C)(1). I ask that City Council reverse the Planning Commission's denial and approve RZN-2026-0018, consistent with staff's recommendation and the findings in the record.

Respectfully submitted,

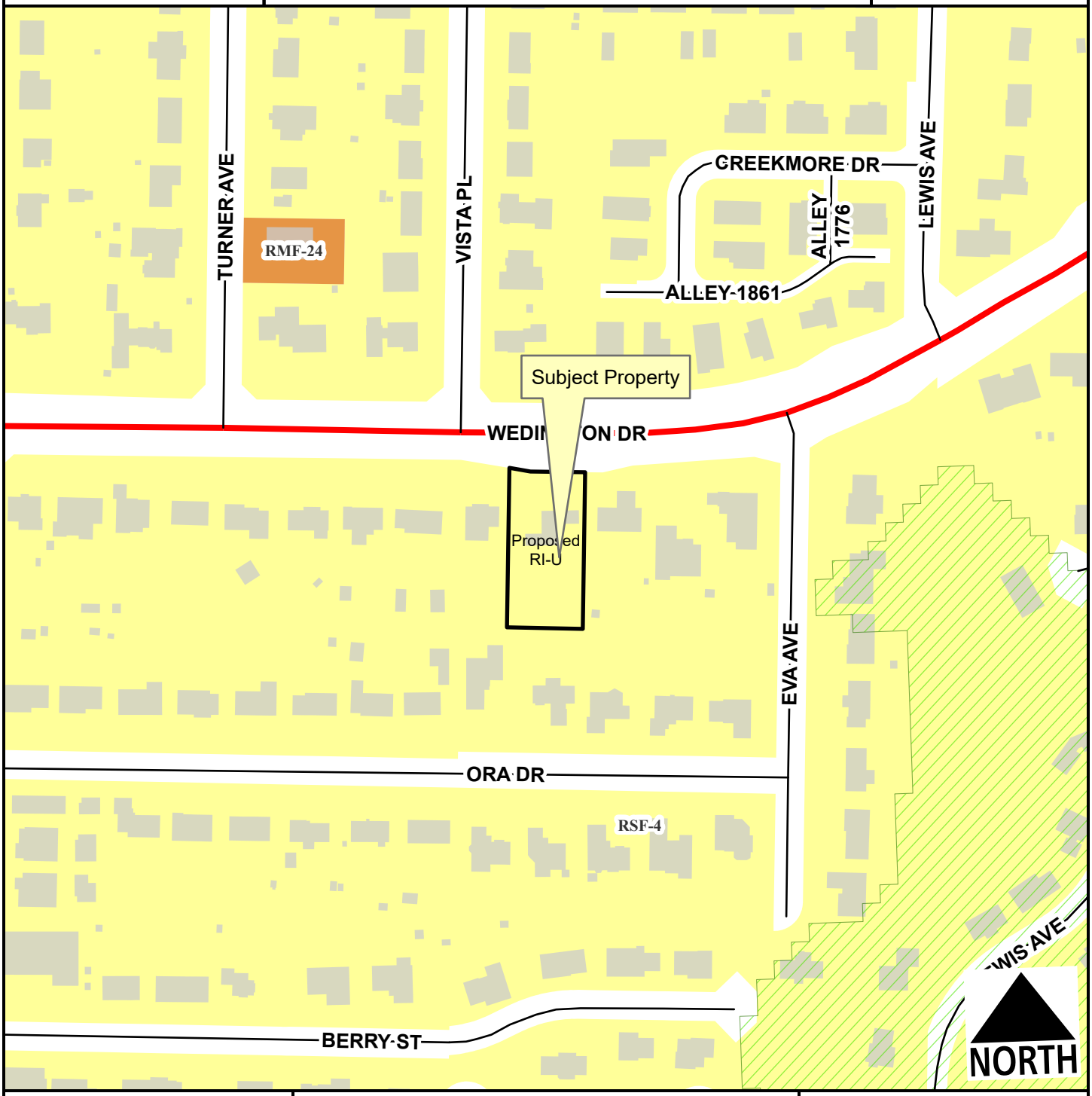
Sydnie Wilson

RZN-2026-0018

Close Up View

1845 W WEDINGTON DR

EXHIBIT A



- Regional Link
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.5
RSF-4	0.5	0.0

Total 0.5 ac

EXHIBIT B

Legal Description:

FOR 1996: PT EAST 105 FT. LOT 2 FURTHER DESCRIBED FROM 2025-21801 AS: Lot 2, Prairie View Addition, to the City of Fayetteville, Washington County, Arkansas, as shown in Plat Record 5 at Page 66. Less and Except: 5 feet of equal width off the West side thereof. ALSO LESS AND EXCEPT: A Part of Lot 2, Prairie View Addition to the City of Fayetteville, Washington County, Arkansas, more particularly described as follows: Starting at the Northeast Corner of the NE/4 of the SW/4 of Section 8; thence South 00°18'23" West along the East line of said SW/4 of Section 8 a distance of 6.51 feet to a point; thence North 89°46'18" West a distance of 218.86 feet to a point on the existing Southerly right of way line of State Highway 112 S; thence continue North 89°46'18" along said existing right of way line a distance of 99.93 feet to a point; thence North 89°51'29" West along said existing right of way line a distance of 169.59 feet to a point on the east line of lot 2, Prairie View Addition for the point of beginning; thence South 00°07'43" West along said Lot line a distance of 26.21 feet to a point on the proposed Southerly right of way line of State Highway 112s; thence North 89°50'50" West along said proposed right of way line a distance of 73.27 feet to a point; thence North 81°00'34" West along said proposed right of way line a distance of 31.85 feet to a point; thence North 00°01'24" East a distance of 21.71 feet to a point on said existing right of way line of State Highway 112 S; thence South 89°37'55" East along said existing right of way line a distance of 104.80 feet to the point of beginning and containing 2,689 square feet more or less.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: June, 2026 Updated with PC results

SUBJECT: **RZN-2026-0018: Rezoning (1845 W WEDINGTON DR/KHOA THAI & STEPHEN SHAW WILSON, 442):** Submitted by SYDNIE WILSON for property located at 1845 W WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.55 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE – URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2026-0018** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2026-0018** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in west Fayetteville and is approximately ¼ mile south of the Asbell Elementary School. The property contains one parcel totaling 0.55 acres which is currently zoned RSF-4, Residential Single-Family, Four Units per Acre and contains a single-family dwelling constructed in 1951 per Washington County Assessor records but is not individually eligible for the National Register of Historic Places. The property is not subject to any overlay districts. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban. The applicant has indicated an intent to develop infill housing towards the south end of the parcel.

Public Comment: Staff has three public comments in opposition, citing drainage and neighborhood compatibility.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along West Wedington Dr. West Wedington Dr is a fully improved Neighborhood Link Street with asphalt paving, sidewalk, curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject property. There is an existing 8-inch water to the south side of West Wedington Dr.

Sewer: Sanitary Sewer is available to the subject property. There is an existing 6-inch sewer main along the south side of the subject property.

Drainage: There are no known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system. No portions of the subject area lie within the Hillside-Hilltop Overlay District. No portion of the subject area lie within a FEMA floodplain. No protected streams are present in the subject area. Hydric soils are present in the subject area. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 0.9 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning district of zoned RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation.** The proposed zoning district of zoned RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, 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 of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8** for this site with a weighted score of **9.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8, 2266 W Deane St)
- Near Sewer Main (6 in gravity line, south of subject property)
- Near Water Main (8 in lines along W Wedington Dr)
- Near Public School (Asbell Elementary School)
- Near U of A Campus
- Near City Park (Eva Avenue Green Space and Lewis Soccer Complex)
- Near Paved Trail (On-street bicycle facility along W Lawson St)
- Near Razorback Bus Stop (Wedington & Sang – Inbound and Outbound)

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses and zoning patterns. The current RSF-4 zoning permits single-family residential development, while the proposed RI-U zoning allows for a broader range of mixed-residential uses, including singe-, two-, three-, and four-family dwellings, accessory dwelling units, cluster housing, and short-term rentals. The RI-U district is intended to follow an Urban Form development pattern, emphasizing building placement, scale, and orientation that are compatible with walkable, neighborhood-oriented environments. Given the property's proximity to existing single-family development to the north, east, and west, and mixed-residential uses to the south, staff finds that rezoning to RI-U would provide an appropriate and compatible transition between surrounding land uses. Additionally, the lot width, lot area, and building height standards of the RI-U district are comparable to those of RSF-4. While both districts allow up to three stories, RI-U permits this height only when buildings or portions of buildings are set back more than 10 ft from the Master Street Plan right-of-way, ensuring compatibility with the surrounding neighborhood.**

Land Use Plan Analysis: **The proposed zoning is consistent with the City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which supports a wide variety of housing types at an appropriate scale. Rezoning the property from RSF-4 to RI-U supports City Plan 2040 Goal #6 by expanding housing choices and encouraging a mix of housing types and densities in walkable areas with access to transit and active transportation networks. The subject site is in a highly walkable area with available transit service. The site's location and surrounding development pattern support**

continued residential use with a mix of housing types, and the proposed rezoning advances the City's long-range land use and housing objectives.

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

Finding: **Staff finds that there is sufficient justification for rezoning the subject property from RSF-4 to RI-U. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.**

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

Finding: **A rezoning from RSF-4 to RI-U may increase local traffic, though the property's size naturally limits overall density.**

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 RI-U zoning district does have by-right residential uses and could increase the population density in this area. The overall property has access to existing water and sanitary sewer as well as fully-improved streets. Any development on this site will be responsible for increasing sewer capacity as needed.**

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: Planning staff recommends forwarding RZN-2026-0018 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 22, 2026	❒ **Tabled**	❒ **Forwarded**	■ **Denied**
Motion: Brewer	-1 public comment particularly regarding drainage for the area and neighborhood compatibility.		
Second: Werner	-City staff noted City funds may be available through Capital improvement funds but would require a neighborhood-led initiative to include multiple neighbors in the vicinity.		
Vote: 1-6-0	-Commissioners Madden, McGetrick, Brewer, Werner, and Brink expressed concerns of drainage and spot zoning in connection to long-term plans for this area.		

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

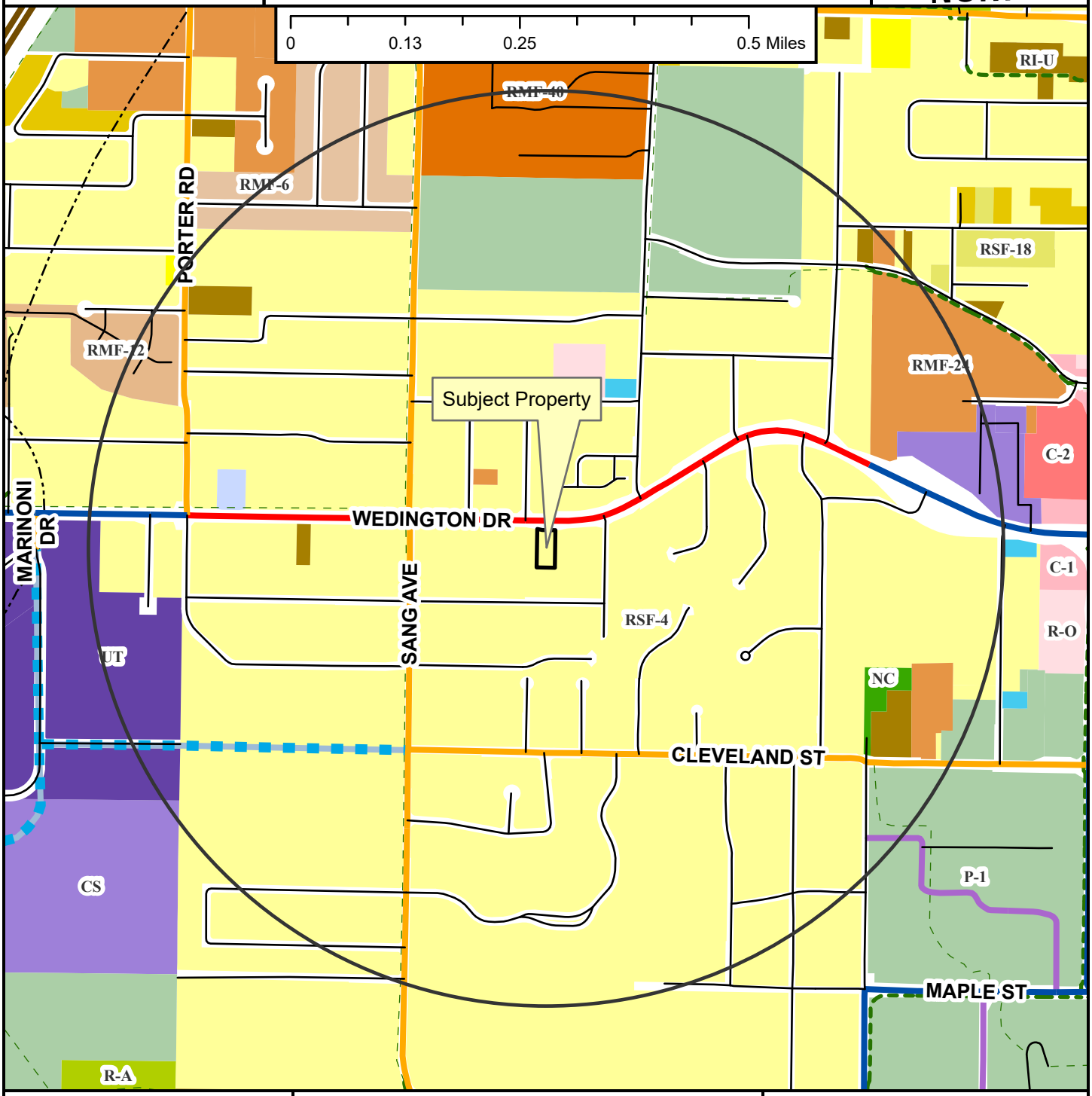
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family, Four Units per Acre
  - §161.12 District, RI-U, Residential Intermediate - Urban
- Staff Exhibits
  - Long-Range Planning Memo
- Applicant Exhibits
  - Request Letter
  - Preliminary Site Exhibit
- Public Comments

RZN-2026-0018

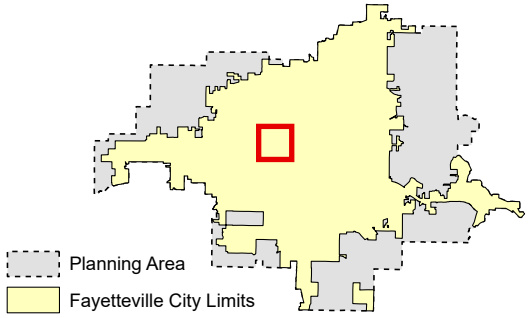
One Mile View

1845 W WEDINGTON DR

NORTH



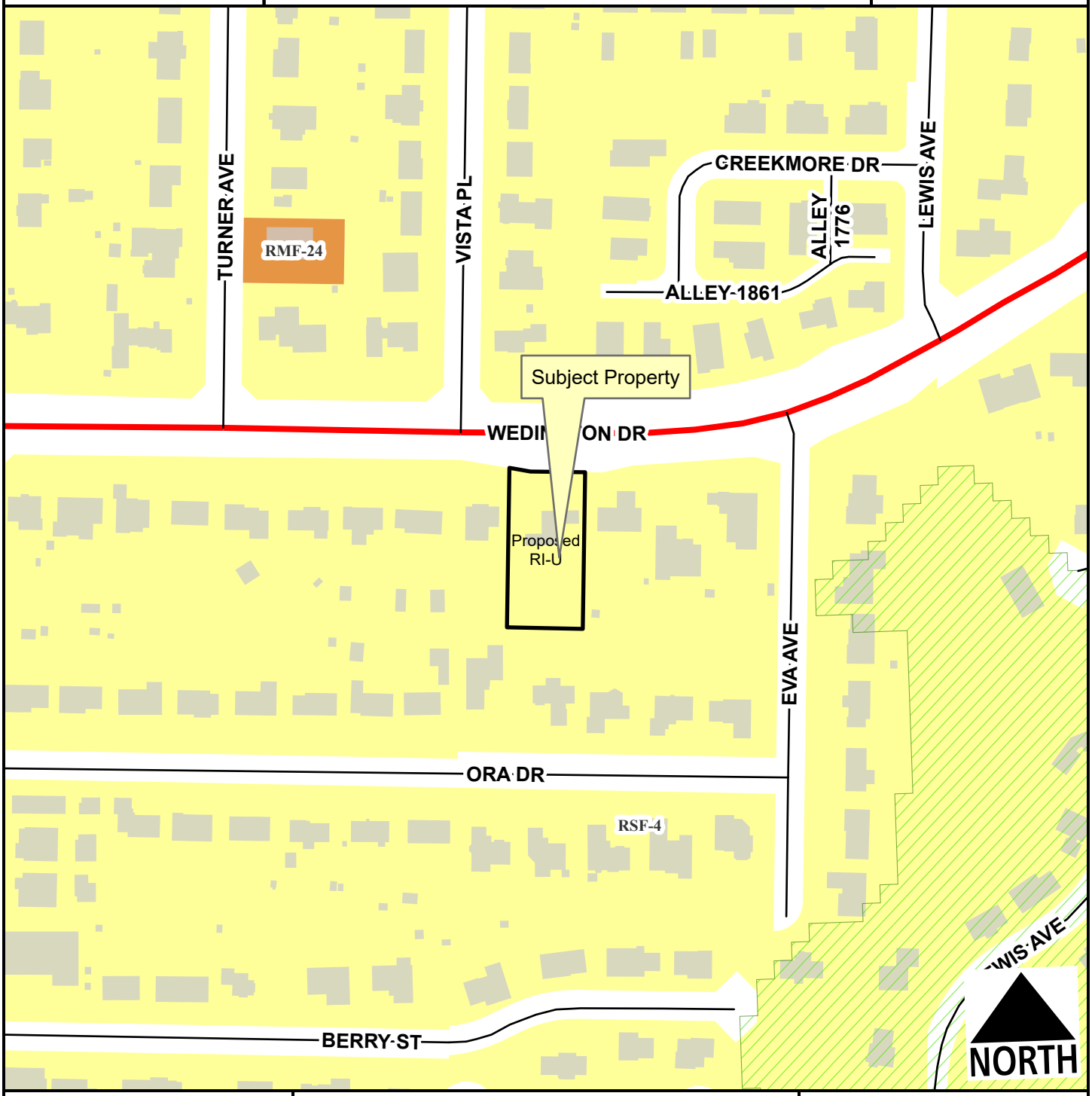
Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



RZN-2026-0018

Close Up View

1845 W WEDINGTON DR



- Regional Link
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.5
RSF-4	0.5	0.0

Total 0.5 ac

RZN-2026-0018

Current Land Use

1845 W WEDINGTON DR

NORTH

- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

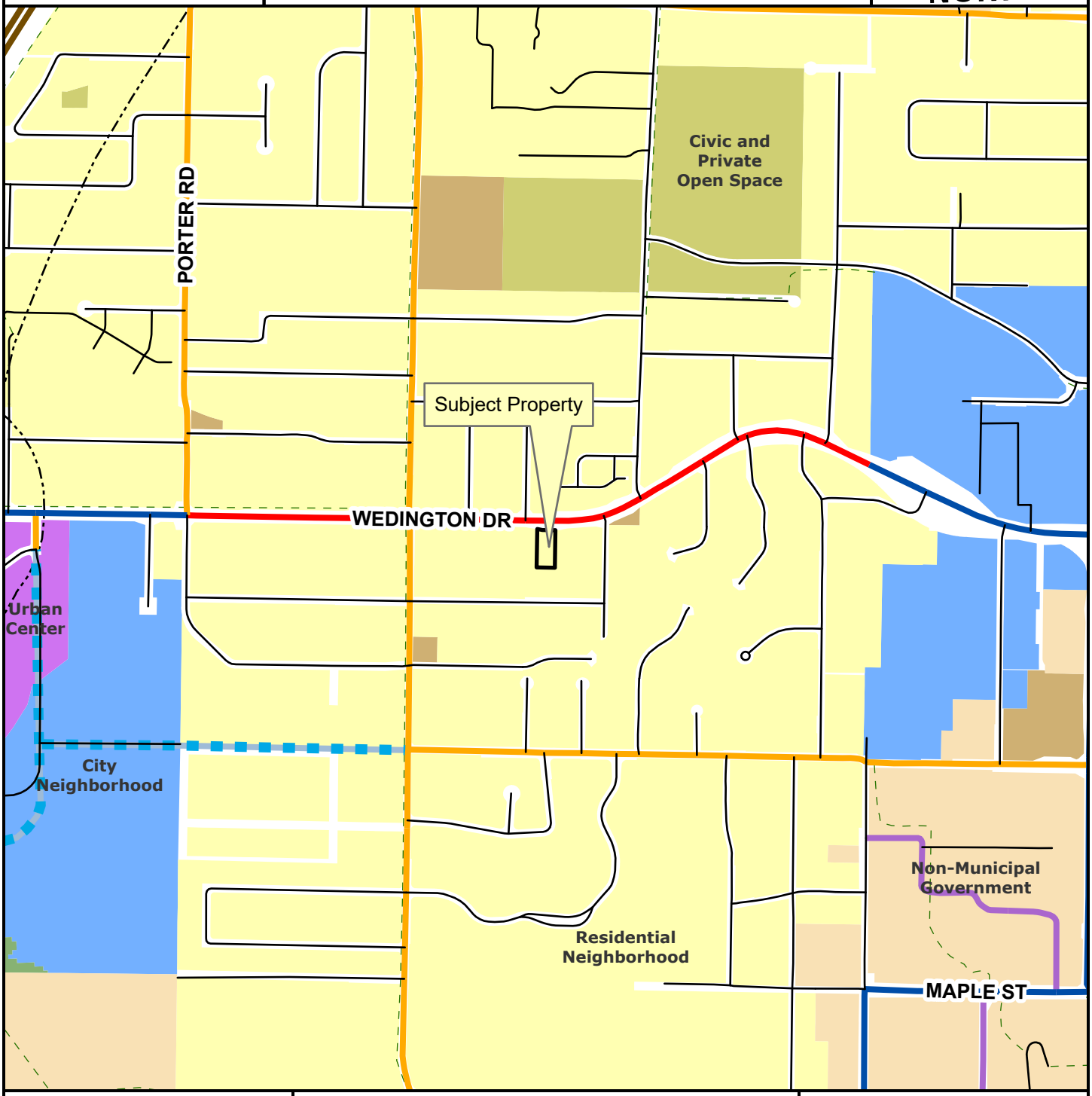
- 100-Year Floodplain
- Floodway

RZN-2026-0018

Future Land Use

1845 W WEDINGTON DR

NORTH



Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Residential Link
Planning Area
Fayetteville City Limits
Trail (Proposed)
Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

City Neighborhood
Civic Institutional
Civic and Private Open Space
Industrial
Natural
Non-Municipal Government
Residential Neighborhood
Rural Residential
Urban Center

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
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings
Units per acre	4 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two-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	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.12 - District RI-U, Residential Intermediate — Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(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- and four-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two-family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front	None	5 feet	5 feet	12 feet

property, line and a line 25 feet from the front property line.				

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* 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 two (2) stories. Buildings or portions of the building setback greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 6945, §5(Exh. D), 12-16-25)

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Citlali Samano, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: June 22, 2026

SUBJECT: **Long Range Planning Comments Regarding RZN-2026-0018**

BACKGROUND:
The applicant requests to rezone approximately 0.55 acres from RSF-4, Residential Single-Family, Four Units Per Acre to RI-U, Residential Intermediate - Urban. Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *Heritage & Historic Preservation Plan.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

Heritage & Historic Preservation Plan (2023):
The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.
Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

DISCUSSION:

Zoning History:

This property was annexed in 1956 with Ord. No. 1121. Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property as being zoned into the low-density "R-1" zoning district, which was subsequently translated to "RSF-4" with the adoption of the city's Unified Development Code.

City Plan 2040 and Future Land Use Plan:

This area is designated as a Residential Neighborhood area, which are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context." This land use designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices.[1] The request aligns with this designation by diversifying the housing types permitted beyond single-family by right and allowing additional residential types and some limited business uses by conditional use. The request aligns with goals 1, 2, and 6 of City Plan 2040 by creating opportunities for denser development in an area that is already served by infrastructure.

Property History:

The subject property contains a single-family dwelling constructed ca. 1951, according to Washington County Tax Assessor records. The property is of historic age and has not yet been captured by the citywide historic property survey. The property is likely not individually eligible for inclusion on the National Register of Historic Places, however many features of the building were obscured due to overgrowth of vegetation.

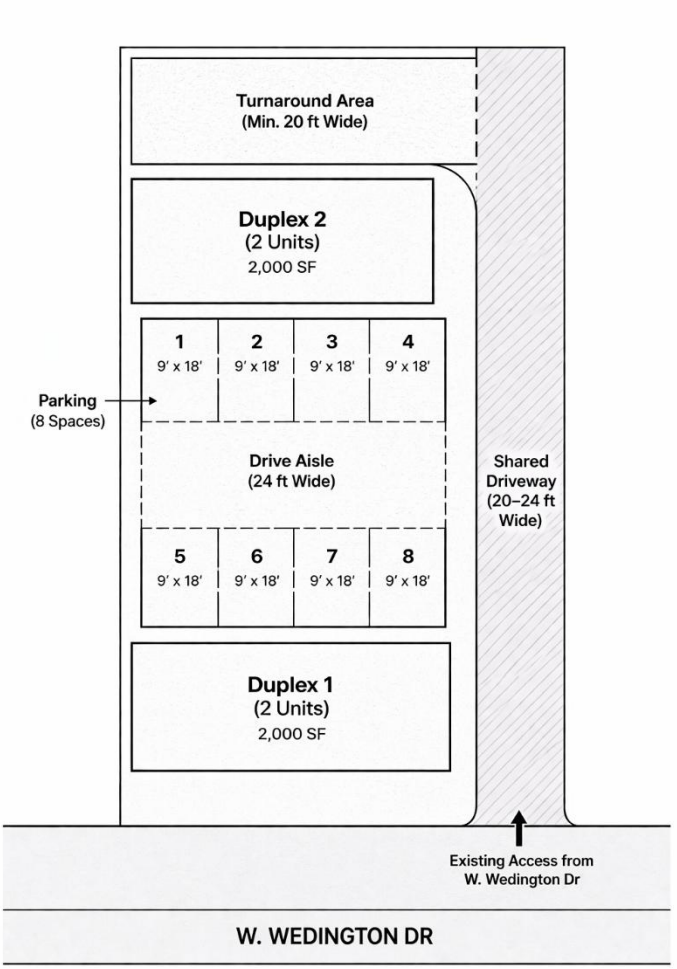
Since rezoning requests often precede redevelopment plans, the property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic-age structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

[1] City Plan 2040, 128.

EXHIBIT 1 – CONCEPTUAL SITE PLAN

Description:

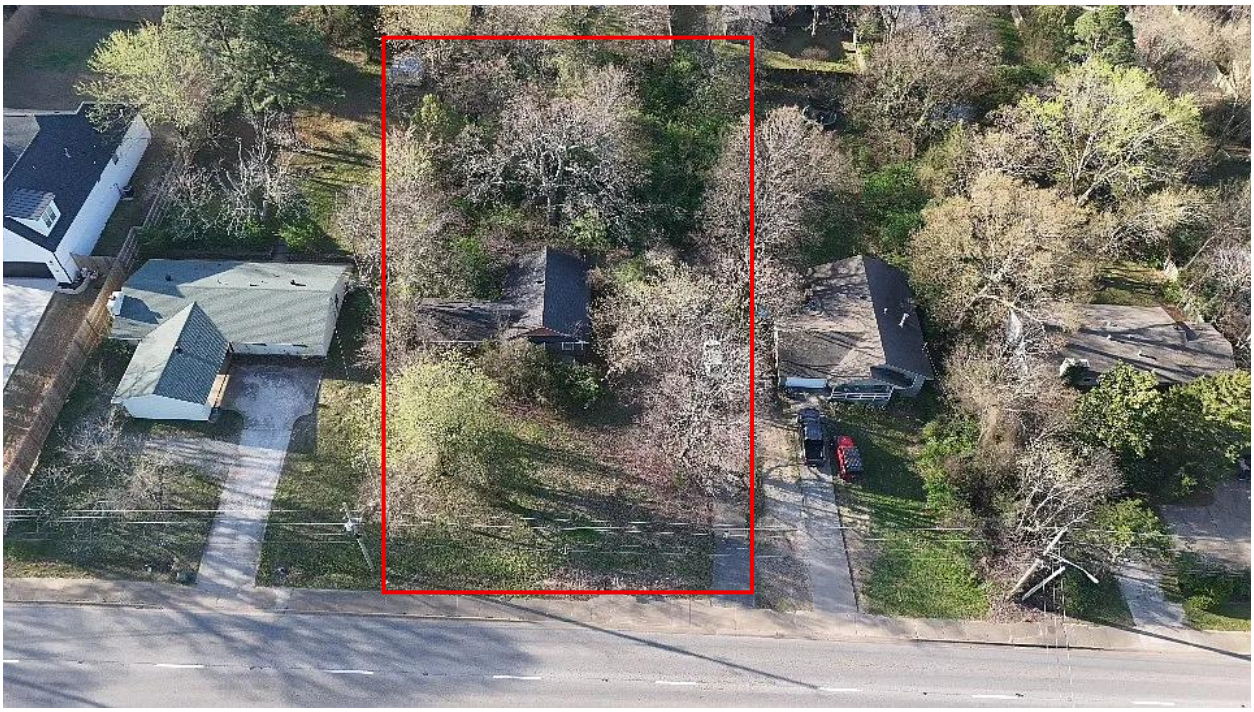
The following conceptual site plan illustrates the proposed layout of two duplex structures (four total units), including parking, internal circulation, and access from W. Wedington Drive.



Conceptual layout is shown for illustrative purposes only.

EXHIBIT 2 – AERIAL MAP (SUBJECT PROPERTY)

Description:
Aerial imagery showing the subject property in relation to surrounding parcels and W. Wedington Drive.



1845 W Wedington – Subject Property

06/12/2026

In-Person Comment

Neta Winston

1903 W Wedington Dr

In **opposition** of rezoning request, citing drainage concerns and general compatibility with single-family residential zoning in the adjacent vicinity and neighborhood character concerns.

From: Kayla Gilbertson <kaylagilbertson215@gmail.com>
Sent: Wednesday, June 17, 2026 10:27 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: City File No.: RZN-2026-0018

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, my name is Kayla Gilbertson. My grandmother, Sherry M Gilbertson, owns 2000 W Wedington Drive. Yesterday I was made aware that you guys are planning to rezone 1845 W Wedington Drive to put in various apartments and surround them with concrete affecting the drainage system. Additionally, removing all of the beautiful trees of scenery with walls and concrete. My grandma has had this house my entire 22 years of living. My grandfather and her husband died when I was a toddler and this home is all I have to remember of him and all these changes have been affecting her health. I don't want her to ever feel like she is by herself but the new buildings will make visiting and caring for her difficult. Since I was a toddler, I have stayed with her every single weekend until I was 18. When I hit 18 I was living with her for about a year. I got my own place after moving out but still live super close and come over at least once a week. Seeing that I am now 22 and am living at her house again for about a year now. My grandmother worked in the federal government as a Civil Rights Attorney and has taken a retirement job in Palau. I am taking care of her house while she is gone and was distraught to find these buildings are going to be built during her time apart. It is her time to relax after working for so long. She loves her house and has worked hard to make it look as beautiful as it is today.

We have always had trouble with flooding ever since Wedington increased from two lanes to four lanes. Everytime it rains, I would always have to come to assist her, even in the middle of the night because of how dangerous the drainage system currently is in this neighborhood. She has spent thousands and thousands of dollars to try to make it where it doesn't flood every time it rains. She just recently had to put in a new drainage system which destroyed our driveway. She has had zero help from Fayetteville and these buildings will be another reason for all the flooding in our neighborhood. All the houses around us flood. If all of this concrete goes in, then the flooding will be more horrible than it already is. Not only is our house flooding, but I know there's an older lady at 1857 W Weddington who is also struggling with flooding. She gets it pushed into her yard from all four directions and this will be way worse if you remove all the trees and fill that area with concrete.

Please don't destroy our neighborhood. There are apartments all over fayetteville. It doesn't need to be all of fayetteville. Don't let my grandma come home to more flooding and a concrete, treeless set of apartments that she can see from her yard. These apartments can go with all the other apartments in Fayetteville. Our neighborhood is beautiful just the way it is. Everyone has worked hard on our homes and we don't deserve this. Please reconsider.

To: Planning Shared <planning@fayetteville-ar.gov>
Subject: I oppose Rezoning of 1845 Wedington

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I live at 1794 W Ora, Fayetteville. I oppose rezoning of the lot at 1845 Wedington from RSF-4 to RI-U, city file number RZN-2026-0018. I want to keep my neighborhood's character as is.

The construction at the end of my street that has put at least six dwellings in what was once a single home lot has only emphasized to me that this is a poor use of space. I want homes in my neighborhood to attract homeowners interested in longevity and ties to their communities, not housing designed to stack transient students upon one another in order to maximize rent profits.

I oppose this rezoning.

Shannon Raley
479-466-8876
1794 W Ora Dr, Fayetteville, AR 72701

Additional Information Received

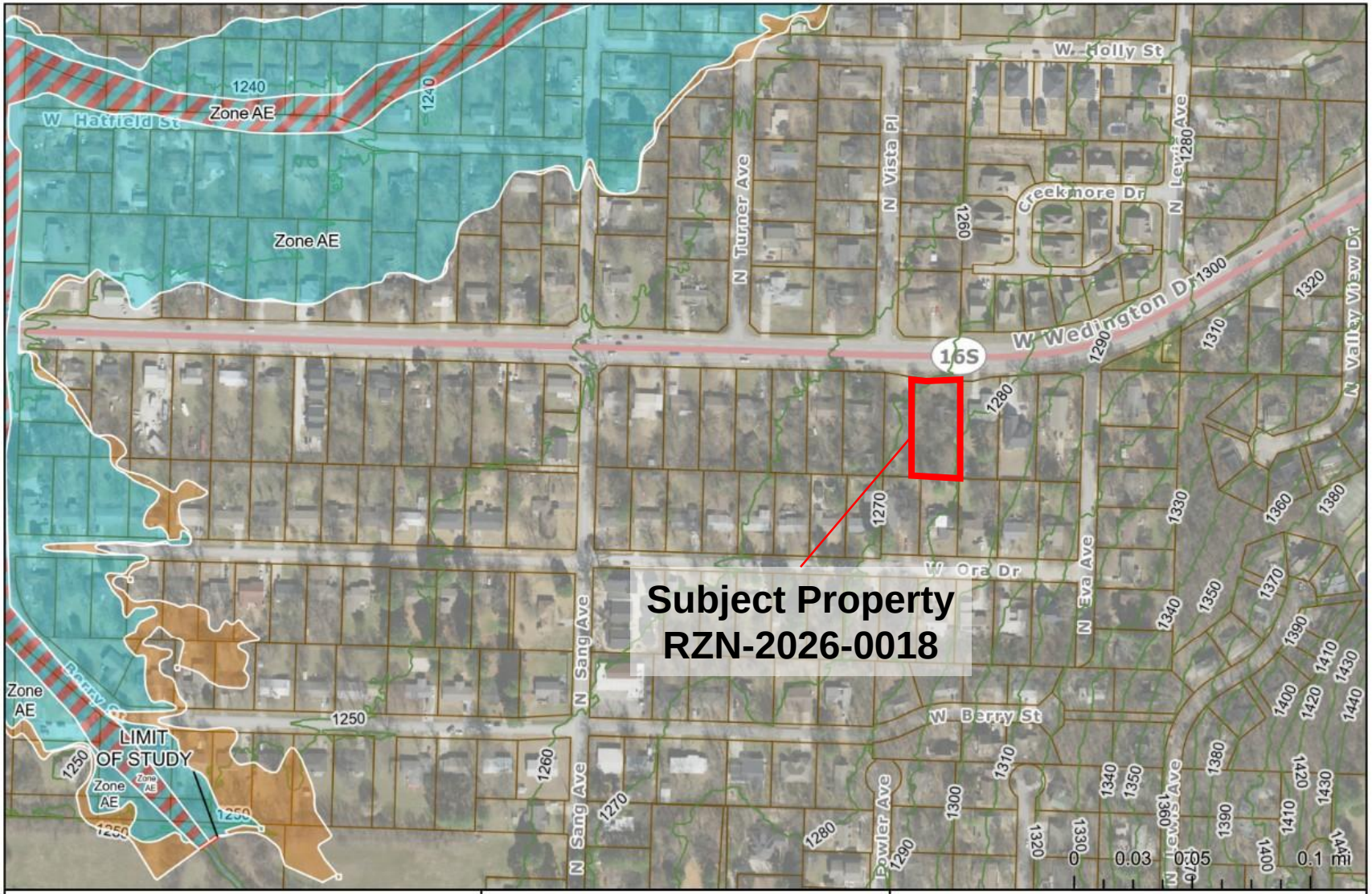
Date Received: MM/DD/YYYY	07/30/2026
Time: 00:00 (AM/PM)	1:33 PM
From: Name & Title	Jonathan Curth, Development Services Director
To: Name & Title	Office of the City Clerk Treasurer
Agenda Meeting Date: MM/DD/YYYY	08/04/2026
Civic Clerk Number: Ex. 2025-994	2026-2260
Forwarded to City Attorney's Office and Department Head	n/a

Wedington Drive

City Council Agenda Session

July 28, 2026

CITY OF
FAYETTEVILLE
ARKANSAS



1% Annual Chance Flood Hazard

Regulatory Floodway

0.2% Annual Chance Flood Hazard

Limit Lines

SFHA / Flood Zone Boundary

Contour 10'

Overall Drainage Area

Fayetteville, AR

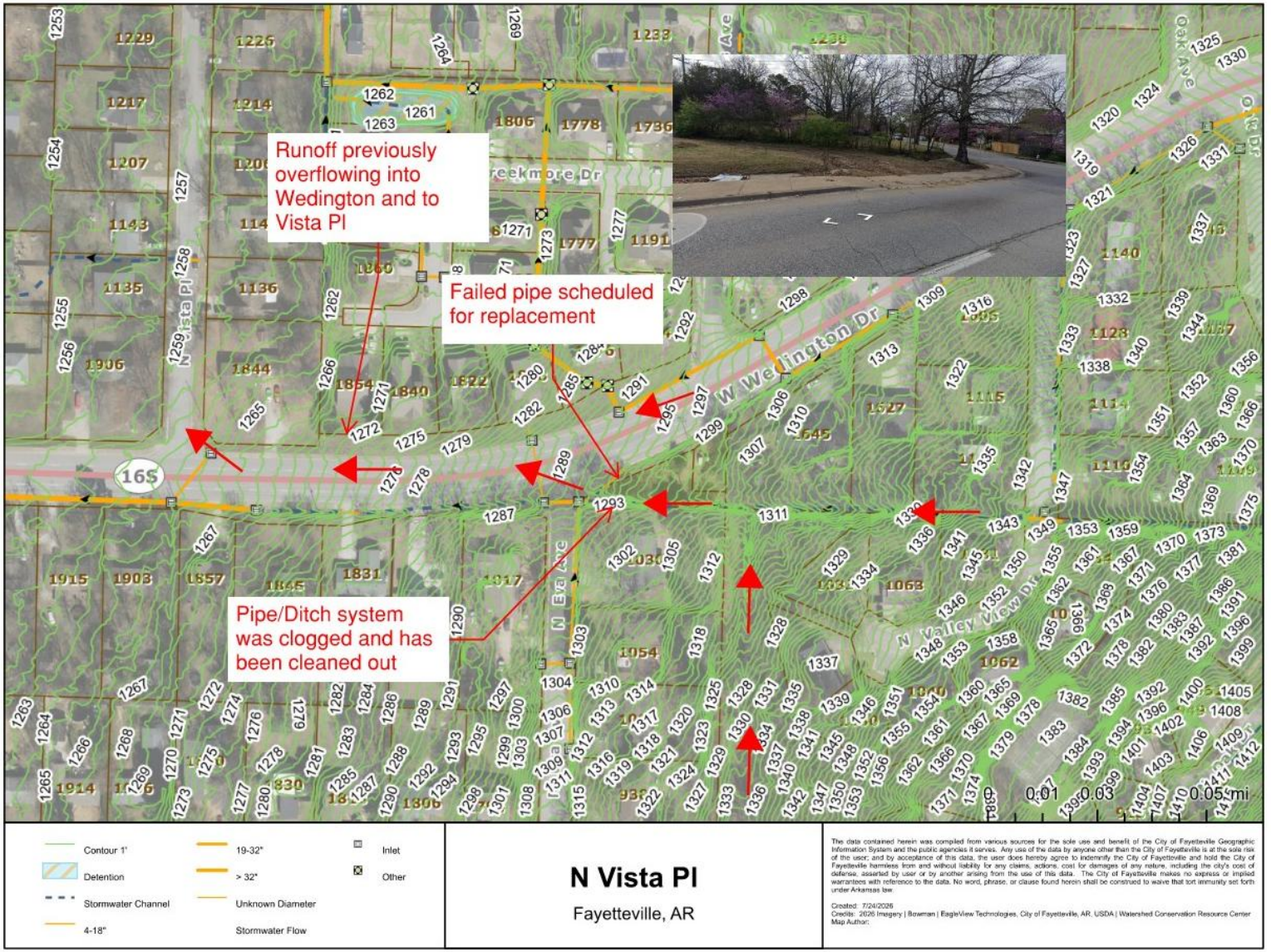
The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warrantees with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 7/24/2026

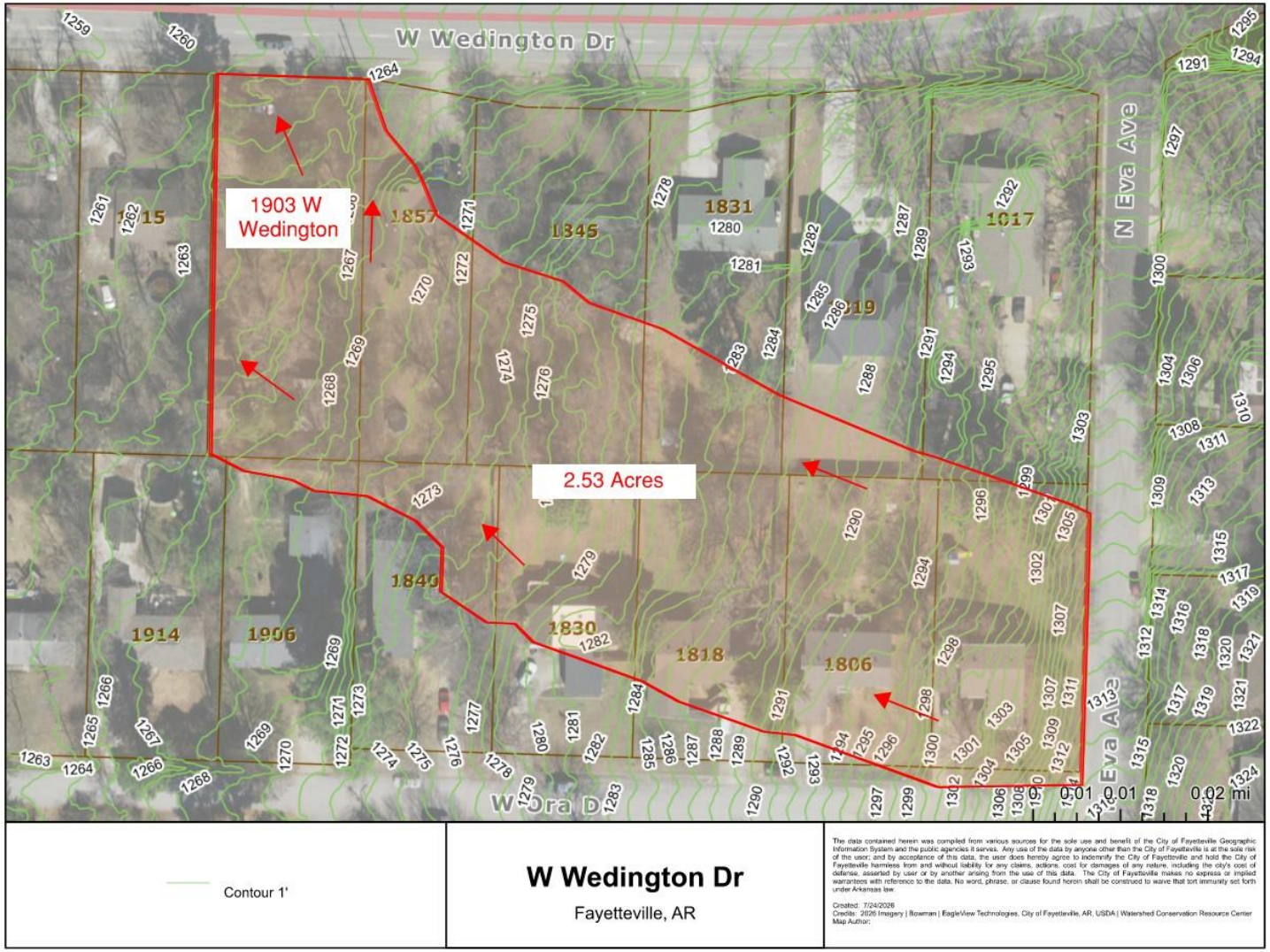
Credits: 2026 Imagery | Bowman | EagleView Technologies, City of Fayetteville, AR, USDA | Watershed Conservation Resource Center

Map Author:

N Vista Pl

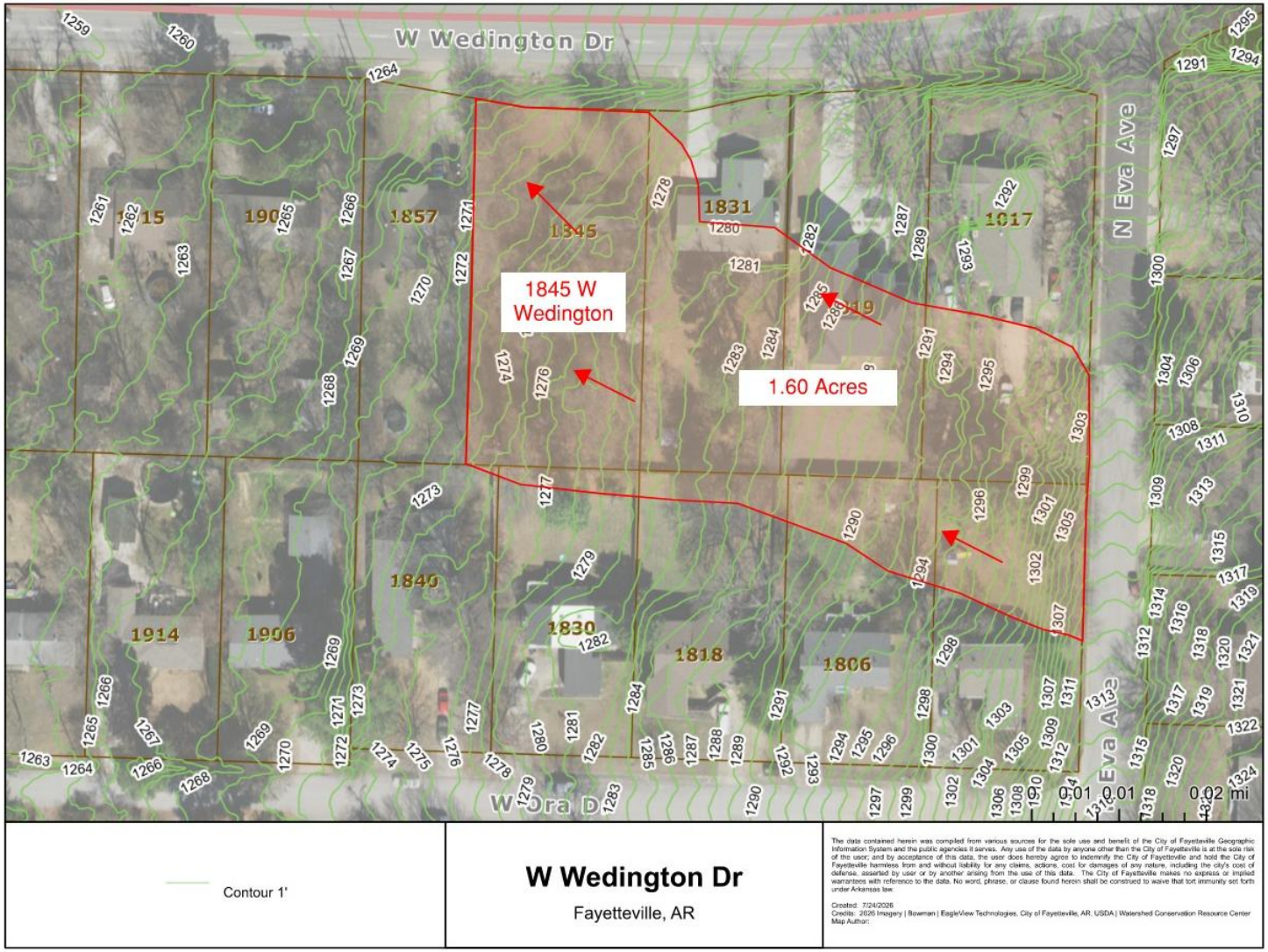

Runoff previously overflowing into Wedington and to Vista Pl
Failed pipe scheduled for replacement
Pipe/Ditch system was clogged and has been cleaned out
N Vista Pl
W Wedington Dr
N Valley View Dr
N Eastern Ave
16S
Contour 1'
Detention
Stormwater Channel
4-18"
19-32"
> 32"
Unknown Diameter
Stormwater Flow
Inlet
Other
N Vista Pl
Fayetteville, AR
0 0.01 0.03 0.05 mi

1903 W Wedington



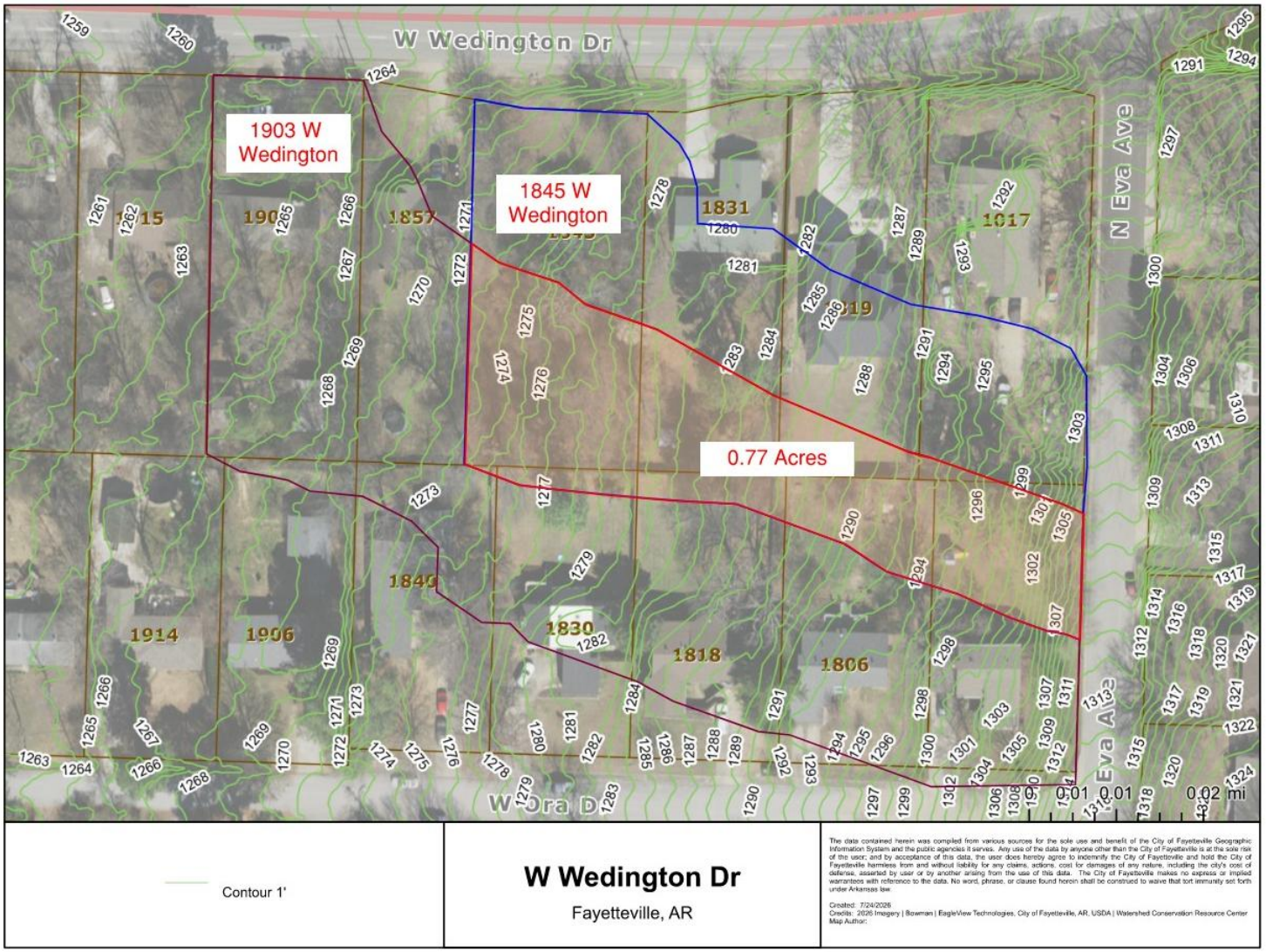
Drainage areas are approximate and estimated using GIS

1845 W Wedington



Drainage areas are approximate and estimated using GIS

Area of Drainage Overlap



Drainage areas are approximate and estimated using GIS

Thank you!

CITY OF
FAYETTEVILLE
ARKANSAS

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2393

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Britin Bostick, Long Range Planning/Special Projects Manager

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **ADM-2026-0023: An ordinance to establish the South Fayetteville Local Historic District.**

RECOMMENDATION:
The Historic District Commission, Black Heritage Preservation Commission, Planning Commission, State Historic Preservation Office (SHPO), and Long Range Planning staff recommend approval of an ordinance to create the South Fayetteville Local Historic District as shown in 'Exhibit D'.

BACKGROUND:
On December 31, 2025, the City Clerk-Treasurer's Office verified a resident-submitted petition to propose a local historic district referred to as "Spout Spring Historic District". The Clerk-Treasurer's office verified seventy-three (73) signatures out of the total of one-hundred forty-three (143) property owners within the proposed boundary. Their final calculation shows that 51% of property owners within the proposed district signed the petition. The required percentage of signatures according to the Arkansas Historic Districts Act is 51%.

Following the validation of signatures, staff began intensive research into the properties included within the boundary as submitted with the petition. Results from the Phase 1 Citywide Survey of Historic Properties and additional property research were used to develop this report. Since the petition was submitted with the intent of creating a local historic district associated with historically Black-owned properties, information about past owners was required beyond what was captured by the Phase 1 survey. Through a detailed review of deeds and property records available from the Washington County Assessor's Office, a chain of ownership was identified for each property. Owner names were cross referenced with census records, archived city directories, newspaper articles, birth and death certificates, and obituaries to confirm the identity of the owner. From this research a list of historically Black owned properties was generated in support of the local historic district theme as submitted. Some properties did not have a documented history of Black ownership but had historic-age buildings associated with the 20th century working class neighborhood development in South Fayetteville. Many owners were shown in Census records and archived city directories as holding blue-collar jobs, largely within the neighborhood or in downtown Fayetteville. These historic properties are recommended for inclusion in the South Fayetteville Local Historic District discussed below for their association with the 20th-century working-class residential neighborhood.

April 9, 2026 Historic District Commission Meeting - Staff presented the initial report and findings on the proposed district to the Historic District Commission (HDC) at their April 9, 2026 regular meeting. Staff's recommendations for splitting the proposed historic district into two separate districts based on ownership

history and recommendations from the Phase 1 Citywide Survey of Historic Properties were discussed in detail. The HDC requested that staff return to the May meeting with separate reports detailing the recommendations.

May 14, 2026 Historic District Commission Meeting - Staff presented the revised report as requested by the HDC, with the Commission then unanimously voting to forward this report to the Planning Commission for review.

May 21, 2026 Black Heritage Preservation Commission – The Black Heritage Preservation Commission unanimously issued a statement of support for the creation of the district. See the attached letter from Chair Lois Bryant.

On **June 2, 2026,** the State Historic Preservation Office (SHPO) issued a letter to the HDC concurring with the decision of the Commission and staff to pursue the creation of both the South Fayetteville Historic District and the Fayetteville Black Historic District. See letter from SHPO, attached.

June 8, 2026 Planning Commission Meeting – Staff presented the proposal and recommendations to the Planning Commission. Prior to the meeting, the Planning Commission received a letter in opposition to the district (attached). At the meeting, three individuals participated in public comment, all supportive of the district generally, but requesting the Potter's House property (previously the Jefferson School) be excluded from the boundary, citing concerns about plans for rehabilitation for the site. The Planning Commission issued a unanimous statement of support for the district boundaries, noting the comments from Potter's House and asking the HDC to consider the comments in their review and deliberation of the report, attached.

July 9, 2026 Historic District Commission Meeting – The HDC held a public hearing and two individuals, both representatives of Potter's House associated with the former Jefferson School, requested the boundary be amended to exclude their property. The HDC ultimately forwarded the item to City Council 4-1 with the Chair opposed as she wanted to support the concerns expressed by Potter's House about being included but was otherwise in favor of the proposed district boundaries.

DISCUSSION:

This area is significant for its association with the labor history of working-class Fayetteville. This recommended boundary aligns with recommendations out of the Phase 1 Citywide Survey. While this area does not reflect the full history of 20th century working class residential development in south Fayetteville, the district may be amended with future efforts to recognize and protect other properties. This proposed district provides the first step to creating a larger district representing and protecting this history.

Under the Arkansas Historic Districts Act, property owners have the opportunity to petition a city for a local historic district, also called a local ordinance district, with protections for properties within the district. After more than two years of discussion, a majority of property owners signed on to such a petition, which has been reviewed by the Fayetteville Planning Commission, Arkansas State Historic Preservation Office, and Fayetteville Historic District Commission in accordance with the process and timeline required. As of the date of this memo, staff have received comments in favor, inquiries about adding to the district, a comment opposed, and a request to be excluded from the boundary. Please see the attached staff memo for a detailed and illustrated explanation of the proposed request. Should the Council choose to establish the proposed district, requests within the district for alterations to properties, new construction, and demolitions that meet the threshold for a public hearing will be considered by the Historic District Commission.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit D - South Fayetteville, 5. Staff Report - South Fayetteville Local Historic District, 6. Additional Information - City Attorney Memo

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

File #: 2026-2393

AN ORDINANCE TO ESTABLISH THE SOUTH FAYETTEVILLE LOCAL HISTORIC DISTRICT IN § 33.231 HISTORIC DISTRICTS OF THE FAYETTEVILLE CITY CODE

WHEREAS, on December 31, 2025, residents submitted a petition to the City Clerk Treasurer's office to propose a local historic district called Spout Spring Historic District and the City Clerk Treasurer's office verified that 51% of property owners supported the establishment of the historic district; and

WHEREAS, staff presented an initial report to the Historic District Commission at its April 9, 2026, regular meeting and recommended splitting the proposed historic district into two separate districts; and

WHEREAS, the proposed South Fayetteville Local Historic District is highly significant for its association with the labor history of working-class Fayetteville; and

WHEREAS, the proposed district has been evaluated following the procedures outlined in the Arkansas Historic Districts Act including review and recommendations of approval by the Historic District Commission, Planning Commission, and State Historic Preservation Office.

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 establishes the South Fayetteville Local Historic District by enacting § 33.231 (B)(4) as follows:

"(4) The South Fayetteville Local Historic District shall consist of that area of the City as shown and legally described on Exhibit D attached hereto consisting of 53 parcels of land."

City of Fayetteville Staff Review Form

2026-2393

Item ID

8/4/2026

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

Kylee Cole	7/16/2026	LONG RANGE PLANNING (634)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

An ordinance to establish the South Fayetteville Local Historic District.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	-

Purchase Order Number:

Previous Ordinance or Resolution #

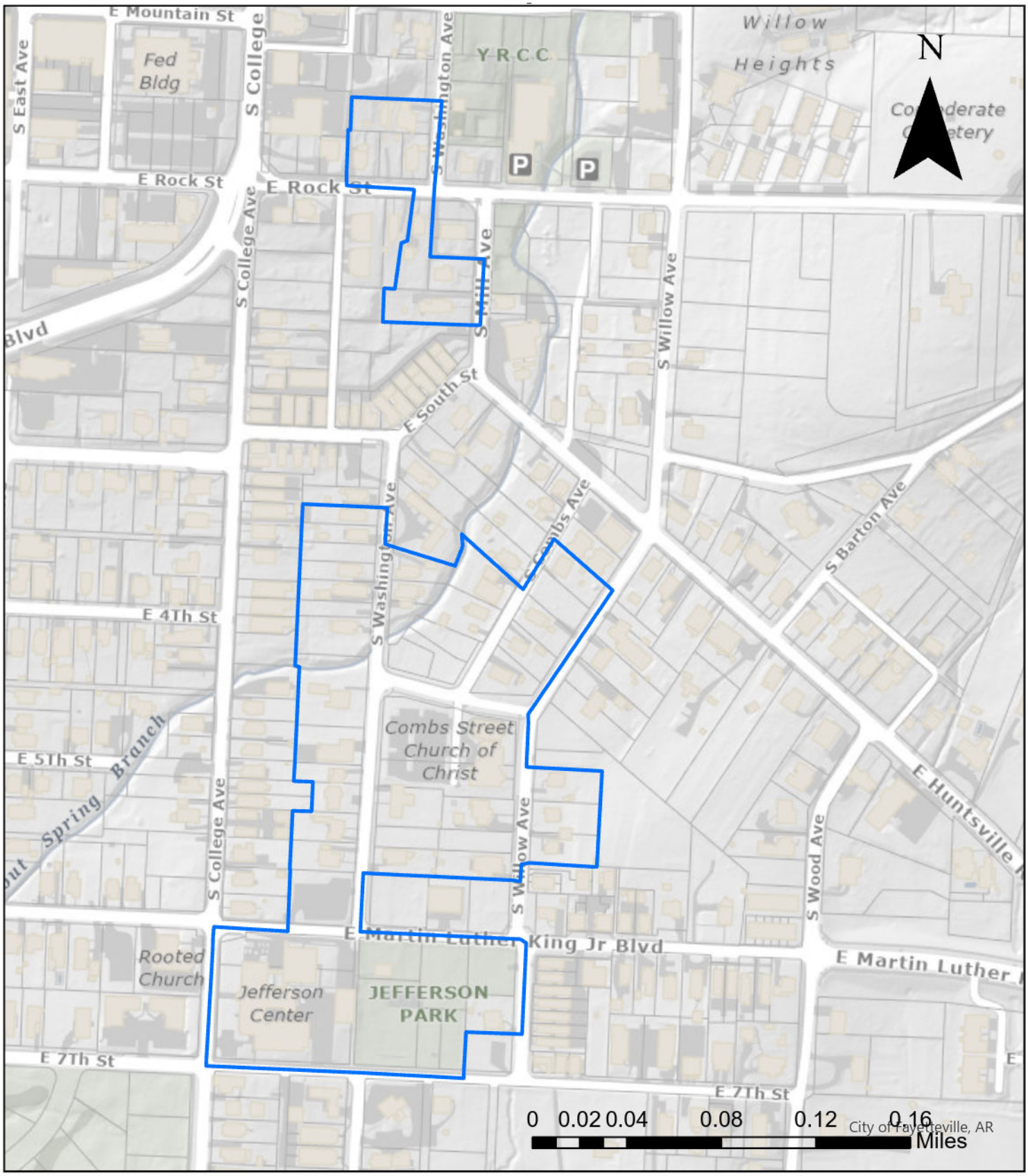
Change Order Number:

Approval Date:

Original Contract Number:

Comments:

South Fayetteville Local Historic District



Legend

South Fayetteville LHD

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Britin Bostick, Long Range & Special Projects Manager

FROM: Kylee Cole, Long Range & Preservation Planner
Historic District Commission

MEETING DATE: August 4, 2026

SUBJECT: **ADM-2026-0023: An ordinance to establish the South Fayetteville Local Historic District.**

Recommendation:
The Historic District Commission, Planning Commission, State Historic Preservation Office (SHPO), and long range planning staff recommend approval of an ordinance to create the South Fayetteville Local Historic District as shown in 'Exhibit A'.

Background:
On December 31, 2025, the City Clerk-Treasurer's Office verified a resident-submitted petition to propose a local historic district referred to as "Spout Spring Historic District"[1]. The Clerk-Treasurer's office verified seventy-three (73) signatures out of the total of one-hundred forty-three (143) property owners within the proposed boundary. Their final calculation shows that 51% of property owners within the proposed district signed the petition. The required percentage of signatures according to the Arkansas Historic Districts Act is 51%.

Following the validation of signatures, staff began intensive research into the properties included within the boundary as submitted with the petition. Results from the Phase 1 Citywide Survey of Historic Properties and additional property research were used to develop this report. Since the petition was submitted with the intent of creating a local historic district associated with historically Black-owned properties, information about past owners was required beyond what was captured by the Phase 1 survey. Through a detailed review of deeds and property records available from the Washington County Assessor's Office, a chain of ownership was identified for each property (Exhibit D). Owner names were cross referenced with census records, archived city directories, newspaper articles, birth and death certificates, and obituaries to confirm the identity of the owner. From this research a list of historically Black owned properties was generated in support of the local historic district theme as submitted. Some properties did not have a documented history of Black ownership but had historic-age buildings associated with the 20th century working class neighborhood development in South Fayetteville. Many owners were shown in Census records and archived city directories as holding blue-collar jobs, largely within the neighborhood or in downtown Fayetteville. These historic properties are

[1] Due to the length of time spent on petition signature gathering, additional research and community meetings have made clear that "Spout Spring" is not a placename that the neighborhood and long-time residents support. Alternative names should be pursued and are discussed within this report.

recommended for inclusion in the South Fayetteville Local Historic District discussed below for their association with the 20th-century working-class residential neighborhood.

April 9, 2026 Historic District Commission Meeting - Staff presented the initial report and findings on the proposed district to the Historic District Commission (HDC) at their April 9, 2026 regular meeting. Staff's recommendations for splitting the proposed historic district into two separate districts based on ownership history and recommendations from the Phase 1 Citywide Survey of Historic Properties were discussed in detail. The HDC requested that staff return to the May meeting with separate reports detailing the recommendations.

May 14, 2026 Historic District Commission Meeting - Staff presented the revised report as requested by the commission. The HDC unanimously voted to forward this report to the Planning Commission for review.

May 21, 2026 Black Heritage Preservation Commission – The commission unanimously issued a statement of support for the creation of the district. See letter from Chair Bryant, attached.

On **June 2, 2026,** the State Historic Preservation Office (SHPO) issued a letter to the Historic District commission concurring with the decision of the commission and staff to pursue the creation of both the South Fayetteville Historic District and the Fayetteville Black Historic District. See letter from SHPO, attached.

June 8, 2026 Planning Commission Meeting – Staff presented the proposal and recommendations to the commission. At the meeting, three individuals participated in public comment, all supportive of the district generally, but requesting the Potter's House property (Jefferson School) be excluded from the boundary, citing concerns about plans for rehabilitation for the site. The planning commission issued a unanimous statement of support noting the comments from Potter's House and asking the HDC to consider the comments in their review and deliberation of the report, attached.

July 9, 2026 Historic District Commission Meeting – The HDC held a public hearing and two individuals, both representatives of the Potter's House (Jefferson School property) requested the boundary be amended to exclude the Potter's House. The commission ultimately forwarded the item to City Council 4-1 with the Chair opposed as she wanted to support the concerns expressed by Potter's House about being included but was otherwise in favor of the proposed district.

Alignment with Adopted Plans:
The creation of local historic districts is supported by four elements of the City's *Heritage & Historic Preservation Plan* adopted in July 2023:
Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
3.7	Local Historic District Designation	Poll NRHP historic district property owners to gauge interest in becoming a local historic district. Based on poll results, prioritize facilitation of local historic district designation.

4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

Boundary as Submitted:
The submitted boundary encompasses two areas located southeast of downtown. The northern section includes around 100 parcels roughly bound by East Spring Street, North Walnut Avenue, East Huntsville Road, and North Washington Avenue. The southern section includes around 50 parcels roughly bound by South Willow Avenue, East 7th Street, South College Avenue, and East South Street/East Huntsville Road. More specifically, the proposed boundaries are shown in Figure 1.

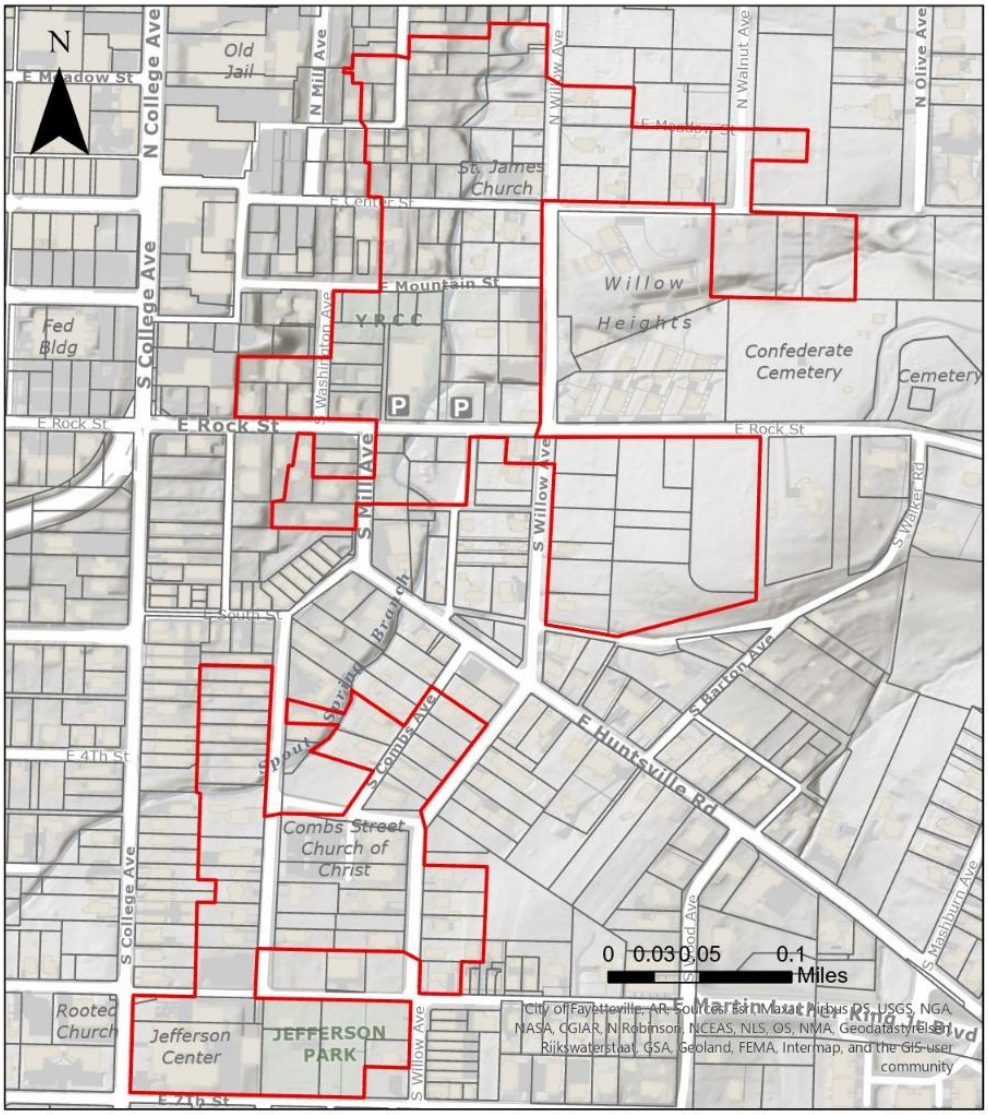


Figure 1. Proposed Local Historic District Boundary as submitted by petitioners shown in red.

Recommended Boundary:
The boundary shown in blue below is recommended to create a local historic district associated with the 20th century working class neighborhood development in south Fayetteville.

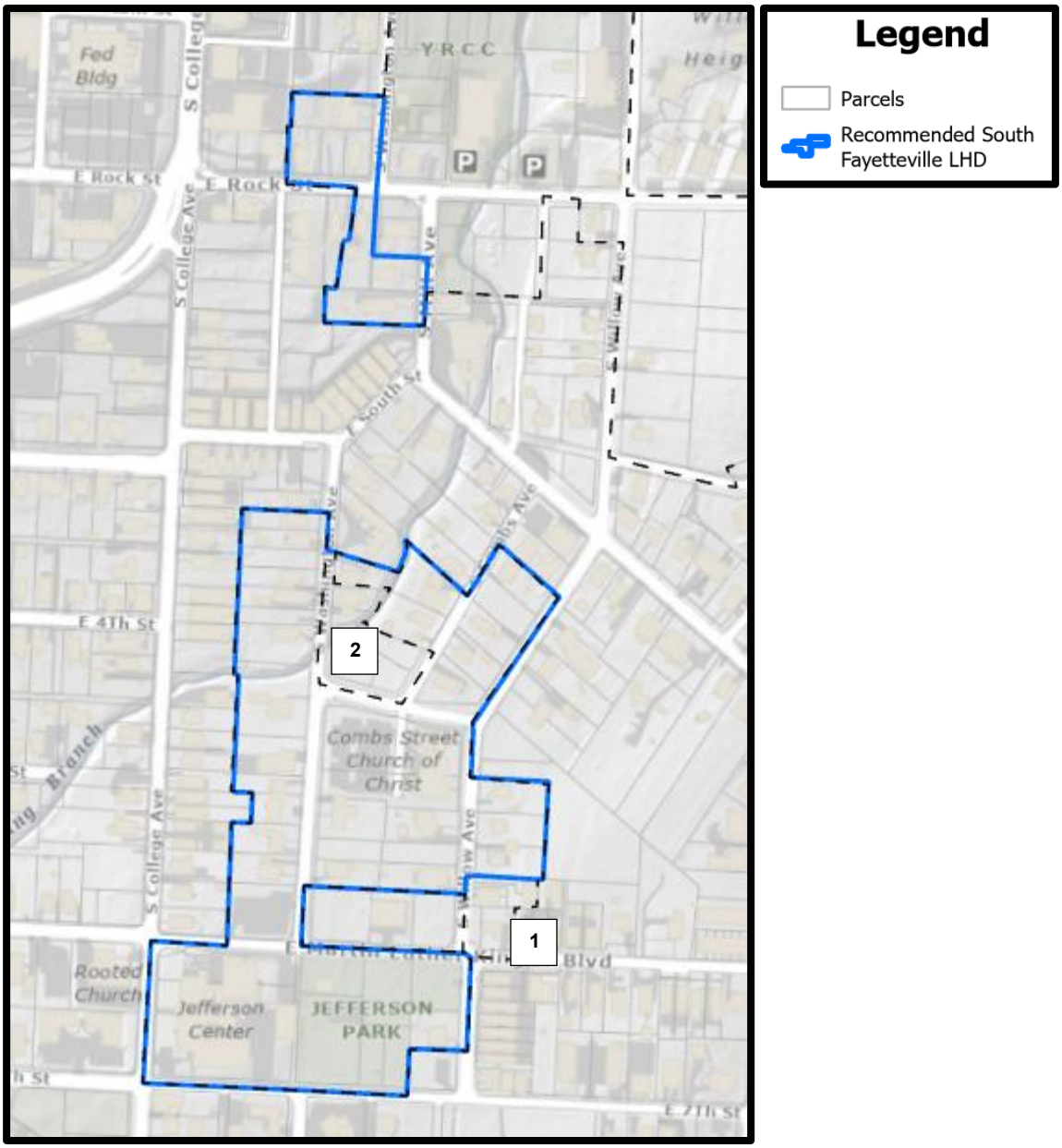


Figure 2. Recommended South Fayetteville Historic District

Some properties within the submitted boundary are not recommended for inclusion in the South Fayetteville Historic District as highlighted in Figure 2 and discussed below:

1. Three buildings are not recommended for inclusion in the district as it is on the periphery of the proposed district and contains two new construction residences and one historic-age residence with a moderate preservation priority that lacks adequate integrity of materials. This modification will also avoid creating an 'island' of properties along E. Martin Luther King Jr. Boulevard.
2. The properties at the interior of the district that were excluded from the proposed boundary are recommended for inclusion to avoid creating an 'island' and to provide regulatory standards for changes that could impact adjacent properties.

History:

Fayetteville was founded as Washington Courthouse in 1828. The original extents of Fayetteville were just 160 acres centered on the current downtown Square area, bounded by

College Avenue to the east, Gregg Avenue to the west, Dickson Street on the north, and South Street on the south. By the late 1830s, all the original plots of land had been purchased and development was well underway. In 1841, the town of Fayetteville incorporated with a population of 425.[2]

Fayetteville experienced economic growth in the late 19th century, fueled by the arrival of the railroad and the town's rise as a regional leader for education. Fayetteville's location at the junction of multiple railroad lines connected the area to other states including Oklahoma and Missouri. This allowed the city to function as an economic and distribution center for the surrounding farmland's agricultural exports. The timber industry grew in importance and mills and factories established in Fayetteville provided economic opportunities and financial stability for workers.

The city enjoyed amenities that were ahead of many other areas of northwest Arkansas. Electricity was available, with streetlights and private power available throughout much of the town. The Fayetteville Water Company had more than twelve miles of mains by 1904. Water was pumped from the West Fork of the White River into a reservoir east of the courthouse with a capacity of 720,000 gallons. On July 26, 1907, the city purchased the privately held waterworks and established Water Improvement District No. 1.[3]

By 1908, the city expanded to include nearly 1,200 acres stretching from: Cleveland St. to the north (or just north of Wilson Park), Mission Boulevard to the east, 4th Street to the south, and Garland Avenue to the west. Residential areas fanned out from the original plat centered around the square, including the areas south and east of downtown.[4] By the 1890s, the Washington-Willow neighborhood was beginning to undergo some infill with smaller homes, and lost its upper-class leanings. Fayetteville's elite moved north of downtown with some of the most prosperous businessmen constructing large, high-style homes on Mount Nord. The area was attractive, and at the time relatively secluded, with much larger lots than were available elsewhere. Further residential development occurred to the north of Mount Nord in the Englewood, Oak Grove, and Wilson additions. By the 1920s, this area generally north of downtown was the premier residential area of the city.

Middle- and working-class Fayettevillians made their homes in the newer subdivisions of land to the south of downtown that were undergoing development around the same time, including areas subject to this local historic district recommendation. The area was platted as the Hick's Addition, Boles Addition, and Combs Addition in the late 1880s-90s. By the early 1900s, several homes were present in the area, including properties at 344 S. Combs Ave. and 139 S. Washington Ave., which were constructed circa 1905. Additional infill development occurred in the 1910s, but residential construction in the area quickly escalated in the 1920s and 1930s.

By the 1920s, additional manufacturing and industrial growth and the continued expansion of the University of Arkansas led to a growing middle- and working-class in Fayetteville. That year the population reached 5,362 residents, a 20 percent increase in ten years. During the same period, the city saw increased industrial and manufacturing growth. The Ely-Walker Dry Goods Company built a manufacturing plant large enough to hold "at least 200 electric shirt-sewing machines." The 1920s also birthed the automotive age in Fayetteville, where just a few years earlier in 1918, the city's first streets were paved, including West Lafayette, Rollston, Highland, St. Charles, Ida, and Dickson from St. Charles to Willow as part of the West Lafayette

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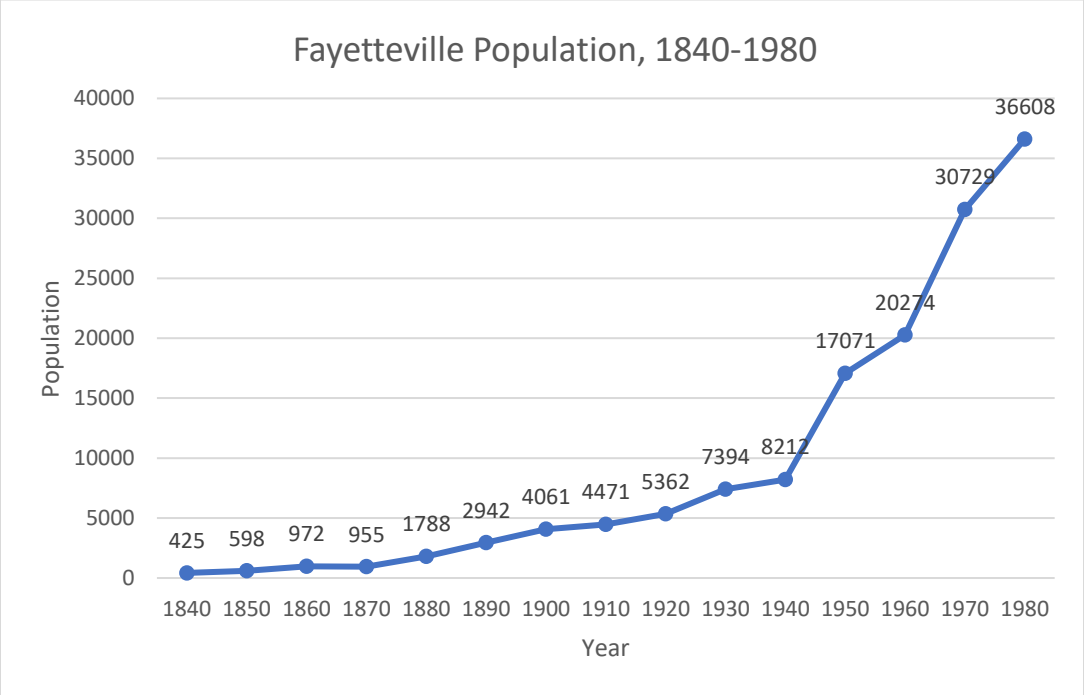
[2] *Fayetteville Heritage & Historic Preservation Plan,* 29.
[3] 1904 city directory, 41. Sanborn Fire Insurance Map, 1904, pp1.https://fayettevillehistory.typepad.com/main/timeline/, accessed December 27, 2024.
[4] Washington County Arkansas, 1908 Fayetteville City Plat.

Improvement District No. 1.[5] By 1927, Washington County had approximately 1,000 vehicles within its borders and several miles of paved roads.

Due to Fayetteville's diverse economy, the city did not suffer as much as other parts of the state during the Great Depression. The citizen's retention of family farming practices, like raising livestock and cultivating vegetable gardens, meant that people endured better than those in larger cities. Food was widely available and a resident recalled, "people took care of each other; there were no soup lines in Fayetteville." Fayetteville fared well during the Great Depression, and its population increased 38 percent to 7,394 people in 1930.

During the 1940s, processing plants for Armour, Swift, and Campbell's Soup created additional jobs in town and employment opportunities throughout the city continued to rise. Between 1940 and 1950, Fayetteville's population nearly doubled to over 17,000.



Between 1910 and 1960, the neighborhood of south downtown was a middle and working-class area for those employed downtown and in the city's various industrial and manufacturing jobs. Ten homes, or 50% within the recommended South Fayetteville Local Historic District boundary, were constructed between 1920 and 1940. These were owned by a variety of working- to middle-class individuals and their families.

A review of deeds, census records, and city directories sheds light onto the occupations and socioeconomic status of people within the area. Along Combs Avenue, individuals were identified as salesmen, bank employees, bakery workers, grocers, machinists at factories, and gas company laborers. Along South Mill Avenue lived machine operators, retail clerks, a carpenter, and the owner of a sheet metal shop. Rock Street was similar, home to a mail carrier, café owners, service station workers, the owners of the Brooks & Oliphant Grocery (no longer extant but formerly located at 230 S. Mill Ave), and employees of the local gas company and Chamber of Commerce. Cab drivers, cooks, lineman, a welder, police officer, firefighter, service station workers, and garment workers lived along S. Washington Avenue.

[5] https://fayettevillehistory.typepad.com/main/timeline/, accessed December 27, 2024.

Neighborhood Architecture

The homes in this neighborhood were modest in size and design and attainably priced for the working class. It is characterized by a diversity of home styles and types including Ozark Vernacular forms (gable front, side gable, gabled ell), early 20th century bungalows, Ozark Giraffe homes, Folk Victorian cottages, and others. This collection of homes represents a relatively intact collection of architecture that reflects the neighborhood's history. In recent years, south Fayetteville has experienced significant new development, much of which are incompatible with the scale and character of the neighborhood. Design regulations are warranted to provide transparency and protection from additional loss.

Discussion:

This area is significant for its association with the labor history of working-class Fayetteville (Criterion A). This recommended boundary aligns with recommendations out of the Phase 1 Citywide Survey. While this area does not reflect the full history of 20th century working class residential development in south Fayetteville, the district may be amended with future efforts to recognize and protect other properties. This proposed district would provide the first step to creating a larger district representing and protecting this history.

"Opting Out" or Amending District Boundary:

Following the public comments at the Planning Commission meeting, staff requested guidance from the Arkansas Historic Preservation Program (AHPP) on provisions for a property to "opt out" of participation in a properly executed petition for a local historic district. As stated in the memo, "there are no legal avenues for a single property owner to unilaterally withdraw from participation in a locally regulated historic district which a majority of the owners therein voted to create." A request from a property owner to "opt out" does not automatically result in a change of the boundary, but the Historic District Commission may consider the property owner's request and justification for exclusion and direct a modification of the boundary if the Commission chooses. Alternatively, the City Council as the final decision maker in the process, may direct staff and or the Historic District Commission to amend the boundary after considering the property owner's request and justification. The full memo from AHPP is attached.

Public Comment:

Staff held two community meetings at the Yvonne Richardson Community Center on March 18th and April 12th. At the meetings, attendees (12 and 15 individuals, respectively) asked clarifying questions. We offered a dot voting exercise where attendees were asked whether they preferred property regulations only (5), a formal acknowledgement of history only (10), or both (12).

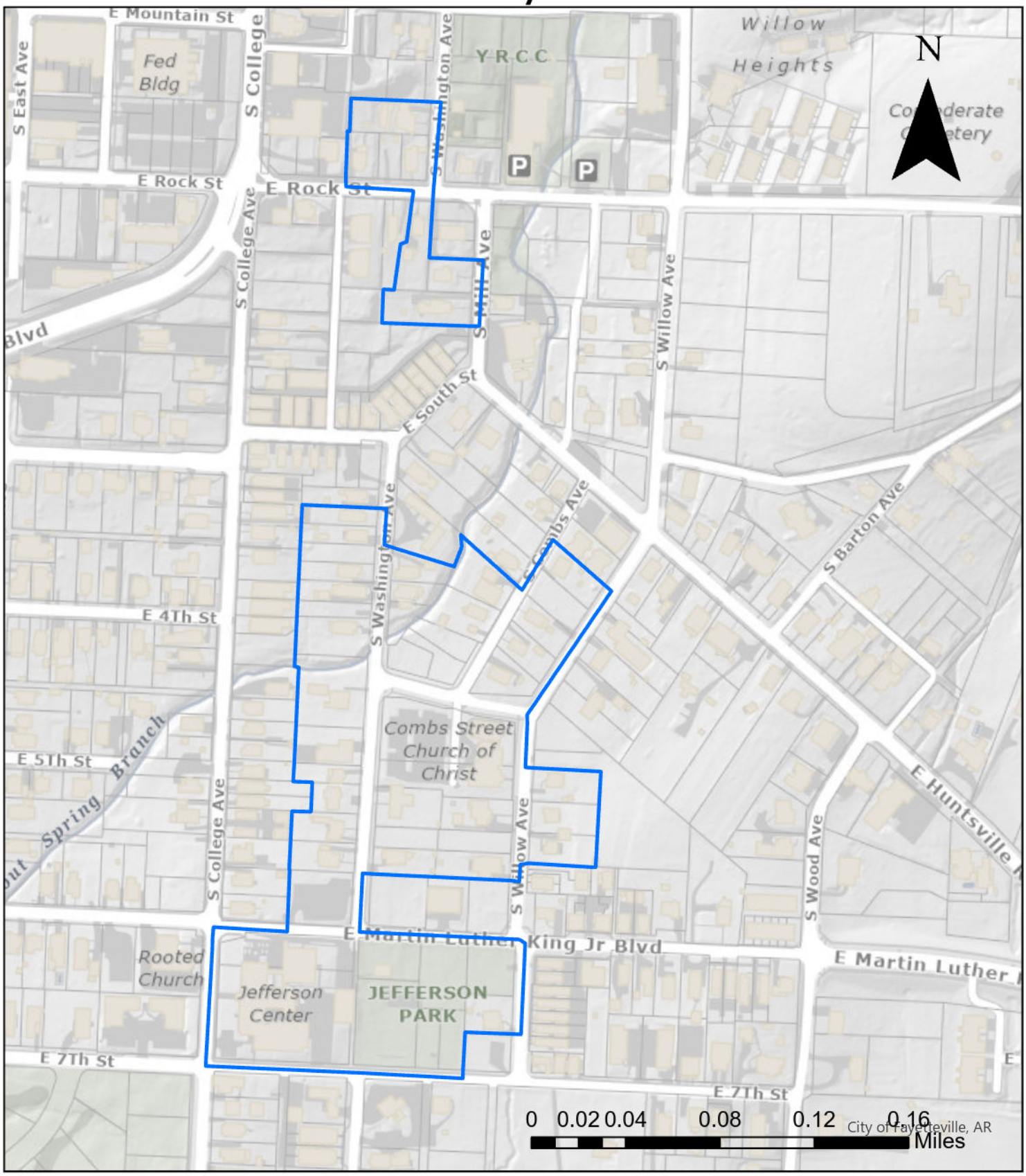
In advance of the June 8, 2026 Planning Commission meeting, Planning Commissioners received an email in opposition from a citizen (who does not live in or own property within the proposed area) in opposition to the creation of the district. At the June 8, 2026 Planning Commission Meeting, which was functionally the first public hearing on this item, three individuals, all representatives of the Potter's House (Jefferson School) spoke in favor of the district generally but requested that the Jefferson School property be excluded due to concerns about ongoing rehabilitation plans.

The HDC held a public hearing on July 9, 2026 and two individuals, both representatives of the Potter's House (Jefferson School property) requested the boundary be amended to exclude the Potter's House. The commission ultimately forwarded the item to City Council 4-1 with the Chair opposed as she wanted to support the concerns expressed by Potter's House about being included but was otherwise in favor of the proposed district.

Attachments:

- Exhibit A: Recommended Local Historic District Boundary
- Exhibit B: SHPO Letter
- Exhibit C: Planning Commission Letter
- Exhibit D: Black Heritage Preservation Commission Letter
- Exhibit E: Excerpt from Arkansas Historic Districts Act
- Exhibit F: City Clerk Treasurer Verification Letter
- Exhibit G: AHPP Letter Re: Proposed Withdrawal of Individual Properties from Locally Regulated Historic Districts
- Exhibit G: Inventory of Properties
- Exhibit H: Deed History

Recommended South Fayetteville Historic District



Legend

South Fayetteville LHD

Exhibit B

Sarah Huckabee Sanders
Governor
Shea Lewis
Secretary

ARKANSAS HERITAGE

June 2, 2026

Christine Myres, Chair
Historic District Commission
Fayetteville, AR

Dear Chair Myres:

This letter serves as the AHPP's official response to your May 15 submission of materials related to the proposed creation of a Fayetteville Black Historic District and a South Fayetteville Historic District. As noted in your cover letters and accompanying reports for each, the City has verified that a majority of property owner signatures in the affirmative were collected as a part of a petition initiative. Also noted is the City's intent to regulate the proposed districts utilizing the applicable *Secretary of the Interior's Standards*. Each proposed district's accompanying report indicates thorough research, advocacy, and planning efforts on the part of the Fayetteville Planning Department, neighborhood residents, and the commission. Likewise, both reports demonstrate the level of social and architectural cohesiveness that each district currently maintains, the ways in which current conditions relate to those of the past, and the arguments in favor of locally regulating the districts as they stand currently. All of these factors are obligatory for Certified Local Government communities under state and federal law, and the AHPP deems these obligations to be fully met.

Therefore, the AHPP concurs in the decision of the commission and its staff to pursue the creation and appropriate regulation of these two important districts.

We thank you, your colleagues with the Fayetteville Historic District Commission, and city staff, for your continued work in support of preservation within your community. Please feel free to contact AHPP staff with any questions you may have.

Sincerely,

Scott Kaufman
AHPP Director &
State Historic Preservation Officer

CITY OF
FAYETTEVILLE
ARKANSAS

Planning Commission
Fayetteville, Arkansas

June 8, 2026

Chair Christine Myres & Fayetteville Historic District Commission
City of Fayetteville, Arkansas

RE: South Fayetteville Historic District

Dear Ms. Myres & Historic District Commissioners,

Thank you for the opportunity to comment on the proposed South Fayetteville Historic District. In accordance with the Arkansas Historic Districts Act, this letter serves as the Planning Commission's official reply.

The Planning Commission is delighted to give its full support to this proposal. As indicated in the report, it is evident that the working-class history of South Fayetteville is worth recognizing and preserving as an important part of Fayetteville's story.

At our June 8th meeting, several representatives of the Potter's House at the Jefferson School spoke and requested that their property be excluded from the district at this time. Please consider their concerns about planned renovations in your continued review of the proposed district.

The Planning Commission wishes to offer our support now and in the future for development-related requests that may come before our body. We also want to express our support for waiving fees for variance applications associated with historic properties. We hope that this will incentivize the restoration and adaptive reuse of historic buildings and appropriate infill in Fayetteville's historic neighborhoods.

Respectfully,

Nick Werner
Chair, Planning Commission

CITY OF
FAYETTEVILLE
ARKANSAS

Black Heritage Preservation Commission
Fayetteville, Arkansas

May 21, 2026

Chair Christine Myres & Fayetteville Historic District Commission
City of Fayetteville, Arkansas

RE: South Fayetteville Historic District

Dear Ms. Myres & Historic District Commissioners,

While the Black Heritage Preservation Commission was not formally invited to comment on this matter as part of the current process outlined in the Arkansas Historic District Act, we believe it is important to speak given the Commission's charge to recognize, acknowledge, protect, and preserve Fayetteville's Black history and cultural resources.

The proposed district highlights the working-class history of the neighborhood which included Black individuals and families who lived in one of Fayetteville's early racially diverse neighborhoods. There are opportunities to highlight important Black stories, like the story of school integration at the Jefferson School and the life of Ralph "Buddy" Hayes, whose home is within this neighborhood.

We strongly support the creation of a historic district as an important step toward preserving this neighborhood's history and protecting the remaining historic resources that tell its story.

Respectfully,

Lois D. Bryant

Lois Bryant
Chair, Black Heritage Preservation Commission

14-172-203. Applicability.

None of the provisions of this subchapter shall be in operation until and unless:

(1) There shall have been filed, with the clerk of the city, town, or county in which an historic district is contemplated, a petition signed by a majority in numbers of the property owners within the proposed historic district agreeing that their property shall be included in the historic district; or

(2) The boundaries of the proposed historic district are identical to and encompass the area of a National Register of Historic Places Historic District as certified by the United States Department of the Interior.

History. Acts 1963, No. 484, § 10; 1965, No. 170, § 2; 1979, No. 371, § 1; A.S.A. 1947, § 19-5010; Acts 1993, No. 194, § 1

14-172-207. Establishment of historic districts.

By ordinance adopted by vote of the governing body thereof, any city, town, or county may establish historic districts and may make appropriations for the purpose of carrying out the provisions of this subchapter, subject to the following provisions:

(1)(A)(i) An historic district commission, established as provided in § 14-172-206, shall make an investigation and report on the historic significance of the buildings, structures, features, sites, or surroundings included in any such proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program, a division of the Department of Arkansas Heritage, to the planning commission of the municipality or county, if any, and in the absence of such commission, to the governing body of the municipality or county for its consideration and recommendation.

(ii) Each such body or individual shall give its recommendation to the historic district commission within sixty (60) days from the date of receipt of the report.

(B)(i) Recommendations shall be read in full at the public hearing to be held by the commission as specified in this section.

(B)(i) Recommendations shall be read in full at the public hearing to be held by the commission as specified in this section.

(ii) Failure to make recommendations within sixty (60) days after the date of receipt shall be taken as approval of the report of the commission.

(2)(A) The commission shall hold a public hearing on the establishment of a proposed historic district after giving notice of the hearing by publication in a newspaper of general circulation in the municipality or county once a week for three (3) consecutive weeks, the first such publication to be at least twenty (20) days prior to the public hearing.

(B) The notice shall include the time and place of the hearing, specify the purpose, and describe the boundaries of the proposed historic district.

(3)(A) The commission shall submit a final report with its recommendations and a draft of a proposed ordinance to the governing body of the municipality or county within sixty (60) days after the public hearing.

(B) The report shall contain the following:

(i) A complete description of the area or areas to be included in the historic district. Any single historic district may embrace noncontiguous lands;

(ii) A map showing the exact boundaries of the area to be included within the proposed district;

(iii) A proposed ordinance designed to implement the provisions of this subchapter; and

(iv) Such other matters as the commission may deem necessary and advisable.

(4) The governing body of the municipality or county, after reviewing the report of the commission, shall take one (1) of the following steps:

(A) Accept the report of the commission and enact an ordinance to carry out the provisions of this subchapter;

(B) Return the report to the commission, with such amendments and revisions thereto as it may deem advisable, for consideration by the commission and a further report to the governing body of the municipality or county within ninety (90) days of such return; or

(C) Reject the report of the commission, stating its reasons therefore, and discharge the commission.

(5) The commission established under the provisions of this subchapter, by following the procedures set out in subdivisions (2) to (4), inclusive, of this section, may, from time to time, suggest proposed amendments to any ordinance adopted under this section or suggest additional ordinances to be adopted under this section.

History. Acts 1963, No. 484, § 3; 1965, No. 170, § 1; 1977, No. 480, § 11; A.S.A. 1947, § 19- 5003; Acts 1993, No. 194, § 3.

Exhibit F

Office of the City Clerk Treasurer

Kara Paxton – City Clerk Treasurer
Courtney Spohn – Senior Deputy City Clerk

Phone: 479-575-8323
cityclerk@fayetteville-ar.gov

113 W. Mountain Street
Fayetteville, Arkansas 72701

December 31, 2025

Re: Proposed Historic District – SE Fayetteville Historic District

After a detailed review of the Arkansas Historic Districts Act, deed records, and petition signatures, our office has verified that there are enough signatures to meet the required threshold of 51%. Our team was able to verify seventy-three (73) signatures out of a total of one-hundred forty-three (143) property owners within the proposed boundary. Our final calculation shows that 51% of property owners within the proposed historic district signed the petition. Based upon the dates located on the petition pages, the timeframe that these signatures were collected was 10/2024 – 12/2025.

Respectfully,

Kara Paxton

Kara Paxton, MMC, CAMC
City Clerk Treasurer

Exhibit G

Sarah Huckabee Sanders
Governor
Shea Lewis
Secretary

ARKANSAS HERITAGE

June 12, 2026

Ms. Kylee Cole,
Long Range & Preservation Planning
City of Fayetteville, AR
Delivered via email to:
kcole@fayetteville-ar.gov

RE: Proposed Withdrawal of Individual Properties from Locally Regulated Historic Districts

Dear Kylee:

In response to discussions concerning the proposed creation by local ordinance of the "South Fayetteville Historic District," the City of Fayetteville solicited the Arkansas Historic Preservation Program's (AHPP) opinion on what circumstances, if any, a single property owner could "opt out" of inclusion in the proposed district's boundaries. This letter serves as the AHPP's official response to this inquiry.

According to the plain language as set forth in the Arkansas Historic Districts Act (Arkansas Code § 14-172-201), local historic districts must be created using one of two procedures. The first is a district which has coterminous boundaries with an existing National Register Historic District. The second is a district in which a simple majority (50% +1) of real property owners have signed a petition to this effect in the affirmative. From all documentation reviewed internally by the city and presented to the AHPP and to the Fayetteville Planning Commission in May of 2026, this second alternative has been executed properly. The City Clerk has confirmed in writing that the signatures were sufficient to meet the majority threshold.

Under these circumstances, the AHPP is not aware of any provision within applicable state laws or regulations that allow *individual* property owners to "opt out" of participation in the regulation of their property if it falls within a contemplated or officially enacted historic district. If a majority of *all* real property owners in the proposed district had voted against the district's creation, that action would be a legal, legitimate path to stop the proposed district from moving forward. It is relevant to note that this entire effort was initiated and led by residents within the proposed historic district. The Fayetteville Historic District Commission and its city staff designees are working to make the neighborhood's wishes official.

In short, there are no legal avenues for a single property owner to unilaterally withdraw from participation in a locally regulated historic district which a majority of the owners therein voted to create.

Sincerely,

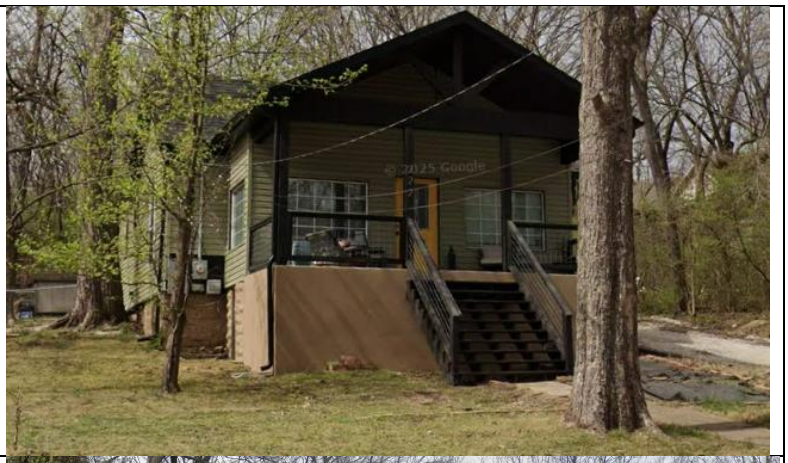
Iain Montgomery
Certified Local Government Coordinator

Properties Within the Recommended Boundary:
All photos from Google Streetview (March 2025) unless otherwise noted.

Address	Photo
600 S. College Date of Construction: 1932 Style/Form: Art Deco/Streamline Modern Association(s): Jefferson School was constructed by the WPA as a segregated school for white children and was integrated in 1965 following the closure of the Lincoln School. Contributing to Local Historic District: Y Preservation Priority: High	
612 S. College Date of Construction: c. 1978 Style/Form: Mid-Century Modern Association(s): Designed by Warren Seagraves Contributing to Local Historic District: Y Preservation Priority: Moderate	
322 S. Combs Date of Construction: c.1915 Style/Form: Gabled Ell/ “Bent House Association(s): White, working class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	
335 S. Combs Date of Construction: 2023 Style/Form: N/A Association(s): N/A Contributing to Local Historic District: N Preservation Priority: N/A	

338 S. Combs Date of Construction: c. 1930 Style/Form: Ozark Giraffe Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	
342 S. Combs Date of Construction: c. 1930 Style/Form: Ozark Giraffe Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	
339 S. Combs Date of Construction: c. 1935 Style/Form: Gable Front Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	

344 S. Combs Date of Construction: c. 1905 Style/Form: Queen Anne Cottage Association(s): Older than most houses in the area and higher style. White ownership history. Contributing to Local Historic District: Y Preservation Priority: High	
350 S. Combs Date of Construction: c.1975 Style/Form: Mid-Century Modern Association(s): Historically Black church founded in 1960s. Contributing to Local Historic District: Y Preservation Priority: Moderate	
209 E. Martin Luther King Jr. Date of Construction: c.1944 Style/Form: Side Gable Association(s): Zetta Ollison Contributing to Local Historic District: Y Preservation Priority: Moderate	
220 S. Mill Date of Construction: c.1915 Style/Form: Gable Front Association(s): Historic white working class ownership. Currently owned by Mary Carr. Contributing to Local Historic District: Y Preservation Priority: Low	

222 S. Mill Date of Construction: c.1915 Style/Form: Gable Front Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Low	
120 E. Rock Date of Construction: c.1915 Style/Form: Bungalow Association(s): White working-class ownership history. Contributing to Local Historic District: N Preservation Priority: Low	
130 E. Rock Date of Construction: c.1925 Style/Form: Gable Front Association(s): Not associated with historic Black ownership, but relatively intact gable residence where many historic age homes have been lost. Contributing to Local Historic District: N Preservation Priority: Low	

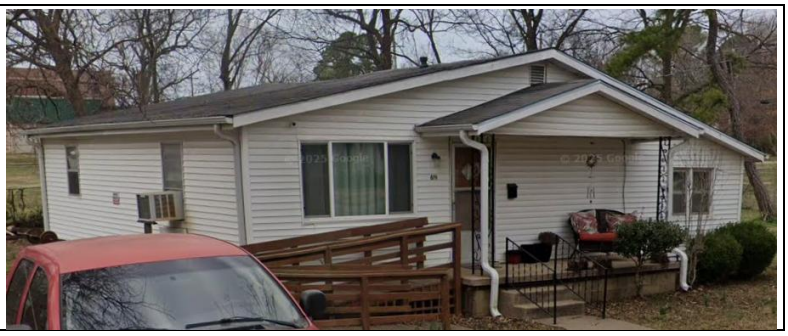
149 E. Rock Date of Construction: c.1941 Style/Form: Gable Front Association(s): Not associated with historic Black ownership. Contributing to Local Historic District: N Preservation Priority: Low	
139 S. Washington Date of Construction: c.1905 Style/Form: Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Low	
309 S. Washington Date of Construction: c. 1930 Style/Form: Bungalow Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	
313 S. Washington Date of Construction: 2019 Contributing to Local Historic District: N Preservation Priority: N/A	

318 S. Washington Date of Construction: c. 1933 Style/Form: Bungalow Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	
319 S. Washington Date of Construction: c. 1925 Style/Form: Bungalow Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	
321 S. Washington Date of Construction: c. 2021 Contributing to Local Historic District: N Preservation Priority: N/A Note: this property was originally a small gable front home that has undergone a large front addition and no longer conveys it's historic design.	
325 S. Washington Date of Construction: c. 1930 Style/Form: Bungalow Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	

411 S. Washington Date of Construction: c. 1940 Style/Form: Gabled Ell/"Bent House" Association(s): White, working-class ownership history. Contributing to Local Historic District: Y Preservation Priority: Moderate	
437 S. Washington Date of Construction: 2016 Association(s): Contributing to Local Historic District: N Preservation Priority: N/A	
439 S. Washington Date of Construction: c.1915 Style/Form: Side Gable Association(s): Cashmere Funkhouser Contributing to Local Historic District: Y Preservation Priority: Moderate	
526 S. Washington Date of Construction: 2000 Style/Form: Contributing to Local Historic District: N Preservation Priority: N/A	
517 S. Washington Date of Construction: 2002 Style/Form: Association(s): Contributing to Local Historic District: N Preservation Priority: N/A	

531 S. Washington Ave. Date of Construction: c. 1925 Style/Form: Ozark Giraffe Association(s): Home of Ralph "Buddy" Hayes (local jazz musician) during the 1940s-1970s. Sebel Tuttle. Contributing to Local Historic District: Y Preservation Priority: High	
532 S. Washington Date of Construction: c.1940 Style/Form: Minimal Traditional Association(s): Chrystal Funkhouser, Carolyn Funkhouser Bradford. Contributing to Local Historic District: Y Preservation Priority: Moderate	
535 S. Washington Date of Construction: c.1915 Style/Form: Minimal Traditional Association(s): Rosie Parker Contributing to Local Historic District: Y Preservation Priority: Moderate	
437 S. Willow Date of Construction: c.1938 Style/Form: Gabled Ell/"Bent House" Association(s): Alice Dennis, Jack Carr, Robert & Daisy Rucker, Henry & Marie Childress Contributing to Local Historic District: Y Preservation Priority: Moderate	

440 S. Willow Date of Construction: c.1930 Style/Form: Ozark Giraffe Association(s): White, working-class ownership. Contributing to Local Historic District: Y Preservation Priority: High	
506 S. Willow Date of Construction: c.1930 Style/Form: Ozark Giraffe Association(s): Lafayette & Dorothy Barker Contributing to Local Historic District: Y Preservation Priority: High	
514 S. Willow Date of Construction: c.1930 Style/Form: Ozark Giraffe Association(s): Bobby & Roberta Morgan Contributing to Local Historic District: Y Preservation Priority: High	
525 S. Willow Date of Construction: 1997 Contributing to Local Historic District: N Preservation Priority: N/A	

619 S. Willow Date of Construction: c.1960 Style/Form: Front Gable Association(s): Clarence & Margaret Smith Contributing to Local Historic District: Y Preservation Priority: Moderate	

Properties Not Recommended for Inclusion in the Local Historic District:

302 E. Martin Luther King Jr. Blvd. Date of Construction: c. 1955 Style/Form: Gabled Ell/"Bent House Association(s): Mary Geraldine Wilks Contributing to Local Historic District: Y Preservation Priority: Moderate	
576 S. Willow Date of Construction: 2026 Contributing to Local Historic District: N Preservation Priority: N/A Notes: Rear building in photo.	
588 S. Willow Date of Construction: 2026 Contributing to Local Historic District: N Preservation Priority: N/A Notes: Front building in photo.	

District Deed History

Note: Occupations or trades were noted where Census records, city directories, obituaries, or other documentation were available. Only properties within the proposed district boundary are included in this document. Importantly, some properties may have been rental homes, and information about the occupants may be unavailable unless indicated in archived city directories.

If information has been omitted or incorrectly identified, please reach out to longrangeplanning@fayetteville-ar.gov so we can update the record.

322 S. Combs			
Date	**Book/Page**	**Grantee**	**Grantor**
8.18.1992	92/42012	Mary Ellen Worthy	Lorne & Thelma Worthy
8.18.1992	92/42012	Lorne & Thelma Worthy	Richard P. Arens & Carol Lynn Arens
8.23.1991	1433/685	Richard P. Arens & Carol Lynn Arens	Eoff & Co., Inc.
2.14.1990	1354/409	Eoff & Co., Inc.	Wade & Ida M Gabbard
6.11.1949	402/36	Wade & Ida M Gabbard	Carl W. Ledford & Ida M. Ledford
	400/299	Carl W. Ledford & Ida M. Ledford	John Everett Ward & Ethel Millie Ward
6.4.1947	379/453	John Everett Ward & Ethel Millie Ward	Effie Owens Jeffers (widow of W.H.Owens)
3.13.1942	322/426	Effie Owens Jeffers (widow of W.H.Owens)	Pat & Anna L. Johnson
10.1.1930	265/521	Pat & Anna L. Johnson	Fannie Walker
10.14.1929	264/248	Fannie Walker	J.F Hall
12.31.1928	250/471	J.F & M.P Hall	H.W. Wilks
2.10.1928	241/49	H.W. Wilks	O.E. Hinkle
11.22.22	213/110	O.E. & Mamie Hinkle	S.C.G. Freiley & Elsie Freiley
		S.C.G. Freiley & Elsie Freiley	
Note: 1908 Plat Map no owner listed, but house footprint present			

Sources:

- Samuel Freiley listed as salesman at **Washington County Hardware Company** – residing at 32 S. Willow in 1920 Directory.
- J.F. and Martha Hall operated a board and rooming house at 27 E. Rock St. in 1925 directory.
- Pat Johnson circuit clerk of Washington County; Anna supervisor of nurses at City Hospital https://www.findagrave.com/memorial/141480007/pat-a-johnson#view-photo=238115045
- William Henry Owens was employee of **First National Bank** (death certificate)
- John Everett Ward truck driver for **wholesale grocer** with $900 income (per 1940 census)
- Wade Gabbard was Salesman at **McCord-Ozark** (1959 City directory); Ida operated a machine at a garment factory (1950 census). In 1951 Directory wade listed as “vatmn” at Browner Veneer.
- Carl W. Ledford was a “common laborer” for the gas company

338 S. Combs			
Date	**Book/Page**	**Grantee**	**Grantor**
6.3.2022	2022/19178	Allison & Andrew Brooks	Karl Friar
9.5.1979	1000/42	Karl & Joy Friar	Edward E. Pearson

8.3.1976	913/39	Edward E. Pearson	Lillian V. Cary (Herbert J. Cary)
8.29.1969	767/83	Lillian V. Cary Herbert J. Cary	D.F. Johnson & Mary J. Johnson
5.7.1960	539/2	D.F. Johnson & Mary J. Johnson	Hazel Wilson
7.16.1959	526/580	Hazel Wilson	Elizabeth Janes (…)
Note: 1908 Plat Map footprint looks different. Appears on 1930 Sanborn map.			
Sources: • Elizabeth Janes listed as a teller at **Fayetteville Building and Loan Assoc.** and residing at 230 W. Meadow in 1959 City Directory, bookkeeper for Walter S. Duggans in 1939 Directory residing at 347 N. Washington, keeper in 1920 directory residing at 111 E. Spring • Hazel Wilson listed in 1950 census as keeping house, and husband Ott was a mechanic at a service station. 1959 City directory lists Ott as attendant at **Mountain Inn Motor Service** (11 S. College).			

339 S. Combs			
Date	**Book/Page**	**Grantee**	**Grantor**
10.5.2020	2020/36972	CCar Properties	Cory Rogers & Amanda Cole
8.30.1995	95/45364	Cory Rogers & Amanda Cole	Richard H. Barrett II
6.11.1991	1418/930	Richard H. Barrett II	Melanie Blankenship
8.8.1985	1149/526	Melanie Blankenship	Trammell Scott Starr & Margaret Martin Starr
4.30.1979	987/943	Trammell Scott Starr & Margaret Martin Starr	R.L. Wommack & Mary Lou Wommack
2.16.1979	983/780	R.L. Wommack & Mary Lou Wommack	Charles & Pat Hoffman (…)

342 S. Combs			
Date	**Book/Page**	**Grantee**	**Grantor**
2.24.1994	94/12858	Karl Friar	Jane Huber
2/17/1992	93/9612	Jane Huber	Dessie Jarnagan
4/20/1945	348/185	Dessie Jarnagan & Ada Bell Jarnagan	Wayne & Edith Vail Brown
4/15/1937	320/35	Wayne & Edith Vail Brown	John R. & Arminta Vail
3/23/1935	285/185	John R. & Arminta Vail	George Buckley
12/27/1932	267/563	George Buckley	R. K. Hodges
		R. K. Hodges	(…)
Note: not on 1908 plat map			
• R. K. Hodge listed on Rock Street on 1925 directory, Rollston in 1920, Block in 1904 • 1939 City Directory Wayne Brown is Deputy Hand at **M W & Co**, listed at address. • 1939 Directory John R & Mintie Vail at 344 S. Combs • 1947 City Directory lists Dessie as salesman at **Gateway Bakery** & living at address. • 1959 City Directory lists Dessie Jarnagan as salesman at **Shipley Baking Co. (311 Dickson)**			

344 S. Combs			
Date	**Book/Page**	**Grantee**	**Grantor**
3.31.1988	1263/884	Linda Joy Fox	A B Culy & Julie Krohn

7.2.1983	1080/372	A B Cully & Julie Krohn	James Hawkins
11.21.1975	1080/371	James Hawkins	E. Lamar & Donna Pettus
9.5.1975	893/823	E. Lamar & Donna Pettus	Tina Thurman (Elzie Thurman)
3.31.1960	843/242	Elzie Thurman	Claude A. & Winnie Woods Williams
11.20.1950	423/322	Claude A. & Winnie Woods Williams	Claude A. Williams Jr. & Helen Margaret Williams
12.2.1947	386/46	Claude A. Williams Jr. & Helen Margaret Williams	Fred & Hattie Ivey
3.21.1946	360/227	Fred & Hattie Ivey	WP & Ella May Ferguson
9.6.1945	352/22	WP & Ella May Ferguson	Arminta Vail (John R. Vail)
9.12.1936		John R & Arminta Vail	George Buckley
12.27.1932	267/563	George Buckley	R.K. & Elene Hodges
		RK & Elene Hodges	(…)

- 1939 Directory John R & Mintie Vail at 344 S. Combs
- 1947 Directory Frederick & Hattie Ivey
- Claude Williams not listed in 1959 City Directory

220 S. Mill Ave.

Date	**Book/Page**	**Grantee**	**Grantor**
12.30.1993	94/810	Mary E. Carr	Coy & Bernice Durning
9.28.1983	1091/927	Coy & Bernice Durning	Alma Lane
7.2.1956	488/35	Alma Lane	R.C. & Myrtle J. Lane
12.26.1947	386/219	R.C. & Myrtle J. Lane	Fount Earl & Bertha Frederick
12.6.1943	386/200	Fount Earl & Bertha Frederick	Dixie McAdams
3.9.1936	292/394	Dixie McAdams	Bert & Emily Frances Atkinson
9.21.1928	250/141	Bert & Francis Atkinson	J.F. & M.P. Hall
9.20.1928	250/138	J.F. & M.P. Hall	J.E. Moore & Mary E. Moore
6.1.1928	241/372	J.E. Moore & Mary E. Moore	N. F. Drake
6.8.1927	239/278	N. F. Drake	Eliza Wilks (Chidester) & Lola Chidester
1.19.1910	144/395	Eliza Chidester	I.G. Combs & Martha A. Combs and WH & PJ Rollins (…)

- Alma Lane listed as machine operator at **Oberman Mfg. Co.** in 1959 Directory
- Coy W. Durning listed as a baker at **W.G. Shipley Baking** in 1951
- Fount Frederick was a clerk at **Wards** listed in 1947 City Directory.
- Dixie McAdams (widow of Albert C) listed at 115 N. East Ave. in 1939 City Directory.
- J.E. and Mary Etta owned **Jas E Moore Sheet Metal Shop** according to 1939 City Directory

222 S. Mill Ave.

Date	**Book/Page**	**Grantee**	**Grantor**
10.15.20	2020/38475	Cindy Dewitt	Patrick & Victoria Carney

6.27.2014	2014/16334	Patrick & Victoria Carney	Marilyn S. Phillips
7.10.1989	1445/405	Marilyn S. Phillips	Joe & Angela Stevens
		Joe & Angela Stevens	Vickie Halperin & Howard Halperin
11.23.1984	1445/404	Howard Halperin	Linda Kay Hendricks
2.20.1981	1036/261	Linda Kay Hendricks	Charles E. & Barbara Hanks; E. Lamar Pettus & Donna C. Pettus; William Weston Rogers & Gloria Weston Rogers
8.8.1977	941/24	Charles E. Hanks	Mary Jane Serett (Guess)
7.15.1968	790/367	Mary Jane Guess	John P. Doyle
6.12.1967	790/366	John P. Doyle	Walter P. Rolniak & Mary Rolniak
11.4.1963	790/365	Walter P. Rolniak & Mary Rolniak	R.C. Harding & Ruth L. Harding
4.3.1958	505/389	R.C. Harding & Ruth L. Harding	Jennie E. Titus
5.5.1955	476/35	Jennie E. Titus Anna Tuller	Flossie Thurman
3.20.1952	441/576	Flossie Thurman	R.C. & M. J. Lane
4.15.1948	362/281	R.C. & M. J. Lane	Hettie B. Moore (J.F. Moore)
8.28.1937	298/378	Hettie B. Moore (J.F. Moore)	Richard B. Greer
8.28.1937	298/377	Richard B. Greer	Hettie B. Moore (J.F. Moore) (…)

- JF Moore funeral director residing at 331 N Highland in 1925 directory, 1939 directory
- Hettie B Moore managed **Moore's Gift Shop**
- Robert C. Lane carpenter at manufacturing company; wife at home; son at dry cleaning company in 1950 census (at 222 Mill)
- Jennie Titus & Anna Tuller were sisters (1940 census)
- Jennie Titus listed in 1959 City Directory as **Razorback News Stand**, and that year living at 638 Whitham Ave.

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120 E. Rock St.			
Date	**Book/Page**	**Grantee**	**Grantor**
5.6.1992	92/23087	Terry J. Jones	Marcia May Apple & David Swenson
10.12.1984	1121/705	Marcia May Apple & David Swenson	Marcia May Apple [Green]
7.30.1975	888/888	Marcia May Green	Benny D. Moore & Carol L. Moore
10.17.1973	888/883	Benny D. Moore & Carol L. Moore	Jerry D. & Sharon Sweetser
10.20.1967	716/35	Jerry D. & Sharon Sweetser	Everett Buckner & Peggy Buckner
9.14.1966	689/456	Everett Buckner & Peggy Buckner	Jerry D. & Sharon Sweetser

11.16.1965	665/215	Jerry D. & Sharon Sweetser	Wade & Gladys Fincher; Chester & Dorothy House
10.21.1965	665/131	Wade & Gladys Fincher; Chester & Dorothy House	William Howard Morris & Dixie E. Morris
7.25.1949	402/518	William Howard Morris & Dixie E. Morris	Delbert P. Combs Jr. & Lora Sellick Combs
1.14.1946	358/427	Delbert P. Combs Jr. & Lora Sellick Combs	Lucy Leigh Brown
12.5.1945	355/424	Lucy Leigh Brown	Leo & Bonnie Jean House
1.25.1945	347/136	Leo & Bonnie Jean House	Lena Patterson
12.1.1942	331/7	Lena Patterson	Seba W. Jackson; Lylah Jackson
12.1.1939	331/7	Seba W. Jackson; Lylah Jackson	Grover & Lottie Couch
5.29.1933	171/408	Grover & Lottie Couch	Walter D. & Myrtle Lucas
4.13.1926	232/471	Walter D. & Myrtle Lucas	Odus & Essa Brooks
3.4.1921	201/1036	Odus & Essa Brooks	Col. H. Clark; Ida B. Clark; Frank Clark; Anna Clark (…)

Note: no structures 1908, 1919; structure on 1930 sanborn map

- Odus Brooks listed as a farmer in 1920 census, carpenter in 1930 census living at 334 S. Washington Ave., carpenter in 1947 directory living at 115 S. Washington
- Grover Couch a mail carrier and Lottie a teacher residing at 112 S. College in 1930 Census, 1940 Census
- Seba & Lylah Jackson owned and managed a café according to 1940 census and lived at the address. 1939 City Directory lists the **restaurant at 5 E. Mountain**, and residence at 103 E. Mountain.
- Leo House salesman in 1940 census
- Delbert P. Combs worked in a service station 1950 census; Lora S. Combs was an assistant secretary for the **Chamber of Commerce** listed in 1947 City Directory.
- William Morris salesclerk at **gas company** 1950 census, 1959 City Directory lists them living at 720 E. Rock St.*

130 E. Rock St.			
Date	**Book/Page**	**Grantee**	**Grantor**
10.28.2005	2005/48665	Jason & Robin Jones	Gary W. Paulk
1.9.1989	1305/110	Gary W. Paulk	Freddie Brooks; James E. Brooks
1.7.1987	1211/964	Freddie Brooks; James E. Brooks	Freddie Brooks; Carole Brooks
3.17.1921	190/513	Fred E. Brooks	Odus & Essie Brooks
3.4.1921	201/1036	Odus & Essa Brooks	Col. H. Clark; Ida B. Clark; Frank Clark; Anna Clark (…)

Note: no structures 1908, 1919; structure on 1930 sanborn map
Home of local artist Jason Jones

- Freddie, store manager of **Fairway Stores Inc**. Living at 54 J. Jackson Dr.* in 1959 City Directory. Fred E. was president of Fairway Stores Inc. lived at 815 E. Lakeside Dr. in 1959 City Directory. Living at address in 1947 City Directory & 1951 City Directory; & listed as **Brooks & Oliphant Grocery (230 Mill Ave).**

149 E. Rock St.			
Date	**Book/Page**	**Grantee**	**Grantor**
11.15.2006	2006/46754	Tyrene Jones; Jason C Jones	Helen P. Andrews; Paul T. Andrews
7.14.1956	489/318	Helen P. Andrews	Fred E. & Bessie C. Brooks
11.30.1944	344/168	Fred E. & Bessie C. Brooks	Roy E. Scott & Eunice Alta Scott
1.31.1938	332/13	Eunice Alta Scott	Charles H. Lang
9.5.1925	225/526	Charles H. Lang	J.D. Paris & F.E. Paris (…)
Note: Different structures on 1908 plat map; not on 1913 sanborn, 1919 sanborn, 1930 sanborn, 1948 sanborn; not on 1954 aerial; PRESENT on 1955 sanborn • Fred E. was president of Fairway Stores Inc. lived at 815 E. Lakeside Dr.* in 1959 City Directory.			

139 S. Washington Ave.			
Date	**Book/Page**	**Grantee**	**Grantor**
7/3/2006	2006/28047	William & Letitia Boscia	Letitia Jane Brooks
9.30.1983	1092/108	Letitia Jane Brooks	James C & Josephine L Brooks & Helen M & Joe L King
9.21.1983	1092/106	James C. Brooks & Helen M. King	William H. Bassett
		William H. Bassett	(…)
Notes: Additional research needed to determine ownership prior to William H. Bassett. building not on 1908 plat map/no name; on 1926 aerial; ON 1930 sanborn map • James E. & Jackie Brooks listed at this address in 1947 directory. Driver for **Checkered Cab Co.** James C. listed as driver for Checkered Cab Co. res. At 115 S. Washington.			

309 S. Washington Ave.			
Date	**Book/Page**	**Grantee**	**Grantor**
Note: multiple to 1977			
10.26.1977	942/863	Frankie & Geneva Rankin	Amos Dean Hughes & Sally Jean Hughes
5.2.1964	616/565	Amos Dean Hughes & Sally Jean Hughes	William Owen Johnson & Gladys Johnson
9.11.1950	421/112	William Owen Johnson & Gladys Johnson	Milton E. & Edith M. McCawley
11.2.1944	380/578	Milton E. & Edith M. McCawley	O.S. Hammond
2.9.1943	331/230	O.S. Hammond	Bertha Marie Cole

1.19.1943	331/164	Bertha Marie Cole	Clinton C. Cole
3.20.1936	294/302	Clinton C. Cole Bertha Marie Cole	Guaranty Building & Loan Assoc.
12.12.1935	291/598	Guaranty Building & Loan Assoc.	Commissioner of State Lands (…)
Note: on 1930 sanborn; on 1948 sanborn map; ON 1955 sanborn map • William Owen Johnson employee at **Ark W Gas Co.** on 1950 census, construction foreman at Gas Co. in 1959 City Directory. • Milton McCawley Maintenance man at gas co & Edith was "kitchen helper" at school cafeteria on 1950 census. In 1947 City Directory Milton Listed as Lineman for Ark W Gas Co. • Charlie & Marie Cole (W) listed at 317 in 1940 Census			

318 S. Washington Ave.			
Date	**Book/Page**	**Grantee**	**Grantor**
Multiple to 2005			
10.24.2004	2005/19359	Rue Watts	Paul & Rue Watts
5.26.1949	446/258	Paul & Rue Watts	Mildred Salsbury
2.5.1949	398/28	Mildred Salsbury	Russell Salsbury Mildred Salsbury
2.23.1946	396/359	Russell Salsbury Mildred Salsbury	Beulah Ownbey
8.30.1937	301/428	Beulah Ownbey	First Natl. Bank Huntsville AR (…)
Note: I.G. Comb on 1908 plat map (no building); not on 1926 aerial; on 1941 aerial • Russell Salsbury a **welder at J. Claude Salsbury** in 1947 city directory. • Paul Watts listed as sheet metal worker at Fayetteville Sheet Metal in 1951 City Directory.			

319 S. Washington Ave.			
Date	**Book/Page**	**Grantee**	**Grantor**
6.6.1994	94/36625	Lee-Fen Ko	Daniel G & Leslie A Coston
2.5.1988	1257/636	Daniel G & Leslie A Coston	Jo Ann Gervais
5.17.1983	1078/277	Jo Ann Gervais	James H. White Jr.
9.22.1978	973/421	James H. White Jr.	Amos Dean Hughes & Sally Jean Hughes
5.1.1969	760/221	Amos Dean Hughes & Sally Jean Hughes	Ruben A. & Velma J. Parden
3.22.1961	569/296	Ruben A. & Velma J. Parden	Richard H. McChristian & Marie McChristian
10.16.1950	423/92	Richard H. McChristian & Marie McChristian	Leo E. & Wilma N. Cole
4.22.1946	364/2	Leo E. & Wilma N. Cole	Frank & Maudie Kelly
12.1.1941	362/111	Frank & Maudie Kelly	Lorraine A. Williams
10.13.1941	321/500	Lorraine A. Williams	Commissioner of State Lands (…)
- Reuben Parden listed as Fixer at **Bear Brand Hosiery** in 1959 city directory (W)			

- Richard McChristian was Assistant manager and security officer at **First National Bank West Branch and Fayetteville police officer** (death certificate)
- Frank Kelly a farmer in 1950 census
- Lorraine Williams listed as Home Counciler at gas company living with parents at Summit drive in 1950 census, lived at 320 S. Washington in 1930 census
- Leo Cole **firefighter** listed in 1947 City Directory

325 S. Washington Ave.			
Date	**Book/Page**	**Grantee**	**Grantor**
Numerous to 1978			
2.14.1978	978/750	Clara A. Porter	Gregory L & Patsy Porter
2.14.1978	957/396	Gregory L & Patsy Porter	Clara A. Porter
7.21.1977	935/446	Clara A. Porter	Ervin A Porter
7.21.1977	935/445	Ervin & Clara A. Porter	Cecil R Chappell & Minnie E. Chappel
4.30.1965	645/403	Cecil R Chappell & Minnie E. Chappel	Claud & Grace Salsbury
10.16.1950	423/573	Claud & Grace Salsbury	W.B Shumate
11.10.1941	364/125	W.B Shumate	CL & Agnes Stoddart
11.10.1941	320/539	CL & Agnes Stoddart	Anna L & Pat Johnson
4.5.1938	305/382	Anna L Johnson	Richard B Greer
3.5.1938	305/189	Richard B Greer	Anna L Johnson & Pat Johnson (…)

- Pat Johnson **circuit clerk** of Washington County; Anna **supervisor of nurses at City Hospital** https://www.findagrave.com/memorial/141480007/pat-a-johnson#view-photo=238115045
- William B Shumate worked at **Conoco Service Station** and resided at address in 1947 Directory.
- Claud Salsbury a welder in 1950 census, operated **Salsbury Garage** in 1947 directory.
- Cecil R Chappel **filling station manager** in 1950 census

411 S. Washington Ave.			
Date	**Book/Page**	**Grantee**	**Grantor**
7.6.1984	1113/379	Julis L & Verna Thompson	Clarence Rice
6.1984	1111/285	Clarence Rice	Sue & Virgle C. Harris; James & Cindy Rice
		Sue & Virgle C. Harris; James & Cindy Rice	(…)
1959 City Directory		Clarence & Viola Rice (at address)	
1947 City Directory		Clarence & Viola Rice (at address)	

- 1959 Directory shows Clarence & Viola Rice residing at address, **mechanic at Oberman Mfg. Co** in 1957 directory. 1951 employee at OBerman Garment. 1947 City Directory machinist at Oberman & Co. living at address.
- 1939 Directory lists William C & Viola at 124 W. South St. (laborer)

08 JUN 26

To: Andrew Brink
Ashlyn Holeyfield
H. Rice Brewer
Fred Gulley
Mary Madden
Mary McGetrick
Matthew Cabe
Nick Castin
Nick Werner

Re: Planning Commission Regular Meeting June 08, 2026

Subj: South Fayetteville Historic District

To Planning Commission Members,

The attempt to establish the South Fayetteville Historic District to this point is flawed and I believe has not followed the process as laid out by the Legislature in the Historic District Act. I am urging this Commission to recommend that this proposal should **not** be forwarded to the City Council for adoption and instead be sent back to the Historic District Commission to be started over for the reasons explained below.

It is possible that the property commonly known as Jefferson School was not included in the original petition and was added after the fact at the urging of Kylee Cole. There is e-mail traffic and cell phone screen shots indicating the boundary map was tampered with *post signatures*. The map referenced that did not meet the majority threshold was not included in the FOIA results even though all maps were requested. It is clear that Staff had the map, as it was referenced in the attached e-mail. This feels like it was directed and manipulated by City Staff to add additional bureaucracy and regulatory control over a property that was not included in the original petition. See attached e-mail.

It appears there was some collusion to obscure the true results of the petition between the Long Range Planning department (Kylee Cole, Britin Bostick), the Historic District Commission (Tommie Flowers Davis) and the citizens (Joe and Emma) that were submitting the petition. The map that was submitted *should* have been the map that was with the petition people signed. This looks like there was some manipulation of the map to meet the signature requirements. If it is not legal, it is certainly not ethical. See attached e-mail.

The possible proposed boundary (the record is not clear) that was included with the petition has been modified to be split into two smaller districts. Did the boundaries adjust to maximize the number of signatures? The number of signatures verified by the City Clerk for this proposed district is no longer accurate. Each distinct district must meet the petition threshold. In the proposed South Fayetteville Historic District, there are a total of 57 parcels with 77 listed property owners. The Historic District Act is clear, it has to be a majority of property owners *in*

the proposed district. Based on the signed petitions provided in a recent FOIA request, there are only 25 valid signatures inside the proposed South Fayetteville Historic District. It looks like the petition is 14 signatures short. This is based on the information available on the Washington County website using the map tool.

Three additional properties (not including Jefferson School) were added to the modified boundary, post signatures. If making drastic changes to the size of the proposed boundaries and splitting it into two districts did not invalidate the petition, then adding properties after the fact should certainly invalidate the original petition. Allowing boundary changes to add parcels *after* the petition is signed is a **very** dangerous precedent to set, if it is even legal.

As noted in the packet provided to you tonight, the Legislature has made this process clear. The Historic District Commission "… shall make an investigation and report on the historic significance of the buildings, structures, features, sites, or surroundings included in any such proposed historic district and shall transmit copies of its report to…the planning commission of the municipality…". It *does not* say the Long Range Planning Staff of the municipality shall make an investigation and create the report and submit it to the Historic District Commission for approval and then present it to the Planning Commission. Yet, if you read the Historic District Commission meeting minutes and internal communications provided through an FOIA request, this is exactly what happened. The Historic District Commission has had almost nothing to do with the investigation and reporting. The Legislature **specifically** put this burden on the Historic District Commission, *not the municipality*. If the municipality is doing all the work, what is the purpose of the Historic District Commission? I don't think the Long Range Planning Staff even has standing to present this item to the Planning Commission. The Historic District Act was not meant to be another path for a municipality to exert more regulation and control. Historic District Commissions are supposed to function as a separate entity creating their own work product, not rubber stamping whatever is put in front of them from the planning staff.

The FOIA document packet received on 02 JUN 26 contained a draft letter of full support from Planning Commission Chair Nick Werner **dated 08 JUN 26**. It is curious that the letter has already been written, like the fix is in. There was a letter of support from Black Heritage Preservation Commission Chair Lois Bryant dated 21 MAY 26. There was a *signed* letter of transmission from Historic District Commission Chair Christine Myres dated 15 MAY 26 to the Planning Commission. There was another *signed* letter of transmission from Christine Myres to the State Historic Preservation Officer dated 15 MAY 26. All four letters were created, and last modified by Kylee Cole. Who digitally signed the Christine Myres letters? Further evidence that this whole process was manipulated by City Staff. I sincerely hope that the Planning Commission's final recommendation will be made *after* tonight's public hearing.

The Staff Memo dated 14 MAY 2026 sent to the Historic District Commission about the Proposed South Fayetteville Local Historic District failed to justify the need for a historic district. There are only 5 homes with a Preservation Priority of High. That is only 6.49% of the total parcels. There are only 13 homes with a Preservation Priority of Moderate. That is only 22.81%. In fact, there are almost as many homes with a Preservation Priority of Low or N/A (13). So, what is this proposed district trying to protect? With only five homes with a high priority, this seems unreasonable to burden every other parcel with additional regulations when

there is not even a high priority. The memo fails to make the case, as set out by the Legislature, of why it should be preserved. There is no case for historic significance. Similar properties exist all over Fayetteville. It appears, based on the internal communications provided, this was always an attempt to gain more control over the Jefferson School building.

In closing, it is obvious that there are several problems with this proposed historic district in front of you tonight. The fairest thing to do is recommend against this proposal, require a new petition (with a correct map) for this proposed historic district, ask the Historic District Commission to create their own new work product separate from what was previously generated by the City Staff, and create a firewall between the Historic District Commission and City Planning Staff. I request that this letter be entered into the public record. Thank you for your time.

Sincerely,

Robert Williams
Ward 4 Resident

Cc: Kara Paxton
Kit Williams
Blake Pennington

Outlook

Local Historic District signatures & map

From Cole, Kylee <kcole@fayetteville-ar.gov>
Date Fri 8/15/2025 8:21 AM
To Tommie Flowers Davis <tflowersd@gmail.com>
Cc Bostick, Britin <bbostick@fayetteville-ar.gov>

2 attachments (419 KB)
Proposed District Parcels & Owners (version 1).pdf; ProposedLHD8.15.25.pdf;

Hi Tommie,
I wanted to run my final recommendation by you before we reconvene with the entire group. I've attached my spreadsheet showing properties, owners, and signatures, and my recommended boundary map.

The signatures for these two areas are at 57% of property owners signed in favor of the local historic district. If you add the Jefferson School property, which I recommend, that brings it to 56%.

Please review the map and make sure I haven't missed any properties that we discussed. I was sure to include the Smith's on S. Willow by the Jefferson School. 😊 After your review and blessing, I'm comfortable giving the greenlight to Joe to go ahead and submit the petitions with the attached boundary map. (I want to be clear that if he submits with his boundary map, it will not reach the 51% property owner threshold).

Thank you! Very excited for this to move forward!

Kylee Cole
Long Range & Historic Preservation Planner
Long Range Planning
City of Fayetteville, Arkansas
479-575-8327

Outlook

RE: Local Historic District

From Cole, Kylee <kcole@fayetteville-ar.gov>
Date Tue 8/26/2025 8:39 AM
To Lois Bryant <balliehi44@gmail.com>
Cc Bostick, Britin <bbostick@fayetteville-ar.gov>

Hi Lois,
These are great questions! I'll do my best to answer, but please feel free to give me a call if that will be easier.

1. Boundary at walnut and meadow – this boundary follows the property lines, not Meadow St. so the corner of your property is included within the district.
2. N. Walnut – Here's a zoomed in look at the boundary, could you show me the property you own across the street – I guess I'm not seeing it or I'm looking at the wrong area?
3. Individuals who didn't sign – the boundaries reflect our effort to get the highest number of people who did sign while capturing key historic properties. The boundary originally proposed by Joe/Emma did not have enough signatures to meet the 51% requirement and included areas of entirely new construction that would be difficult to justify including in the district (ex. Development on the north side of E. South Street and 511-529 E. Spring)
4. Jefferson School – nothing changes with the process by including this. Its just a property included without the property owner signing on and it is not the only one, they are sprinkled throughout the proposed boundary. I think it is very important that the Jefferson School be included in the district.

Hopefully that helps!
Kylee

Kylee Cole
Long Range & Historic Preservation Planner
Long Range Planning
City of Fayetteville, Arkansas
479-575-8327

From: Lois Bryant <balliehi44@gmail.com>
Sent: Tuesday, August 26, 2025 7:40 AM
To: Cole, Kylee <kcole@fayetteville-ar.gov>
Subject: Re: Local Historic District

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

One question about the boundary at the corner of walnut and meadow. The boundary stops st the end of the easement and I own 4 ft past my easement. Will that property be incorporated? There is also the issue of n. Walnut not only does the street go through my property but we also own property across the street.

Also, do the boundaries reflect individuals that did not sign? I ask because it now looks to be cut up. What does the addition of Jefferson area do to the process?

Sorry for all the questions.

On Fri, Aug 22, 2025, 8:09 AM Cole, Kylee <kcole@fayetteville-ar.gov> wrote:

> Hi Lois,
> Here's the scanned petitions I received from Joe and Emma (the originals will have to be submitted to the Clerk). Some signatures were collected that were outside of the recommended boundary. I've pulled the signatures that are within the recommended boundary and calculated the percentage of owners signed. I strongly recommend adding the Jefferson School area even though the owner did not sign, which would bring the total district to 63/111 owners or 56.75%. The map attached reflects the recommended boundary for the proposal.
>
> Let me know if you want to stop by and discuss or we can chat over the phone! Whenever folks are ready, I think this is ready to be submitted to the Clerk so the formal review process can begin.
>
> Thanks!
>
> **Kylee Cole**
> Long Range & Historic Preservation Planner
> Long Range Planning
> City of Fayetteville, Arkansas
> 479-575-8327

This will be my recommendation for Tommie. These boundaries will work with the signatures they've collected so far, and includes the Jefferson School and 115 N. Washington. Brings them to 57/103 property owners, or 55%.

Additional Information Received

Date Received: MM/DD/YYYY	08/07/2026
Time: 00:00 (AM/PM)	04:22 PM
From: Name & Title	Stacy Barnes, City Attorney Paralegal
To: Name & Title	City Council
Agenda Meeting Date: MM/DD/YYYY	08/18/2026
Civic Clerk Number: Ex. 2025-994	2026-2393
Forwarded to City Attorney's Office and Department Head	n/a

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Keith Macedo**, Chief of Staff
Steven Dotson, Chief Financial Officer
Jonathan Curth, Development Services Senior Director
Blake Rutherford, Senior Advisor to the Mayor
Britin Bostick, Long Range Planning/Special Projects Manager
Kylee Cole, Long Range & Preservation Planner

FROM: **Kit Williams**, City Attorney

DATE: **August 7, 2026**

RE: **Planned Rehabilitation of Jefferson School by Potter's House**

Both of my children went to Jefferson Elementary School. I worked with other PTA members to raise money to help Jefferson make improvements for the school children. I believe that Jefferson School should be saved and renovated as a vital part of South Fayetteville's history and future. How is the best way to pursue that goal?

I certainly understand why many think that including Jefferson School as the south anchor of the South Fayetteville Local Historic District is a good idea and properly recognizes that the Jefferson School is a historic structure. The slides presented by Potter's House to the City Council of the proposed multi-story steel and glass structure to be attached to Jefferson School's southwest corner to house the necessary elevator would without a doubt require an application for a certificate of appropriateness to be presented to the Fayetteville Historic District Commission for its approval or rejection.

A.C.A. § 14-172-208 **Certificate of Appropriateness required - Definition** requires such request for the certificate.

"No building or structure, including stone walls, fences, light fixtures, steps, and paving or other appurtenant fixtures, shall be erected, altered, restored, moved, or demolished within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the historic district commission." A.C.A. § 14-172-208 (a)(1).

Personally, I would agree with Britin and Kylee that Potter's House should receive a Certificate of Appropriateness not only for the elevator structure, but other appropriate changes to the exterior of all existing buildings comprising the Jefferson School Complex. But the decision whether or not to issue a Certificate of Appropriateness is not for me, Long Range Planning, the State Historic District Commission, the Secretary of the Interior Department, or even the City Council to determine. The local (Fayetteville) historic district commission has the complete and unilateral power and discretion to approve or deny a Certificate of Appropriateness.

"The commission shall determine whether the proposed construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the historic district for the purposes of this subchapter..." A.C.A. § 14-172-209 **Determination on applicant for certificate** (a)(3).

The *Fayetteville Code* generally follows state law and anywhere it might differ, the *Arkansas Constitution* and state law require a local ordinance to yield to state law powers and limitations. What the Historic District Commission must consider to grant or deny a Certificate of Appropriateness is spelled out in state law and may not be expanded, reduced, or limited by a city ordinance.

The Arkansas Supreme Court has held that a decision of a local historic district commission is quasi-legislative and will not be reversed unless it is arbitrary and capricious, just like zoning decisions. *Second Baptist Church v. Little Rock Historic District*, 293 Ark. 155, 732 S.W.2d 483 (1987).

"Moreover, it is clear, under controlling precedent, that the (Historic District) Commission's exercise of its § 14-172-209 (b)(3) approval authority is a discretionary, quasi-legislative act, and that its exercise of that authority is reviewable only under the arbitrary and capricious standard." *Roy v. City of Little Rock*, 902 F. Supp. 871, 875 (Eastern District of Arkansas, 1995). In my 25 years as Fayetteville City Attorney, we have never lost a case when the legal standard was proof the decision was arbitrary and capricious, so whatever the Fayetteville Historic District Commission decides would be very difficult to overturn.

Even if the Fayetteville Historic District Commission believed that a proposed Certificate of Appropriateness would be incompatible to the preservation of the historic district, the Historic District Commission could still issue a Certificate of Appropriateness if denial would "involve a substantial hardship, financial or otherwise, to the applicant (Potter's House) and whether the certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this subchapter." A.C.A. § 14-172-209 (b)(3). Therefore, the Fayetteville Historic Commissioners would have proper authority to approve a Certificate of Appropriateness even for significant changes to Jefferson School's exterior architectural features.

The danger is that this independent Historic District Commission could also deny such proposed Certificate of Appropriateness and the only appeal is to Circuit Court, not to the City Council nor any other body. Even before an application for Certificate of Appropriateness would be requested, the concern that it might be denied could well endanger fund raising for the rehabilitation, enhancement, and preservation of Jefferson School. The City could be harming the long and successful efforts to rehabilitate, enhance, and reuse Jefferson School as a hub of activity that South Fayetteville residents need and should be able to enjoy.

MONETARY DANGER TO THE CITY OF FAYETTEVILLE

Both Senior Assistant Blake Pennington and I warned Mayor Jordan's Administration and City Council in 2017 of the danger of such a new regulation created by establishing an historic district because of the Private

Property Protection Act. There is little such danger for the new Black Historic District. However, subjecting the large Jefferson School property and buildings to the new regulations of the South Local Historic District against its will would create a substantial risk not only to the very existence of the historic district, but to millions of taxpayers' dollars.

I was not aware of the magnitude of the multimillion-dollar rehabilitation and enhancement proposals for the Jefferson School Complex, nor that substantial visible exterior changes requiring a Certificate of Appropriateness were being proposed until the August 4th City Council meeting. That is why I requested this ordinance be left on its first reading, so I could review the law and properly advise the City Council on legal concerns and potential dangers, as well as a possible solution.

The Private Property Protection Act authorizes a property owner whose value of its property has decreased by new regulations (here the historic district regulations) by 20% or more to be compensated in the amount of the depreciation of its property by the City. Attorney fees might also be awarded to a successful property owner. These could endanger a million dollars of tax payer funds or more.

When a proposed seven-million-dollar rehabilitation and enhancement project for Jefferson School could be derailed by an independent commission's vote that can only be challenged in Circuit Court, our tax payers require the City Council's careful concern about the best and safest way forward. From the legal perspective, I must recommend that the City Council return South Fayetteville Local Historic District to the Historic District Commission to request the removal of the Jefferson School's property from the proposed district.

A POSSIBLE MEMORANDUM OF UNDERSTANDING

In order to provide some assurance to the City Council and public that the Jefferson School will be rehabilitated and enhanced as shown by Potter's House's presentation, I will ask Mr. Shawn Schwartzman and the Potter's House attorney to agree to a Memorandum of Understanding. In exchange for their property's removal from the historic district, they would

agree to rehabilitate, enhance, and renovate Jefferson School and limit other development on their property to substantially as shown during the August 4th presentation to the City Council and public. Potter's House could also present additional or new illustrations of its anticipated development of the site to the City Council before its decision to return the district to the Historic District Commission requesting that the Commission remove the Jefferson School property from the proposed historic district. This Memorandum of Agreement would need to not only legally bind Potter's House, but its assigns and any purchaser unless expressly released by the City Council.

This possible solution can only succeed if Potter's House and the City Council both agree to the proposed Memorandum of Agreement (which is not yet drafted). This agreement should enable and assist Shawn Schwartzman and his supporters of the Potter's House to safely accomplish their planned renovations and enhancements of the Jefferson School and its complex of smaller buildings and property. This agreement should also protect not only the Jefferson School building, but the whole site from incompatible over development.

Since this agreement would be between the City of Fayetteville and the Potter's House, the Fayetteville City Council could later determine if any modifications of the Potter's House's current proposal as explained in the Memorandum of Agreement should be amended so Potter's House could develop an even more desirable and historic proposal which the City Council could determine to be more desirable and appropriate.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2489

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Kit Williams, City Attorney

FROM: Teresa Turk, Ward 4, Position 1

SUBJECT: **AN ORDINANCE TO AMEND § 155.04 COUNCIL MEMBER APPEAL ON BEHALF OF RESIDENTS**

RECOMMENDATION:
AMEND § 155.04 **COUNCIL MEMBER APPEAL ON BEHALF OF RESIDENTS** TO EXEMPT ANY APPEAL FEE FOR ALL APPEALS REQUIRED

BACKGROUND:
City Council Members are often used in the Appeals Chapter of the U.D.C. to be “gatekeepers” by only allowing an appeal to be made by a Council Member on behalf of a resident (but not by a resident) who seeks a meritorious appeal of an approved development proposal.

DISCUSSION:
It is the Council Member’s responsibility and duty not to appeal on behalf of residents if such appeal would be dilatory, frivolous, or lacking reasonable and meritorious justification for an appeal. Council Members who are appealing on behalf of residents should not be required to pay an appeal fee.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Agenda Request - Signed, 4. Memo from Kit, 5. Additional Information - Proposed Amendment - Berna

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

File #: 2026-2489

AN ORDINANCE TO AMEND § 155.04 COUNCIL MEMBER APPEAL ON BEHALF OF RESIDENTS TO EXEMPT ANY APPEAL FEE FOR ALL APPEALS REQUIRED TO BE SPONSORED BY AND IN FACT ARE SPONSORED BY COUNCIL MEMBERS INCLUDING THIS SECTION; § 155.05 (A)(3); § 155.06 (A)(1)(B)(1); § 155.09, AND TO AMEND § 155.06 (C)(1)(a), (C)(2)(a), AND (C)(3), AND TO DECLARE AN EMERGENCY

WHEREAS, City Council Members are often used in the Appeals Chapter of the U.D.C. to be "gatekeepers" by only allowing an appeal to be made by a Council Member on behalf of a resident (but not by a resident) who seeks a meritorious appeal of an approved development proposal; and

WHEREAS, it is the Council Member's responsibility and duty not to appeal on behalf of residents if such appeal would be dilatory, frivolous, or lacking reasonable and meritorious justification for an appeal; and

WHEREAS, Council Members who are appealing on behalf of residents should not be required to pay an appeal fee.

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 § 155.04 **Council Member Appeal On Behalf Of Resident** by amending its final sentence to read: "Variances, compliance with applicable design standards, tree preservation plans, and conditions of approval for any development not requiring approval of the Planning Commission or administrative approval of the Planning Department may be appealed independently by a Council Member on behalf of a city resident."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.04 **Council Member Appeal On Behalf Of Resident** by placing all of its language within a new subsection (A) and by enacting a new subsection (B) as shown below.

> "(B) After determining that an appeal on behalf of a resident or residents would not be dilatory, frivolous, nor lacking reasonable and meritorious justification, a Council Member who sponsors such appeal on behalf of a resident (not the developer or applicant) shall not pay any fee for such appeal. This waiver of any appeal fee applies to this section; and to § 155.05 ***Appeal From Planning Commission*** (A)(3); § 155.06 ***Appeal From Staff Interpretations and Actions*** (A)(1) (B)(1), (C)(2)(3) and to any other provision in the *Unified Development Code* in which a Council Member is authorized to evaluate and

sponsor an appeal of a decision on behalf of a resident of Fayetteville."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (A)(3) by repealing it and enacting a replacement (A)(3) as follows:

> "(3) Stormwater Management Utility Fee Decision. If an appealing property owner or customer disagrees with the City Engineer's decision regarding their appeal concerning the application, assessment, legality, or constitutionality of the stormwater management utility fee to their property, that property owner or customer may appeal the City Engineer's decision to the City Council without payment of any appeal fee."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06

Appeals From Staff Interpretations and Actions (C) *Appeals to the Planning Commission* (2) *Administrative Approvals and Interpretations by Zoning and Development Administrator* by enacting and adding at the start (C)(2)(a): "A Council Member on behalf of…." This amendment is to establish that a Council Member may sponsor an appeal for a resident concerning a decision by the Zoning and Development Administrator.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (C)(3), (4) and (5) by adding the following introductory language to each subsection: "An owner of record of the property in question or a Council Member on behalf of a resident of the city may appeal the following matters."

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (C)(1) by enacting a new subsection (d) as follows:

> "(d) No appeal fee shall be required or due for this appeal."

Section 7: Retroactive Effect to March 1, 2026. That the City Council of the City of Fayetteville, Arkansas hereby determines that the City Council never intended to require a City Council Member who sponsored an appeal on behalf of a city resident within Chapter 155 **Appeals** should pay a property development appeal fee. To correct this mistake, this clarifying ordinance should be and is made retroactive to March 1, 2026 so that any appeal fee paid by a Council Member after that date should be refunded.

Section 8: Emergency Clause. Since City Council Members are regularly being asked by concerned residents to sponsor appeals from approvals of the Planning Commission, City Council Members should not have to pay appeal fees for such meritorious appeals which could endanger the peace, health and welfare of our residents. Therefore, the City Council of the City of Fayetteville hereby determines an emergency exists so that this ordinance should be and hereby is declared to be effective immediately after its passage and approval.

CivicClerk No.: 2026-2489

AGENDA REQUEST FORM

FOR: Council Meeting of August 4, 2026

FROM: Teresa Turk & Sarah Moore

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 155.04 **COUNCIL MEMBER APPEAL ON BEHALF OF RESIDENTS** TO EXEMPT ANY APPEAL FEE FOR ALL APPEALS REQUIRED TO BE SPONSORED BY AND IN FACT ARE SPONSORED BY COUNCIL MEMBERS INCLUDING THIS SECTION; § 155.05 (A)(3); § 155.06 (A)(1)(B)(1); § 155.09, AND TO AMEND § 155.06 (2)(a) AND (3), AND TO DECLARE AN EMERGENCY

APPROVED FOR AGENDA:

Approved by Email
Council Member Teresa Turk

7-26-26
Date

Approved by Email
Council Member Sarah Moore

7-26-26
Date

Kit Williams
Approved as to form

7-24-26
Date

Mayor Molly Rawn
Acknowledgement

7--27-26
Date

Outlook

Re: City Council Member appeal fees

From Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Date Sun 7/26/2026 10:04 PM
To Williams, Kit <kwilliams@fayetteville-ar.gov>
Cc Turk, Teresa <teresa.turk@fayetteville-ar.gov>

Thanks Teresa for walking this on. I am happy to cosponsor this with you.

And, thank you Kit for seeing this was a hurdle and not the intention when the city did rate adjustments as it was already being shown to be a hurdle for residents being able to use their full due process.

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629

CITY OF FAYETTEVILLE ARKANSAS

Report a concern with SeeClickFix:
https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix
Speak up on City projects:
https://speakup.fayetteville-ar.gov/
Voice your feedback to the entire Council and Mayor by emailing:
agendaitemcomment@fayetteville-ar.gov

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Date: Friday, July 24, 2026 at 4:48 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Cc: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Subject: City Council Member appeal fees

Sarah and Teresa,

Attached is the proposed ordinance for code changes removing the new appeal fees from having to be paid by Council Members and some other purposes. It now is retroactive back to January 1, 2026.

Please let me know if you have further questions.

Have a nice weekend,

Kit Williams
City Attorney
City of Fayetteville AR
479-575-8313

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Keith Macedo**, Chief of Staff
Jonathan Curth, Development Services Director
Jessie Masters, Planning Director

FROM: **Kit Williams**, City Attorney

DATE: **July 27, 2026**

RE: **An Ordinance to Amend the Appeals Chapter to Again Authorize Council Members to Appeal Staff and Planning Commission Decisions on Behalf of Residents Without an Appeal Fee**

For decades, City Council Members would appeal decisions by the Planning Commission and City Staff on behalf of residents to the City Council without paying any appeal fee. Recently that changed when the City Council approved the Planning Department's wholesale increase in all development fees which included for the first time fees for appeals. I do not think that the City Council Members understood that the new appeal fees would impact anyone but developers whose projects were turned down by the Planning Commission.

For decades, the Appeals Chapter enacted by the City Council recognized that developers whose project or rezoning was rejected or not recommended by the Planning Commission should have the right to appeal to City Council. The Council also recognized that allowing just any resident to appeal on their own would be unfair to developers and so required that a Council Member would be required to appeal on behalf of a resident if the Council Member believed this would be a meritorious appeal, not done for delay or frivolous reasons. I believe this appeals system worked well and fairly for decades.

Instituting a brand-new appeal fee which is supposed to reach $1,000.00 next year will make any appeal much more difficult for anyone, especially a private citizen who has no direct financial interest in the project the citizen opposes. I should note that these appeal fees for an appeal from the Planning Commission to the City Council will cost over five times as much when fully implemented next year as the appeal fee when someone appeals a City Council decision to Circuit Court. It is also over five times as much as when a Circuit Court decision is appealed to the Supreme Court. Both of these appeal fees are normally under $200.00.

I had publicly opposed the institution of any appeal fees for internal city appeals, but the magnitude of One Thousand Dollar appeal fees would all but eliminate any possible appeals by residents of City Staff administrative approvals of development items. This does not appear to be consistent with Fayetteville's long tradition of welcoming and listening to citizen input concerning development issues.

The ordinance approved to be walked on at the Agenda Session tomorrow would not change the $1,000.00 appeal fees which will be fully phased in next year. This ordinance attached for your information would remove the requirement that Council Members would have to pay for any and all appeals that they would sponsor on behalf of residents. It would also remove residents from being able to appeal city staff approvals and decisions on their own (if they can afford the fee). This ordinance would make more uniform the position that only a Council Member may appeal a development approval on behalf of residents.

City Council Member sponsorship of appeals on behalf of residents has functioned for decades to allow consideration of controversial decisions without a "flood of appeals." There is no reason that going back to that system (but without the thousand dollar appeal fees) would now "open the floodgates" for appeals. If an unreasonable increase of City Council Member sponsored appeals ever does occur, the City Council can remedy that situation by raising the bar by requiring more than one Council Member to sponsor an appeal. Using One Thousand Dollar fees to limit appeals allows only the rich to enjoy appeal rights and is counter to what an appeal fee is supposed to be for.

Attached is the proposed ordinance which will probably be walked onto the agenda tomorrow.

AN ORDINANCE TO AMEND § 155.04 **COUNCIL MEMBER APPEAL ON BEHALF OF RESIDENTS** TO EXEMPT ANY APPEAL FEE FOR ALL APPEALS REQUIRED TO BE SPONSORED BY AND IN FACT ARE SPONSORED BY COUNCIL MEMBERS INCLUDING THIS SECTION; § 155.05 (A)(3); § 155.06 (A)(1)(B)(1); § 155.09, AND TO AMEND § 155.06 (C)(1)(a), (C)(2)(a), AND (C)(3), AND TO DECLARE AN EMERGENCY

WHEREAS, City Council Members are often used in the Appeals Chapter of the U.D.C. to be "gatekeepers" by only allowing an appeal to be made by a Council Member on behalf of a resident (but not by a resident) who seeks a meritorious appeal of an approved development proposal; and

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Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.04 **Council Member Appeal On Behalf Of Resident** by amending its final sentence to read: "Variances, compliance with applicable design standards, tree preservation plans, and conditions of approval for any development not requiring approval of the Planning Commission or administrative approval of the Planning Department may be appealed independently by a Council Member on behalf of a city resident."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.04 **Council Member Appeal On Behalf Of Resident** by placing all of its language within a new subsection (A) and by enacting a new subsection (B) as shown below.

> "(B) After determining that an appeal on behalf of a resident or residents would not be dilatory, frivolous, nor lacking reasonable and meritorious justification, a Council Member who sponsors such appeal on behalf of a resident (not the developer or applicant) shall not pay any fee for such appeal. This waiver of any appeal fee applies to this section; and to § 155.05 ***Appeal From Planning Commission*** (A)(3); § 155.06 ***Appeal From Staff Interpretations and Actions*** (A)(1) (B)(1), (C)(2)(3) and to any other provision in the *Unified Development Code* in which a Council Member is authorized to evaluate and sponsor an appeal of a decision on behalf of a resident (not the developer or applicant) of Fayetteville."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (A)(3) by repealing it and enacting a replacement (A)(3) as follows:

"(3) Stormwater Management Utility Fee Decision. If an appealing property owner or customer disagrees with the City Engineer's decision regarding their appeal concerning the application, assessment, legality, or constitutionality of the stormwater management utility fee to their property, that property owner or customer may appeal the City Engineer's decision to the City Council without payment of any appeal fee."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 **Appeals From Staff Interpretations and Actions** (C) *Appeals to the Planning Commission* (2) *Administrative Approvals and Interpretations by Zoning and Development Administrator* by enacting and adding at the start (C)(2)(a): "A Council Member on behalf of…." This amendment is to establish that a Council Member may sponsor an appeal for a resident concerning a decision by the Zoning and Development Administrator.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (C)(3), (4) and (5) by adding the following introductory language to each subsection: "An owner of record of the property in question or a Council Member on behalf of a resident of the city may appeal the following matters."

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (C)(1) by enacting a new subsection (d) as follows:

"(d) No appeal fee shall be required or due for this appeal."

Section 7: Retroactive Effect to January 1, 2026. That the City Council of the City of Fayetteville, Arkansas hereby determines that the City Council never intended to require a City Council Member who sponsored an appeal on behalf of a city resident within Chapter 155 **Appeals** should pay a property development appeal fee. To correct this mistake, this clarifying ordinance should be and is made retroactive to January 1, 2026 so that any appeal fee paid by a Council Member after that date should be refunded.

Section 8: Emergency Clause. Since City Council Members are regularly being asked by concerned residents to sponsor appeals from approvals of the Planning Commission, City Council Members should not have to pay appeal fees for such meritorious appeals which could endanger the peace, health and welfare of our residents. Therefore, the City Council of the City of Fayetteville hereby determines an emergency exists so that this ordinance should be and hereby is declared to be effective immediately after its passage and approval.

Current law

(3) *Building Safety Division Director.* Appeals made to the Construction Board of Adjustment and Appeals shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04; Ord. No. 6773, §§ 1, 2, 7-16-24; Ord. No. 6867, §2, 5-6-25)

155.03 Stay

(A) An appeal shall stay all city proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certifies that a stay would in their opinion cause imminent peril to life or property.

(B) An appeal against the amount, legality or constitutionality of the application and assessment of the stormwater management utility fee to the City Engineer and City Council shall stay the enforcement and collection of the stormwater management utility fee (all other fees are unaffected) until the final decision by the City Engineer, or if appealed by the City Council. No late fees or interest may be assessed unless and until the final administrative decision of the city when any stayed amount not reduced or eliminated by the appeal becomes due and payable with the next regular utility billing cycle.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 6840, §2, 2-4-25)

155.04 Council Member Appeal On Behalf Of Resident

A Council Member may bring an appeal on behalf of any resident of the city to the City Council of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 6342, §1, 8-4-20; Ord. No. 6773, § 3, 7-16-24; Ord. No. 6867, §3, 5-6-25)

155.05 Appeals From Planning Commission Decisions

(A) *Appeals to City Council*

(1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests in accordance with the procedure set forth in §155.02:

(a) Annexation;

(b) Rezoning;

(c) Required dedication and improvements of §155.06(C);

(d) Subdivision (plats, lot splits, lot line adjustments);

(e) Development (large scale development, large and small site improvement plans);

(f) Vacations of street right-of-way.

(2) *Conditions of Approval/Variances, etc.* An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

(3) *Conditional Use Request.* Three Council Members may in unison appeal a decision of the Planning Commission approving or denying a conditional use request.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01; Ord. No. 6342, §2, 8-4-20; Ord. No. 6773, § 4, 7-16-24)

155.06 Appeals From Staff Interpretations And Actions

(A) *Appeals to City Council.*

(1) The City Engineer's decision to issue a violation notice or stop work order may be appealed to the City Council by an owner of record of the property in question or a council member on behalf of a resident of the city.

(2) The Zoning and Development Administrator's decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.

(3) *Stormwater Management Utility Fee Decision.* If an appealing property owner or customer disagrees with the City Engineer's decision regarding their appeal concerning the application, assessment, legality, or constitutionality of the stormwater management utility fee to their property, that property owner or customer may appeal the City Engineer's decision to the City Council.

(B) *Appeals to the Board of Adjustment.* The following interpretations and decisions may be appealed by an owner of record of the property in question or a council member on behalf of a resident of the city to the Board of Adjustment:

(1) *Zoning and Development Administrator.* An interpretation or decision regarding zoning matters.

(2) *Building Safety Officer—Airport Zone.* Any person aggrieved, or any taxpayer affected by any decision of the Building Safety Officer, made in the administration of Airport Zone, Chapter 165.

(C) *Appeals to the Planning Commission.*

(1) *Zoning and Development Administrator's Required Dedications and Improvements.*

(a) An owner or developer who is aggrieved by the requirements of the Unified Development Code for land, right-of-way or easement dedications, construction of on-site or off-site improvements, or payments in lieu of any dedication or improvement, which are in excess of the "rough proportionality" of the impact of the development upon the city's infrastructure or services may appeal such requirement to the Planning Commission as a part of the submission of the preliminary plat, large scale development, subdivision, building permit, lot split, grading permit, floodplain development permit, or otherwise within ten (10) days of notification of such development requirements. The appeal must be presented to the Planning Division in writing and state the grounds, or reasons for the appeal.

(b) The Planning Commission shall determine after public hearing whether the required dedications, improvements, and fees meet the "rough proportionality" of the impact of the development on city infrastructure and services. If the requirements are in excess of the "rough proportionality," the Planning Commission is empowered to modify or reduce such requirements to achieve "rough proportionality."

(c) Any potential reduction of impact fees must be approved by the City Council.

(2) *Administrative Approvals and Interpretations by Zoning and Development Administrator.*

(a) A resident of the city or an owner/developer who is aggrieved by a decision of the Zoning and Development Administrator regarding development matters that are approved administratively pursuant to §166.02(C), §172.05 or otherwise may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The Planning Commission may consider the following factors and issues:

(i) The development plan is not submitted in accordance with the requirements of Chapter 166 of the Fayetteville Unified Development Code.

(ii) The proposed development would violate a city ordinance, a state statute, or a federal statute.

(iii) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by Chapter 166 of the Fayetteville Unified Development Code.

(iv) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

(v) City water and sewer is not readily available to the property within the large scale development or preliminary plat and the developer has made no provision for extending such service to the development.

(vi) The developer refused to comply with UDC Ch. 166 pertaining to required on-site and off-site improvements.

(b) The appellant should include in the letter of appeal the specific code section with which the development application does not comply.

(c) The Planning Commission shall determine after public hearing whether the interpretation or discretionary decision should be upheld or modified in part or in whole.

(d) Any staff recommendation to approve or deny some or all of a requested street right-of-way vacation shall be considered by the Planning commission with recommendations to the City Council.

(3) *City Engineer and Flood Plain Administrator.* Owner of record of the property and a Council member on behalf of a resident of the city may appeal the following matters.

(a) *Development Matters.* An interpretation or decision of the City Engineer or Floodplain Administrator regarding development matters, including grading, drainage, water and sanitary sewer systems, and storm drainage systems. ~~may be appealed by the property owner or a council member on behalf of a resident of the city.~~

(b) *Floodplain Regulations.* The decision of the Floodplain Administrator, provided that the Planning Commission shall hear and decide an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of Chapter 168.

(c) *Streamside Protection Zones.* An interpretation or decision of the City Engineer concerning the regulated uses, structures and activities, streamside boundary location or land use exemptions.

(4) *Zoning and Development Administrator's Interpretation or Decision of Other Development Matters.* An interpretation or decision of the Zoning and Development Administrator regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.

(5) *Urban Forester—Landscape and Tree Preservation and Protection requirements.* Decisions of the Urban Forester related to landscape and tree preservation and protection requirements.

(D) *Appeals to the Construction Board of Adjustment and Appeals.* When the administrative authority under Chapter 173 shall disapprove an application, or the applicant is aggrieved by the interpretation of the administrative authority, the applicant may appeal the decision to the Construction Board of Adjustment and Appeals.

(Code 1965, §17B-11.2(d), (e), App. A., Art. 10(6), 19(2), App. B, §III, App. C., Art. 10(6), 19(2), App. B, §III, App. C., Art. V, §A; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 2109, 6-375; Ord. No. 2252, 7-6-76; Ord. No. 2538, 7-3-79; Ord. No. 2585, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-14-88; Code 1991, §§150.03, 158.67(B), 158.68(A), (B), 159.65,

Additional Information Received

Date Received: MM/DD/YYYY	08/03/2026
Time: 00:00 (AM/PM)	4:51 PM
From: Name & Title	City Attorney Kit Williams
To: Name & Title	City Council
Agenda Meeting Date: MM/DD/YYYY	08/04/2026
Civic Clerk Number: Ex. 2025-994	2026-2489
Forwarded to City Attorney's Office and Department Head	n/a

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Keith Macedo**, Chief of Staff
Jonathan Curth, Development Services Senior Director
Blake Rutherford, Senior Advisor to the Mayor
Gracie Ziegler, Communications and Marketing Director

FROM: **Kit Williams**, City Attorney

DATE: **August 3, 2026**

RE: **Council Member Scott Berna's Possible Amendment**

Council Member Scott Berna may suggest an amendment tomorrow night to the Ordinance removing appeal fees for appeals necessarily sponsored by City Council Members. Attached is a potential proposed amendment to the current ordinance under consideration.

AN ORDINANCE TO AMEND §§ 155.04 **COUNCIL MEMBER APPEAL ON BEHALF OF RESIDENTS**, 155.06 **APPEAL FROM STAFF INTERPRETATIONS AND ACTIONS**, AND 155.08 **APPEALS FROM THE BOARD OF ADJUSTMENT** TO EXEMPT ANY APPEAL FEE FOR APPEALS REQUIRED TO BE SPONSORED BY CITY COUNCIL MEMBERS AND TO REQUIRE SUCH APPEALS TO BE SPONSORED BY NO LESS THAN THREE COUNCIL MEMBERS, AND TO DECLARE AN EMERGENCY

WHEREAS, City Council Members are often used in the Appeals Chapter of the U.D.C. to be "gatekeepers" by only allowing an appeal to be made by a Council Member on behalf of a resident (but not by a resident) who seeks a meritorious appeal of an approved development proposal; and

WHEREAS, it is the Council Member's responsibility and duty not to appeal on behalf of residents if such appeal would be dilatory, frivolous, or lacking reasonable and meritorious justification for an appeal; and

WHEREAS, Council Members who are appealing on behalf of residents should not be required to pay an appeal fee.

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 § 155.04 **Council Member Appeal On Behalf Of Resident** by repealing it and enacting as follows:

"§155.04 **Three Council Members May In Unison Appeal On Behalf Of Resident"**.

(A) Three Council Members may in unison bring an appeal on behalf of any resident of the city to the City Council of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently by three Council Members in unison on behalf of a city resident.

(B) After determining that an appeal on behalf of a resident or residents would not be dilatory, frivolous, nor lacking reasonable and meritorious justification, three Council Members in unison sponsor such appeal on behalf of a resident (not the developer or applicant) shall not pay any fee for such appeal. This waiver of any appeal fee for Council Members applies to this section; and to § 155.05 ***Appeal From Planning Commission*** (A)(3); § 155.06 ***Appeal From Staff Interpretations and Actions***, and to any other provision in the *Unified Development Code* in which Council Members are authorized to evaluate and sponsor an appeal of a decision on behalf of a resident (not the developer or applicant) of Fayetteville."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (A)(1) and (3) by repealing them and then enacting a replacement (A)(1) and (3) as follows:

> "§ 155.06 (A)(1) The City Engineer's decision to issue a violation notice on stop work order may be appealed to the City Council by an owner of record of the property in question."
>
> "(A)(3) *Stormwater Management Utility Fee Decision*. If an appealing property owner or customer disagrees with the City Engineer's decision regarding their appeal concerning the application, assessment, legality, or constitutionality of the stormwater management utility fee to their property, that property owner or customer may appeal the City Engineer's decision to the City Council without payment of any appeal fee."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 **Appeals From Staff Interpretations and Actions** (C) *Appeals to the Planning Commission* (2) *Administrative Approvals and Interpretations by Zoning and Development Administrator* by enacting and adding at the start (C)(2)(a): "Three Council Members on behalf of…." This amendment is to establish that three Council Members may sponsor an appeal for a resident concerning a decision by the Zoning and Development Administrator.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (C)(3), (4) and (5) by adding the following introductory language to each subsection: "An owner of record of the property in question or three Council Members on behalf of a resident of the city may appeal the following matters."

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06 (C)(1) by enacting a new subsection (d) as follows:

> "(d) No appeal fee shall be required or due for this appeal."

Section 6: Retroactive Effect to January 1, 2026. That the City Council of the City of Fayetteville, Arkansas hereby determines that the City Council never intended to require a City Council Member who sponsored an appeal on behalf of a city resident within Chapter 155 **Appeals** should pay a property development appeal fee. To correct this mistake, this clarifying ordinance should be and is made retroactive to January 1, 2026 so that any appeal fee paid by a Council Member after that date should be refunded.

Section 7: Emergency Clause. Since City Council Members are regularly being asked by concerned residents to sponsor appeals from approvals of the Planning Commission, City Council Members should not have to pay appeal fees for such meritorious appeals which could endanger the peace, health and welfare of our residents. Therefore, the City Council of the City of Fayetteville hereby determines an emergency exists so that this ordinance should be and hereby is declared to be effective immediately after its passage and approval.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2540

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Citlali Samano, Planner

SUBJECT: **VAC-2026-0009: Vacation (324 S BUCHANAN AVE/GRUBBS, 522): Submitted by RICHARD GRUBBS for property located at 324 S BUCHANAN AVE in WARD 1. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.32 acres. The request is to vacate 0.02 acres of existing right-of-way.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to vacate a portion of the Master Street Plan as described and shown in the attached Exhibits 'A' and 'B', with the following conditions:
1. The existing utility easement granted to Southwestern Gas & Electric Company must be maintained per Book 308, page 35 as recorded with Washington County;
2. Any existing water or sewer line within the vacated right-of-way shall be granted a 20-foot utility easement, centered on the location of the existing line; and
3. Any damage or relocation of existing facilities will be at the property owner/developer's expense;

BACKGROUND:
The subject area is in central Fayetteville approximately 125 feet south of the W. Bulldog Blvd and S. Buchanan Ave intersection. The subject property contains one parcel along S. Buchanan Ave which totals approximately 0.32 of an acre and has been developed with a single-family home since 1959. The subject area does not fall within any overlay districts or Master Plan areas.

Proposal: The applicant proposes to vacate a portion of existing street right-of-way totaling 0.02 acres.

DISCUSSION:
Staff recommends approval of the request. The existing 35-foot right-of-way from the centerline of South Buchanan Avenue exceeds the Master Street Plan's 26-foot maximum for a Residential Link. To resolve this, the applicant requests to vacate the excess right-of-way.

At the July 27, 2026 Planning Commission meeting, the item was unanimously forwarded to City Council witrh a recommendation of approval as part of the consent agenda by a vote of 9-0-0. Commissioner Brink made the motion and Commissioner Cabe seconded. No public comment was provided during the public meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report

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

File #: 2026-2540

AN ORDINANCE TO APPROVE VAC-26-09 FOR PROPERTY LOCATED AT 322 SOUTH BUCHANAN AVENUE IN WARD 1 TO VACATE 0.02 ACRES OF RIGHT-OF-WAY

WHEREAS, the City Council has the authority under Ark. Code Ann. § 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 portion of right-of-way is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of right-of-way 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. The existing utility easement granted to Southwestern Gas & Electric Company must be maintained per Book 308, page 35, as recorded with Washington County.
2. Any existing water or sewer line within the vacated right-of-way shall be granted a 20-foot utility easement, centered on the location of the existing line.
3. Any damage to or relocation of existing facilities will be at the property owner/developer's expense.

City of Fayetteville Staff Review Form

2026-2540

Item ID

8/18/2026

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

Jonathan Curth	7/28/2026	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC-2026-0009: Vacation (324 S BUCHANAN AVE/GRUBBS, 522): Submitted by RICHARD GRUBBS for property located at 324 S BUCHANAN AVE in WARD 1. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.32 acres. The request is to vacate 0.02 acres of existing right-of-way.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

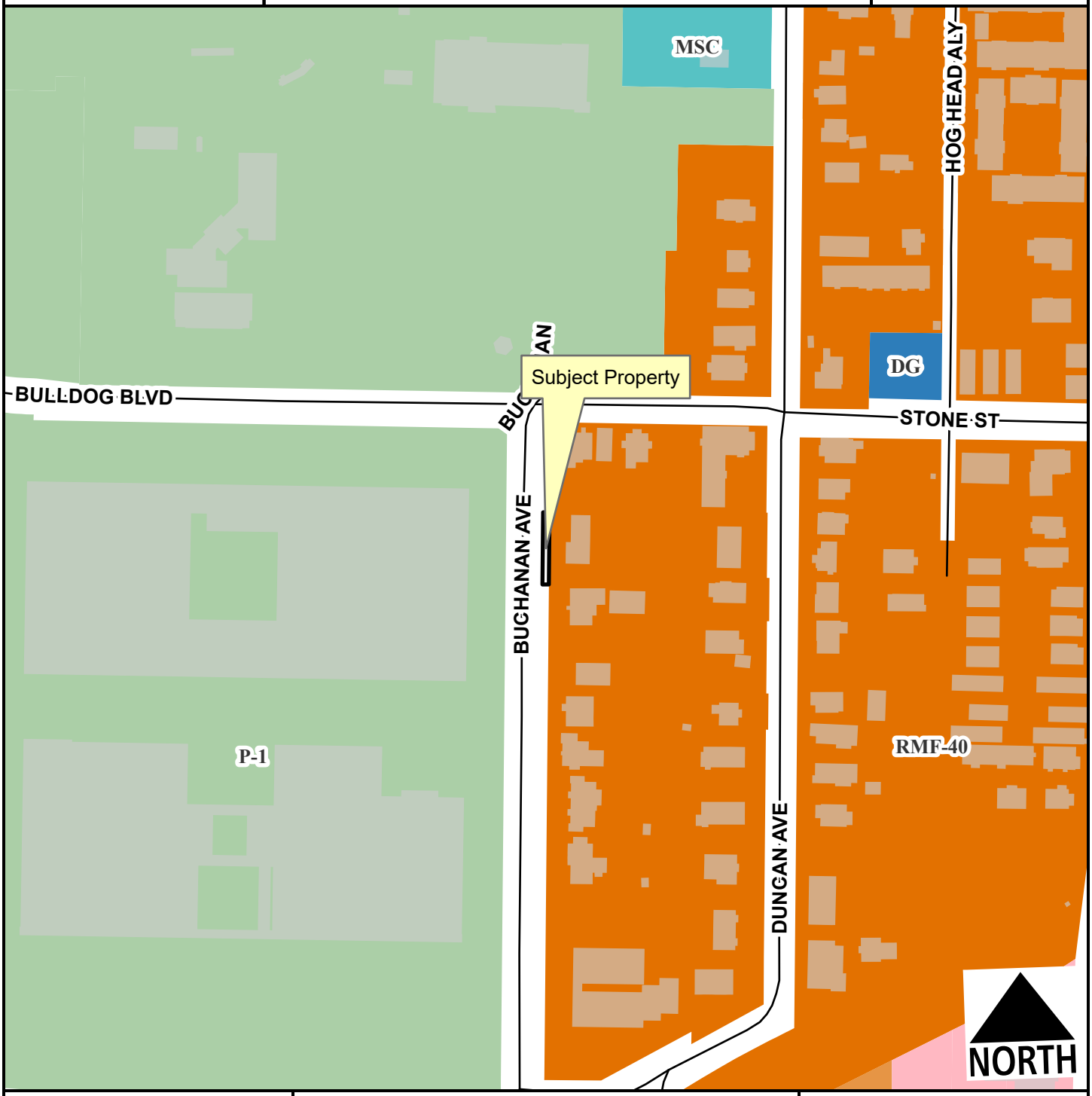
Comments:

VAC-2026-0009

Close Up View

324 S BUCHANAN AVE

EXHIBIT A



Alley

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

EXHIBIT B

Pages Document

Legal Description

PROPOSED R/W VACATION DESCRIPTION:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°10'12"W 299.86' TO AN EXISTING REBAR, THENCE S02°27'25"W 130.10', THENCE N87°19'32"W 17.06' TO AN EXISTING REBAR ON THE EXISTING EAST RIGHT-OF-WAY OF SOUTH BUCHANAN AVENUE MARKING THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S02°37'17"W 99.76' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY N87°17'09"W 8.86' TO THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF SOUTH BUCHANAN STREET, THENCE ALONG SAID RIGHT-OF-WAY N02°31'34"E 99.76', THENCE LEAVING SAID RIGHT-OF-WAY S87°19'32"E 9.02' TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: July 27, 2026 with PC results

SUBJECT: **VAC-2026-0009: Vacation (324 S BUCHANAN AVE/GRUBBS, 522):** Submitted by RICHARD GRUBBS for property located at 324 S BUCHANAN AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.32 acres. The request is to vacate 0.02 acres of existing right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC-2026-0009** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **VAC-2026-0009** to City Council with a recommendation of approval, with all conditions as outlined by staff."*

BACKGROUND:
The subject area is in central Fayetteville approximately 125 feet south of the W. Bulldog Blvd and S. Buchanan Ave intersection. The subject property contains one parcel along S. Buchanan Ave which totals approximately 0.32 of an acre and has been developed with a single-family home since 1959. The subject area does not fall within any overlay districts or Master Plan areas. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-40, Residential Multifamily, 40 Units per Acre
South	Multi-Family Residential	RMF-40, Residential Multifamily, 40 Units per Acre
East	Multi-Family Residential	RMF-40, Residential Multifamily, 40 Units per Acre
West	Fayetteville Public High School	P-1, Institutional

Proposal: The applicant proposes to vacate a portion of existing street right-of-way totaling 0.02 acres.

DISCUSSION:
Staff recommends approval of the request. The existing 35-foot right-of-way from the centerline of South Buchanan Avenue exceeds the Master Street Plan's 26-foot maximum for a Residential Link. To resolve this, the applicant requests to vacate the excess right-of-way.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses.

Utility	Response
Cox Communications	No objections, provided that any damage or relocation of existing facilities will be at the property owner/developer's expense.
AEP/SWEPCO	No objections, an existing electric transmission and distribution easement granted to Southwestern Gas & Electric Company recorded in Book 308 and Page 35 in the Land Records of Washington County, Arkansas.
Black Hills Energy	No objections and no comments.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.
City of Fayetteville	Response
Water/Sewer	No objections, provided that a minimum 10-foot easement is retained on both sides of all existing water and sewer lines within the vacated right-of-way.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

Public Comment: To date, staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends forwarding **VAC-2026-0009** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. An existing utility easement for Southwestern Gas & Electric Company must be maintained per Book 308, page 35 as recorded with Washington County.

2. Any damage or relocation of existing facilities will be at the property owner/developer's expense;

3. Any existing water or sewer line within the vacated right-of-way shall be granted a 20-foot utility easement, centered on the location of the existing line;

4. Any easements required for future development shall be dedicated as necessary.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 27, 2026	❒ **Tabled**	■ **Forwarded** on Consent	❒ **Denied**
Motion: Brink			
Second: Cabe			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

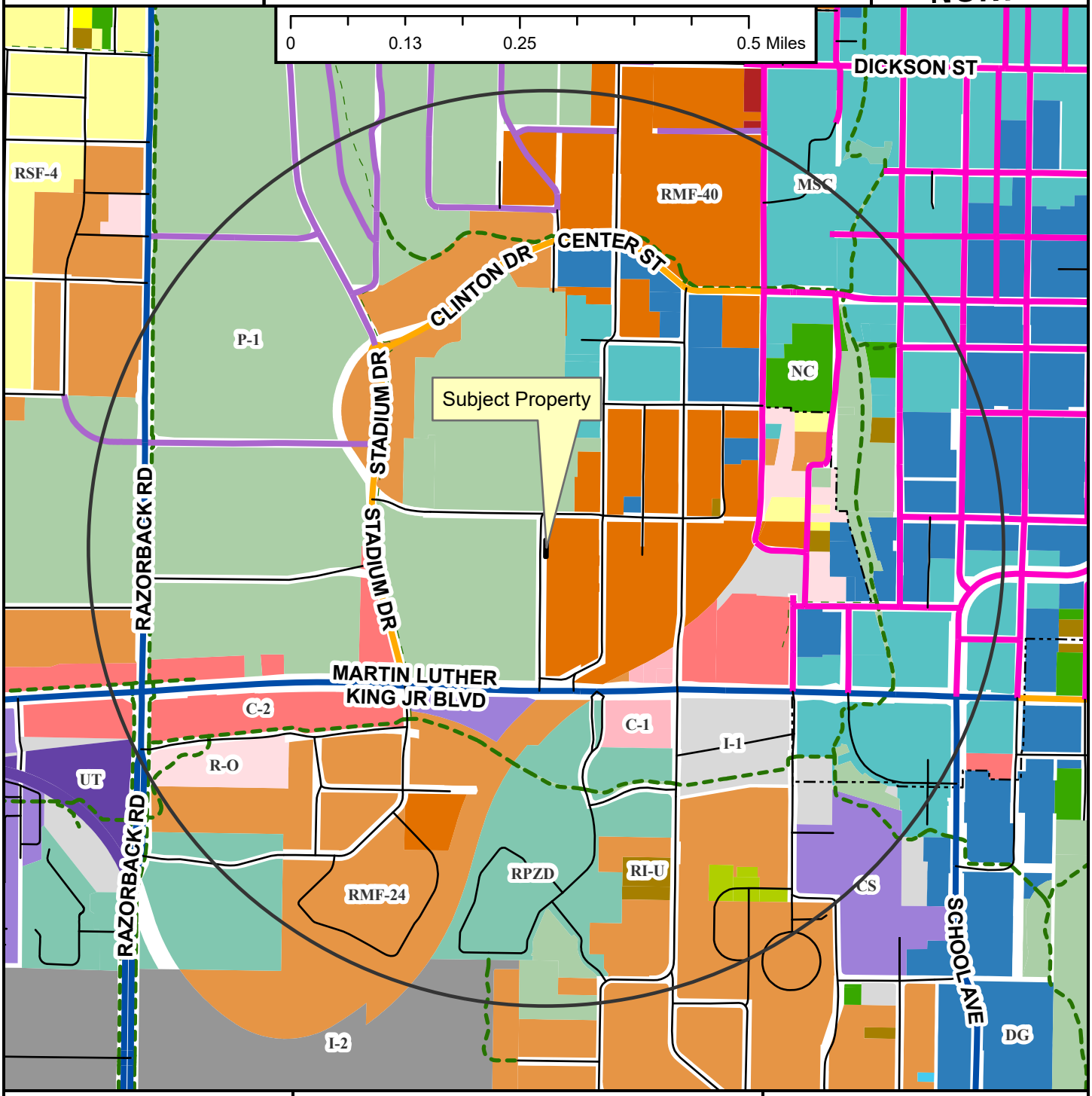
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Applicant Exhibits
  - Applicant Request Letter
  - Applicant Petition to Vacate
  - Survey – Right-of-way to be Vacated

VAC-2026-0009

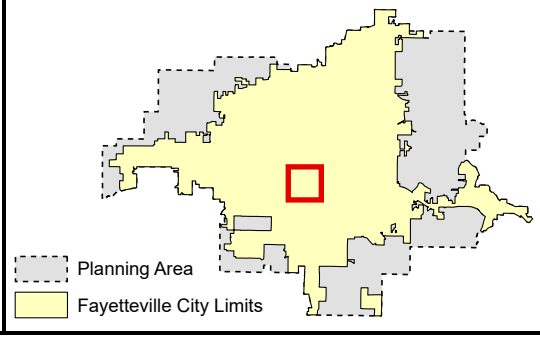
One Mile View

324 S BUCHANAN AVE

NORTH



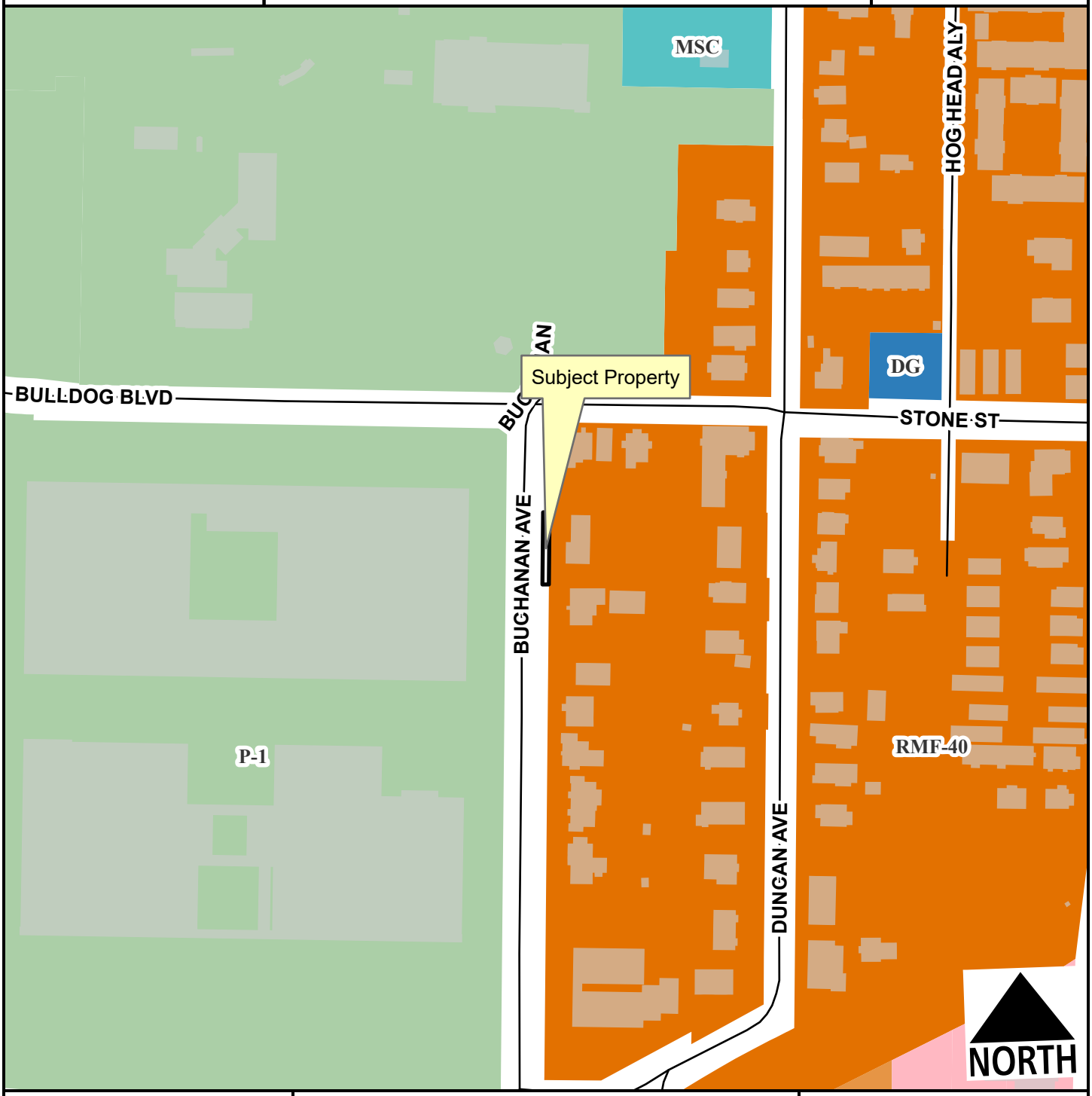
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAC-2026-0009

Close Up View

324 S BUCHANAN AVE



Alley
Residential Link
Planning Area
Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

VAC-2026-0009

Current Land Use

324 S BUCHANAN AVE

NORTH

- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Dear Ladies & Gentlemen of the City of Fayetteville Planning Commission & City Council:

This letter shall outline the scope, nature and intent of the ROW vacation request.

The request is to vacate .02 acre from the street ROW along S Buchanan Ave in front of the residence located at 324 S Buchanan Ave. Please see the new survey including the ROW Vacation Exhibit that has been completed for your review. This vacation will move the property line to the City of Fayetteville's normal ROW distance and in an area maintained by the applicant.

All utility companies have been contacted and all have expressed no concern as you will see in the approvals.

Thank you so much for your time in reviewing this request. Please contact me at any time if you have any questions.

Richard L. Grubbs
479-619-5253

PETITION TO VACATE A(N) ROW LOCATED IN 16-16-30 Fayetteville Out-lots 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 ROW hereinafter sought to be abandoned and vacated, lying in 16-16-30 Fayetteville Out-lots , City of Fayetteville, Arkansas, a municipal

corporation, petition to vacate a(n) ROW which is described as follows:

PROPOSED R/W VACATION DESCRIPTION:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°10'12"W 299.86' TO AN EXISTING REBAR, THENCE S02°27'25"W 130.10', THENCE N87°19'32"W 17.06' TO AN EXISTING REBAR ON THE EXISTING EAST RIGHT-OF-WAY OF SOUTH BUCHANAN AVENUE MARKING THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S02°37'17"W 99.76' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY N87°17'09"W 8.86' TO THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF SOUTH BUCHANAN STREET, THENCE ALONG SAID RIGHT-OF-WAY N02°31'34"E 99.76', THENCE LEAVING SAID RIGHT-OF-WAY S87°19'32"E 9.02' TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

That the abutting real estate affected by said abandonment of the alley are 16-16-30 Fayetteville Out-lots City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, 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 easements of the public for the use of said alley.

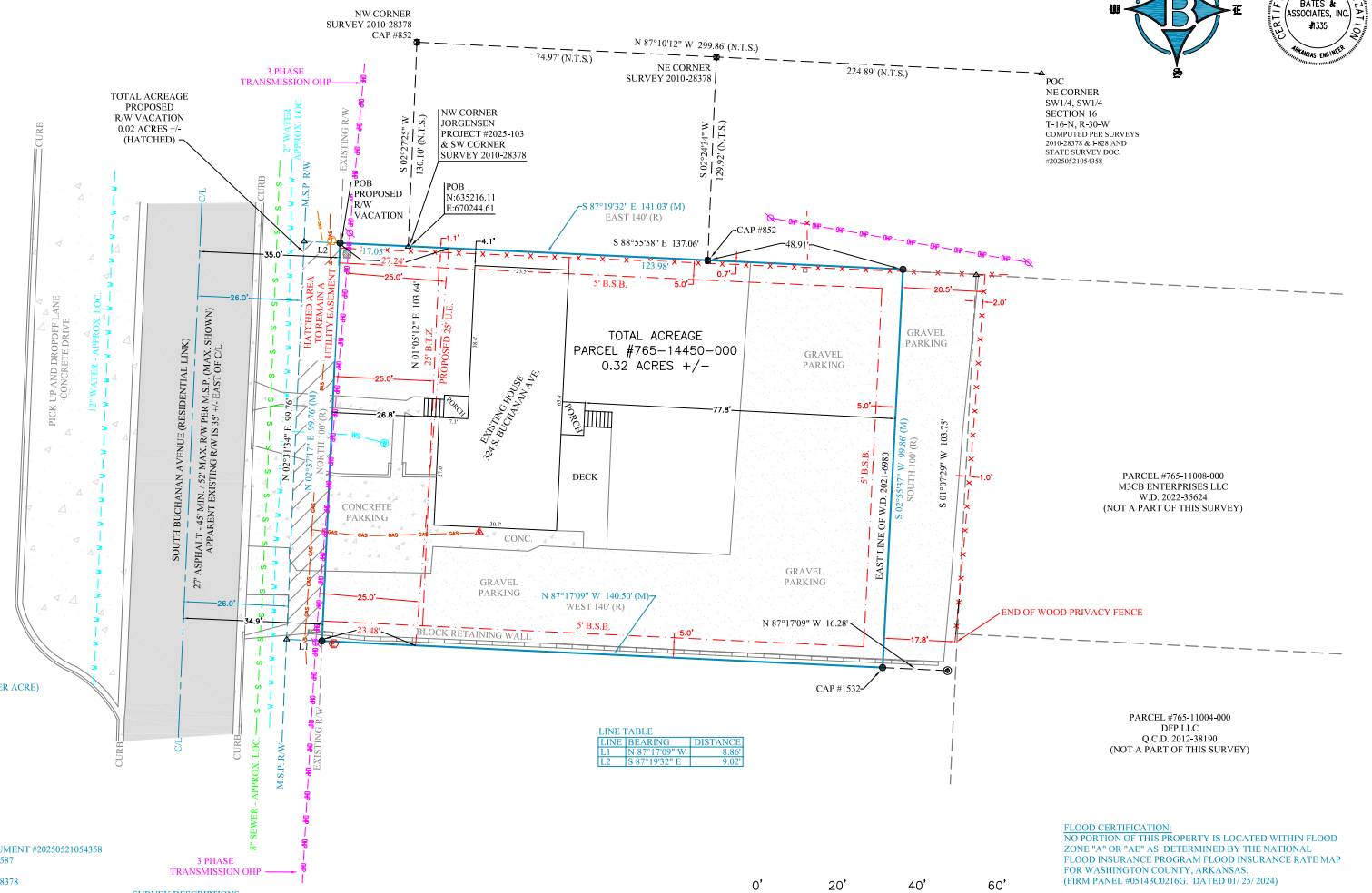
Dated this 17 day of June, 20 26 .

Richard L. Grubbs

Printed Name

Signature

RIGHT-OF WAY VACATION EXHIBIT



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 87°17'09" W	8.86'
L2	S 87°19'32" E	9.02'

FIELD WORK:
APRIL 8 & 9, 2026

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD83(2011) HORIZONTAL DATUM

PROPERTY ZONED:
RMF-40 (RESIDENTIAL MULTI-FAMILY - 40 UNITS PER ACRE)

BUILDING SETBACKS:

FRONT	25ft (BUILD-TO-ZONE)*
SIDE	08ft (OTHER USES)
SIDE	05ft (SINGLE & TWO FAMILY)*
REAR	20ft (OTHER USES)
REAR	05ft (SINGLE FAMILY)*

*SHOWN

REFERENCE DOCUMENTS:
1) PLAT OF SURVEY FILED AS STATE SURVEY DOCUMENT #20250521054358
2) PLAT OF SURVEY FILED IN BOOK 2011 AT PAGE 7587
3) PLAT OF SURVEY FILED IN BOOK I AT PAGE 828
4) PLAT OF SURVEY FILED IN BOOK 2010 AT PAGE 28378
5) PLAT OF SURVEY FILED IN BOOK G AT PAGE 323
6) PLAT OF SURVEY BY JORGENSEN & ASSOCIATES FOR VANCE ARNOLD DATED 11/4/25, JOB #2025-103
7) PLAT OF SURVEY BY JAMES CRAMER FOR GERALD BOYD DATED 5/13/91, JOB #91-3461
8) PLAT OF SURVEY BATES & ASSOCIATES FOR RICHARD GRUBBS DATED 10/03/19, JOB #07-033
9) WARRANTY DEED FILED IN BOOK 2021 AT PAGE 6980
10) WARRANTY DEED FILED IN BOOK 2000 AT PAGE 69976
11) WARRANTY DEED FILED IN BOOK 2002 AT PAGE 58214
12) WARRANTY DEED FILED IN BOOK 2022 AT PAGE 35624
13) QUITCLAIM DEED FILED IN BOOK 207 AT PAGE 200

PLAT NOTES:
1) RECORD (R) BEARINGS AND DISTANCES ARE SHOWN PER WARRANTY DEED FILED IN BOOK 2021 AT PAGE 6980.

2) SOME FEATURES AND/OR SYMBOLS ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR VISUAL CLARITY.

3) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES, GIS, AND/OR UTILITY MAPS PROVIDED BY LOCAL UTILITY COMPANIES. NOT ALL UTILITY COMPANIES MAY HAVE RESPONDED TO OUR REQUEST FOR MAPS AND/OR INFORMATION. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

SURVEY DESCRIPTIONS:

PARCEL #765-14450-000:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°10'12"W 299.86' AND S02°27'25"W 130.10' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S87°19'32"E 123.98' TO AN EXISTING REBAR, THENCE S02°55'37"W 99.86' TO AN EXISTING REBAR, THENCE N87°17'09"W 140.50' TO AN EXISTING REBAR ON THE EAST RIGHT-OF-WAY OF SOUTH BUCHANAN AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N02°37'17"E 99.76' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY S87°19'32"E 17.05' TO THE POINT OF BEGINNING, CONTAINING 0.32 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PROPOSED R/W VACATION DESCRIPTION:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°10'12"W 299.86' TO AN EXISTING REBAR, THENCE S02°27'25"W 130.10', THENCE N87°19'32"W 17.06' TO AN EXISTING REBAR ON THE EXISTING EAST RIGHT-OF-WAY OF SOUTH BUCHANAN AVENUE MARKING THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S02°37'17"W 99.76' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY N87°17'09"W 8.86' TO THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF SOUTH BUCHANAN STREET, THENCE ALONG SAID RIGHT-OF-WAY N02°31'34"E 99.76', THENCE LEAVING SAID RIGHT-OF-WAY S87°19'32"E 9.02' TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

GIS Approved
06/25/2026

0' 20' 40' 60'
GRAPHIC SCALE (IN FEET)
1 Inch = 20ft.

STATE RECORDING NUMBER:
500-16N-30W-0-16-330-72-1642

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 9TH DAY OF APRIL, 2026.

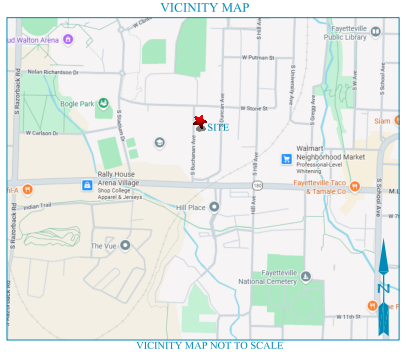
REGISTERED
STATE OF ARKANSAS
NO. 1842
SIGNATURE
DERRICK L. THOMAS
PROFESSIONAL LAND SURVEYOR

DATE: 4/14/26

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0216G. DATED 01/ 25/ 2024)

VICINITY MAP



VICINITY MAP NOT TO SCALE

RECORDING NUMBER/DATE

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
(R) RECORD BEARING & DISTANCE
(M) MEASURED BEARING & DISTANCE
FOUND 5/8" REBAR
SET 1/2" REBAR
FOUND PIPE
COMPUTED POINT
BOUNDARY LINE (MEASURED)
FORTY LINE/ TIE LINE
CENTERLINE OF ROAD
M.S.P. RIGHT-OF-WAY
EXISTING RIGHT-OF-WAY
SEWER LINE
GAS LINE
CABLE LINE
WATER LINE
TELEPHONE/FIBER LINE
OVERHEAD POWER LINE
FENCE
BUILDING SETBACK
GAS METER
WATER METER
TELEPHONE PEDESTAL
ELECTRIC PEDESTAL
POWER POLE
GRATED INLET

Location Map:
R-30-W
16
T-16-N

Bates Engineers • Surveyors
7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.2530

FOR USE AND BENEFIT OF:
RICHCATRES LLC.

ADDRESS: BUCHANAN AVENUE
FAYETTEVILLE, AR

DATE: 04/15/26 | SCALE: 1"=20'
LOCATION: | SURVEYED: JRICH | DRAFTED: AH
SECTION: 16 NORTH
RANGE: 30 WEST
DRAFT DATE: 4/10/26
REVIEWED: DT
COA #335

DRAWING #07-033 2026

Planning Commission
July 27, 2026
VAC-2026-0009 (GRUBBS)
Page 9 of 9

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2551

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

SUBJECT: **VAC-2026-0007: Vacation (615 S. STONE BRIDGE RD/HAMMER-WILLIAMS COMPANY, 527): Submitted by HARRISON FRENCH AND ASSOCIATES for property located at 615 S. STONE BRIDGE RD. in WARD 1. The property is zoned C-2, THOROUGHFARE COMMERCIAL and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 5.9 acres. The request is to vacate 0.212 acres of existing easements.**

RECOMMENDATION:
Staff recommends approval of VAC-2026-0007 as shown in the attached Exhibits 'A' and 'B' and with the following conditions:
1. A new sewer line must be approved, installed, and accepted with new easements dedicated prior to the vacation and demolition of the existing easement and lines.
2. Any damage or relocation of any existing facilities will be at the property owner's expense.

BACKGROUND:
The subject property is located at the northwest corner of E. Huntsville Road and S. Stone Bridge Road. The subject area is currently split zoned C-2, Thoroughfare Commercial and RSF-4, Residential Single-Family, Four Units Per Acre. A large-scale development has been submitted for a 4,326 square foot convenience store with a gas station (LSD-2026-0016). A property line adjustment has also been submitted to combine the four existing parcels into two (PLA-2026-0019). The property is currently undeveloped and does not lie within any zoning overlay district, streamside protection, or floodplain boundary.

Request: The applicant is requesting to vacate an existing telephone and water/sewer easement running east/west through the property at 615 S. Stone Bridge Road totaling 0.212 acres.

DISCUSSION:
City staff recommends approval of the requested utility easement vacation. According to the applicant, the proposed vacation will accommodate utility line relocations necessary to serve the proposed fuel tanks and fuel islands for the associated development proposal. The applicant has submitted the required written consent forms from the appropriate utility providers with no objection. Two conditions of approval have been recommended, as outlined above.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Applicant Request Letter, 7. Petition to Vacate, 8. Survey

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

File #: 2026-2551

AN ORDINANCE TO APPROVE VAC-26-07 FOR PROPERTY LOCATED AT 615 SOUTH STONE BRIDGE ROAD IN WARD 1 TO VACATE 0.212 ACRES OF UTILITY EASEMENT

WHEREAS, the City Council has the authority under Ark. Code Ann. § 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 portion of utility easement is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of utility easement 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. A new sewer line must be approved, installed, and accepted with new easements dedicated prior to the vacation and demolition of the existing easements and lines.
2. Any damage to or relocation of existing facilities will be at the property owner/developer's expense.

City of Fayetteville Staff Review Form

2026-2551

Item ID

8/18/2026

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

Jonathan Curth	7/28/2026	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC-2026-0007: Vacation (615 S. STONE BRIDGE RD/HAMMER-WILLIAMS COMPANY, 527): Submitted by HARRISON FRENCH AND ASSOCIATES for property located at 615 S. STONE BRIDGE RD. in WARD 1. The property is zoned C-2, THOROUGHFARE COMMERCIAL and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 5.9 acres. The request is to vacate 0.212 acres of existing easements.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

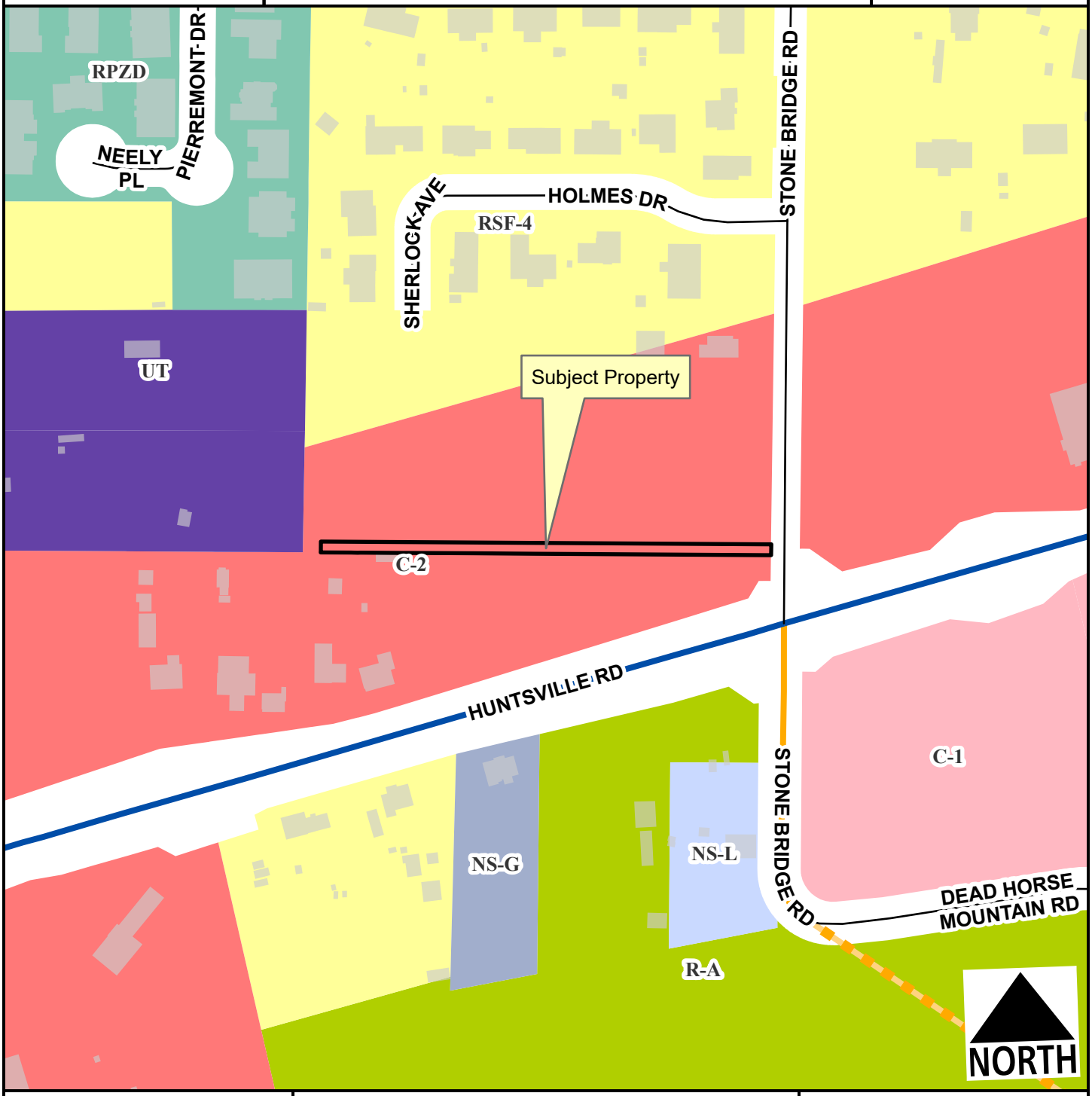
Comments:

VAC-2026-0007

Close Up View

615 S STONE BRIDGE RD

VAC-2026-0007
Exhibit 'A'



Neighborhood Link
Regional Link - High Activity
Residential Link
Planned Neighborhood Link
Planning Area
Fayetteville City Limits

Feet
0 75 150 300 450 600
1:2,400

Exhibit B
Legal Description
VAC-2026-0007

Easement Area To Be Abandoned

Part of Lot 18, WE Anderson Farm, being filed October 13, 1923 in Plat Book 4 at Page 100 and Plat Book 5 at Page 79 also being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas. Said area being 15 feet wide, lying 7.5 feet on each side of the following described centerline:

Commencing at the Southeast Corner of said Southeast Quarter of the Southeast Quarter of Section 14, said point being marked with an existing monument; Thence along the south line of said Southeast Quarter of the Southeast Quarter, N87º28’08”W, 19.82 feet; Thence leaving said south line, N02°55’12”E, 7.50 feet to the Point of Beginning; Thence along said centerline, N87°28’09”W, 615.97 feet to the Point of Termination. Containing 0.212 acres, more or less.

7/1/2026

City Of Fayetteville
113 West Mountain Street
Fayetteville AR 72701

HFA-AE, LTD Project #: 06-25-00002
Project Name: Jiffy Trip #732 (Stonebridge Rd.) Fayetteville, AR
Developer: Hammer Williams Company

Project Narrative – Easement Vacation

Attention Planning Staff,

We are submitting an LSD application for a Jiffy Trip convenience store at the corner of Hwy. 16 and Stonebridge Rd. As part of this project, we are also requesting a Property Line Adjustment to divide the parent tract into two tracts of land. The resulting Tract 1 will be used for development. In addition, we propose vacating a portion of the existing 15-foot water and sewer easement and Southwestern Bell Telephone (ATT) easement along the southern portion of parcel #765-02276-000. Easement Plat information will be provided on the Property Line Adjustment document and will all proposed access and utility easements, along with additional right-of-way required by the City's Master Street Plan. Included with this letter are all items listed on the checklist.

The project includes construction of a 4,326-square-foot store with 10 fuel dispensers and 20 fueling positions sitting on approximately 2.09 acres. The store will offer standard convenience items, along with a variety of prepared food options, including grab-and-go selections and cafeteria-style service. A full commercial kitchen will support in-house preparation of pizzas, salads, sandwiches, smoked barbecue, and desserts. The store will also offer wine, craft beer, and a large walk-in beer cave.

The project also includes two easement vacation requests. A portion of the existing sanitary sewer line within the current 15-foot easement is proposed to be abandoned and relocated to accommodate the fuel tanks and fuel islands. A new 20-foot utility easement will be dedicated for the full length of the relocated line, replacing the existing 15-foot easement. Additionally, there is an overlapping 15' Southwestern Bell (now ATT) Telephone that will be abandoned as well. Based on the information surveyed, there appears to be no existing ATT facilities within this existing easement. ATT has requested that any facilities discovered during time of construction shall be relocated at the owner's expense.

Our company is committed to supporting the communities in which we operate and are looking forward to our second store in Fayetteville.

Sincerely,
Don Rose

PETITION TO VACATE A water/sewer and Southwestern Bell utility EASEMENT LOCATED IN Lot 18, WE Anderson CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 18, WE Anderson City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

Easement Area To Be Abandoned

Part of Lot 18, WE Anderson Farm, being filed October 13, 1923 in Plat Book 4 at Page 100 and Plat Book 5 at Page 79 also being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas. Said area being 15 feet wide, lying 7.5 feet on each side of the following described centerline:

Commencing at the Southeast Corner of said Southeast Quarter of the Southeast Quarter of Section 14, said point being marked with an existing monument; Thence along the south line of said Southeast Quarter of the Southeast Quarter, N87°28'08"W, 19.82 feet; Thence leaving said south line, N02°55'12"E, 7.50 feet to the Point of Beginning; Thence along said centerline, N87°28'09"W, 615.97 feet to the Point of Termination. Containing 0.212 acres, more or less.

That the abutting real estate affected by said abandonment of the alley are Lots 35 & 36, WE Anderson City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate subject to said utility and sewer easements, 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 easements of the public for the use of said alley.

Dated this 17th day of June, 2026.

Alex Williams

Printed Name

Signature

May07,2026-12:48pm - User daniel.friede
I:\06\06-25-00002 Jiffy Trip - Fayetteville, AR - (Stonebridge)\04-Design\Civil\DWGs\ 06-25-00002 EASEMENT VACATION.dwg

PARCEL: 765-02306-000
OWNER: SZABO, MICHA JOHN & RENZ, TRYPHINA MARIE
PARCEL: 765-02311-000
OWNER: JKM TRUST
PARCEL: 765-02312-000
OWNER: HARRIS, WENDELL C REVOCABLE TRUST; HARRIS, COREY
PARCEL: 765-02305-000
OWNER: ROGERS, CHARLES & CHRISTY REVOCABLE TRUST
PARCEL: 765-02298-000
OWNER: RAGAN, BILL D
PARCEL: 765-02297-000
OWNER: NW CAPITAL MANAGEMENT LLC
PARCEL: 765-02299-000
OWNER: NW CAPITAL MANAGEMENT LLC
PARCEL: 765-02276-000
OWNER: NW CAPITAL MANAGEMENT LLC
LOT 11
BENTON RIDGE
PLAT 2
PLAT 03A-00003102 11/27/2004
PARCEL: 765-24367-000
OWNER: HOMETOWN PROPERTIES LTD
PARCEL: 765-19722-000
OWNER: MONCRIEF, JERRY W & MARTHA SUE
PARCEL: 765-19472-000
OWNER: KOBI, TERESA GOAD
LOT 9
PARCEL: 765-19476-000
OWNER: SCOTT, AMANDA N
LOT 10
PARCEL: 765-19726-000
OWNER: CUMMINGS, MICHAEL & SHAUGHAN
565 S STONE BRIDGE RD
PARCEL: 765-19725-000
OWNER: HOLMES REVOCABLE TRUST
604 STONE BRIDGE RD
PARCEL: 765-19724-000
OWNER: HIGGS, RUSSELL L
LOT 35
PARCEL: 765-02300-000
OWNER: NW CAPITAL MANAGEMENT LLC
PARCEL: 765-02301-00
OWNER: HAMAKER, HOWARD S. JR.
SHERLOCK AVE.
50' R/W (PUBLIC)
E HUNTSVILLE RD (PUBLIC)
HWY 16
S STONE BRIDGE RD
(PUBLIC)
W.E. ANDERSON FARM SUBDIVISION
PLATS 4-100, 5-79
10/12/23
15' SOUTHWEST TERN BELL TELEPHONE ESMT
15' WATER & SEWER ESMT (CITY OF FAYETTEVILLE)
20' WATER, SEWER & NATURAL GAS ESMT (CITY OF FAYETTEVILLE) DOC. 2007-00018
25' WATER & SEWER ESMT (CITY OF FAYETTEVILLE)
APPROXIMATE DETENTION AREA
CP NAIL
N 633244.93
E 684526.90
Elev.: 1206.93
CP NAIL
N 633244.77
E 684945.07
Elev.: 1207.56
N3° 02' 45.00"E 333.360'
N3° 01' 17.00"E 206.010'
S32° 12' 58.73"E 205.07'
S32° 15' 44.00"E 123.90'
95.880' S3° 09' 54.00"W
70.830' S82° 40' 46.00"E
80.590' S8° 04' 00"W
160.450' S2° 55' 12.00"W
74.200' S2° 03' 26.00"W
S32° 52' 02.00"W 28.90'
N88° 54' 00.00"W 34.90'
N88° 07' 04.00"W 9.90'
S2° 54' 00.00"W 34.90'
S2° 55' 46.00"E 46.00'
N88° 24' 00.00"W 19.830'
S2° 47' 00.00"W 47.00'
S2° 47' 00.00"W 42.70'
S2° 47' 00.00"W 42.70'
S2° 47' 00.00"W 42.70

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2552

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Planning Director

SUBJECT: **RZN-2026-0003: Rezoning (NORTH AND SOUTH OF W. CATALPA DR & S. RUPPLE RD/DUDECK REZONING, 556) Submitted by JORGENSEN AND ASSOCIATES for property located NORTH AND SOUTH OF W. CATALPA DR & S. RUPPLE RD. in WARD 1. The property is zoned UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; and NC, NEIGHBORHOOD CONSERVATION and contains approximately 13.59 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; RI-U, RESIDENTIAL INTERMEDIATE-URBAN; AND CCR, CONSERVATION, CULTURAL, AND RECREATION.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in west Fayetteville along S. Rupple Road, north of Martin Luther King Jr. Blvd, and with additional frontage along W. Catalpa Dr. The 13.59-acre parcel was part of the 2015 rezoning to support the development of Rupple Road, which was intended to serve as a mixed-use corridor. As a result of this rezoning, the property was split-zoned between UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation. The property is not subject to any overlay districts, but does contain hydric soils, streamside protection, and FEMA floodplain.

Request: The request is to rezone portions of the property to the following districts: 1.81 acres to CCR, Conservation, Cultural, and Recreation; 1.72 acres to CS, Community Services; and 2.01 acres to RI-U, Residential Intermediate-Urban. The remaining 8.05 acres of the site are proposed to remain within existing zoning districts.

Public Comment: One member of the public spoke at the planning commission meeting, expressing concern for the loss of the existing field and negative environmental impact.

Land Use Compatibility: Staff finds the request compatible with surrounding land uses and consistent with the 2015 city-initiated rezoning along Rupple Road, which envisioned a mixed-use corridor with CS along Rupple and NC as a lower-intensity transition to existing neighborhoods. Expanding CS could support future mixed-use development, though much of the corridor has not developed as originally intended.

NC currently functions as a buffer as the property transitions east toward Jasmine Lane. The applicant

proposes to maintain this transition zone with an incremental increase in intensity by rezoning most of the area to RI-U, and downzoning some portions of the site to CCR to observe some of the natural features on site. RI-U and CS both allow single-family homes by right on narrow lots, but RI-U has lower height limits and fewer higher-intensity uses, making it more compatible near existing neighborhoods. CS would allow multifamily and a range of commercial and institutional uses appropriate along Rupple, though such development has not occurred elsewhere in the corridor and may be less compatible farther from the arterial frontage.

Land Use Plan Analysis: Staff finds that the request, given its nuanced approach to the site and the zoning designations, is consistent with adopted land use policies. Portions of the floodplain are going to be permanently preserved under a conservation easement, while entitlement will expand to properties to still allow additional opportunities for housing and support the goals of creating compact, complete, and connected development.

The property's infill score ranges from 3–7 due to existing entitlements and limited supporting infrastructure. However, staff generally supports additional mixed uses and housing options and finds that the proposed upzoning, paired with the CCR downzoning in the floodplain, could add housing, services, and amenities compatible with surrounding land uses.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 3-7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, S Hollywood Ave)
- Near Sewer Main (8 inch main, W Catalpa Dr)
- Near Water Main (8 inch main, W Catalpa Dr)
- Near Public School (John L. Colbert Middle School)
- Near City Park (Centennial Park, Holland Park)
- Near Paved Trail (Rupple Rd Side Path)
- Appropriate Future Land Use

DISCUSSION:

At the April 13, 2027 Planning Commission meeting, a vote of 8-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner McGetrick made the motion and Commissioner Brink seconded. Commissioner Brewer voted against the request, citing uncertainty about the location of the proposed floodplain given the applicant's flood study had not yet been fully reviewed by staff or submitted to FEMA. There was discussion about the floodplain model and the revision timeline. Commissioners voting in favor of the rezoning cited the high likelihood of LOMR approval, the higher floodplain standards within city ordinances, and later development reviews. One member of the public spoke at the planning commission meeting, expressing concern for the loss of the existing field and negative environmental impact. In the intervening time since the item was heard at Planning Commission, the applicant worked to get the appropriate legal instrument for permanent protection executed, as required by the Conservation, Cultural, and Recreation zoning district. It has been supplied for the Council's consideration.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Conservation Easement, 7. Planning Commission Staff Report

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

File #: 2026-2552

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2026-03 FOR APPROXIMATELY 13.59 ACRES LOCATED NEAR WEST CATALPA DRIVE AND SOUTH RUPPLE ROAD IN WARD 1 FROM UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; AND NC, NEIGHBORHOOD CONSERVATION, TO UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; RI-U, RESIDENTIAL INTERMEDIATE-URBAN; AND CCR, CONSERVATION, CULTURAL, AND RECREATION

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 UT, Urban Thoroughfare; CS, Community Services; and NC, Neighborhood Conservation to UT, Urban Thoroughfare; CS, Community Services; RI-U, Residential Intermediate-Urban; and CCR, Conservation, Cultural, and Recreation.

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

2026-2552

Item ID

8/18/2026

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

Jonathan Curth	7/28/2026	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2026-0003: Rezoning (NORTH AND SOUTH OF W. CATALPA DR & S. RUPPLE RD/DUDECK REZONING, 556) Submitted by JORGENSEN AND ASSOCIATES for property located NORTH AND SOUTH OF W. CATALPA DR & S. RUPPLE RD. in WARD 1. The property is zoned UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; and NC, NEIGHBORHOOD CONSERVATION and contains approximately 13.59 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; RI-U, RESIDENTIAL INTERMEDIATE-URBAN; AND CCR, CONSERVATION, CULTURAL, AND RECREATION.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

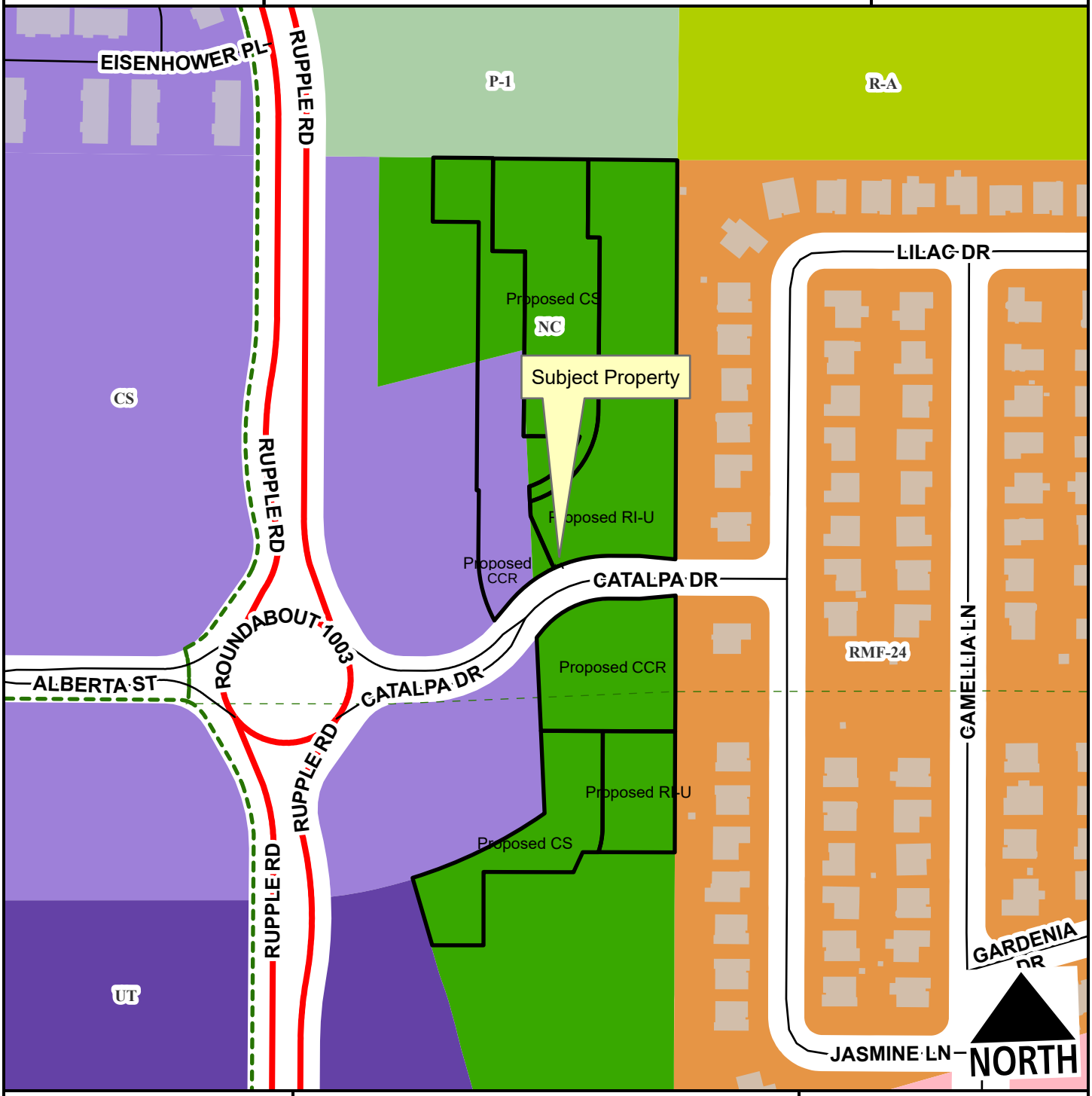
Comments:

RZN-2026-0003

Close Up View

NORTH & SOUTH OF W. CATALPA DR & S. RUPPLE

EXHIBIT A



- Regional Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
CS	0.5	1.7
NC	5.0	0.0
CCR	0.0	1.8
RI-U	0.0	2.0

Total 5.5 ac

EXHIBIT B

LEGAL DESCRIPTION: (NC TO RIU #1)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Beginning at the NE Corner of said SW1/4, NE1/4, said point being the POINT OF BEGINNING, thence S02°12'17"W 552.02 feet, thence N82°39'09"W 50.20 feet, thence N87°47'43"W 40.74 feet, thence along a non tangent curve to the left 79.94 feet, said curve having a radius of 180.51 feet and a chord bearing and distance of S79°21'59"W 79.29 feet, thence N22°04'52"W 79.16 feet, thence N00°39'05"W 20.13 feet, thence along a non tangent curve to the left 167.43 feet, said curve having a radius of 130.00 feet and a chord bearing and distance of N39°16'06"E 156.10 feet, thence N02°22'18"E 240.83 feet, thence N87°37'42"W 16.59 feet, thence N02°22'18"E 108.21 feet, thence S87°26'18"E 123.10 feet to the POINT OF BEGINNING: Containing 1.62 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (NC TO CS #2)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence N87°26'18"W 123.10 feet to the POINT OF BEGINNING, thence S02°22'18"W 108.21 feet, thence S87°37'42"E 16.59 feet, thence S02°22'18"W 240.83 feet, thence along a curve to the right 167.43 feet, said curve having a radius of 130.00 feet and a chord bearing and distance of S39°16'06"W 156.10 feet, thence N00°39'05"W 20.64 feet, thence along a non tangent curve to the left 101.69 feet, said curve having a radius of 110.00 feet and a chord bearing and distance of N47°13'40"E 98.11 feet, thence N87°37'42"W 77.39 feet, thence N02°22'18"E 255.50 feet, thence N87°37'42"W 45.34 feet, thence N02°22'18"E 128.64 feet, thence S87°26'18"E 131.75 feet to the POINT OF BEGINNING: Containing 1.05 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (NC TO CCR #3)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence N87°26'18"W 254.85 feet to the POINT OF BEGINNING, thence S02°22'18"W 128.64 feet, thence S87°37'42"E 45.34 feet, thence S02°22'18"W 255.50 feet, thence S87°37'42"E 77.39 feet, thence along a non tangent curve to the right 101.69 feet, said curve having a radius of 110.00 feet and a chord bearing and distance of S47°13'40"W 98.11 feet, thence S00°39'05"E 40.77 feet, thence S22°04'52"E 79.16 feet, thence along a non tangent curve to the left 78.28 feet, said curve having a radius of 180.51 feet and a chord bearing and distance of S54°15'21"W 77.67 feet, thence S41°40'50"W 32.30 feet, thence along a non tangent curve to the right 93.71 feet, said curve having a radius of 187.00 feet and a chord bearing and distance of N11°59'05"W 92.73 feet, thence N02°22'18"E 90.09 feet, thence N87°37'42"W 3.00 feet, thence N02°22'18"E 370.83 feet, thence N87°37'42"W 63.63 feet, thence N02°22'18"E 88.92 feet, thence S87°26'18"E 82.74 feet to the POINT OF BEGINNING: Containing 1.05 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (NC TO CCR #4)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 602.02 feet to the POINT OF BEGINNING; thence S02°12'17"W 187.76 feet, thence N87°47'43"W 185.80 feet, thence N00°39'05"W 129.22 feet, thence N41°40'50"E 13.35 feet, thence along a non tangent curve to the right 106.26 feet, said curve having a radius of 120.45 feet and a chord bearing and distance of N66°56'34"E 102.85 feet, thence S87°47'43"E 40.74 feet, thence N87°03'43"E 50.20 feet to the POINT OF BEGINNING: Containing 0.76 acres more or less subject to easements and right of way of record.

EXHIBIT B

LEGAL DESCRIPTION: (NC TO RIU #5)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 789.78 feet to the POINT OF BEGINNING; thence S02°12'17"W 167.44 feet, thence N87°47'43"W 105.64 feet, thence along a non tangent curve to the left 33.73 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of N11°52'09"E 33.57 feet, thence N02°12'17"E 134.34 feet, thence S87°47'43"E 100.00 feet to the POINT OF BEGINNING: Containing 0.39 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (NC TO CS #6)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 789.78 feet, thence N87°47'43"W 100.00 feet to the POINT OF BEGINNING, thence S02°12'17"W 134.34 feet, thence along a curve to the right 33.73 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of S11°52'09"W 33.57 feet, thence N87°47'43"W 21.53 feet, thence S26°38'39"W 30.46 feet, thence N87°54'19"W 124.56 feet, thence S02°05'41"W 101.54 feet, thence N87°54'19"W 70.83 feet, thence N14°14'59"W 97.16 feet, thence along a non tangent curve to the left 204.18 feet, said curve having a radius of 658.21 feet and a chord bearing and distance of N65°56'43"E 203.37 feet, thence N00°39'05"W 114.08 feet, thence S87°47'43"E 85.80 feet to the POINT OF BEGINNING: Containing 0.67 acres more or less subject to easements and right of way of record.

CONSERVATION EASEMENT

This **CONSERVATION EASEMENT** made this 23rd day of July, 2026 between Reinhold F. Dudeck, Trustee of the Kerri C. Dudeck Marital Trust ("Grantor) and the City of Fayetteville, Arkansas ("City").

RECITALS:

A. Grantor is the owner in fee simple of certain real property, (the "Protected Property") which constitutes approximately 1.8 acres, is undeveloped and after proposed development has occurred, the land being dedicated, will have ecological, scientific, educational and aesthetic value upon conclusion of development.. The Protected Property is located in Washington County, Arkansas as shown in Exhibit A attached hereto. The Protected Property is those lands shown or described on Exhibit A with proposed zoning to "CCR". The Protected Property is surrounded by and adjacent to certain other lands located in Washington County, Arkansas, also as shown in Exhibit A which Grantor intends to develop ("Adjacent Lands"). The Adjacent Lands are all those lands shown or described on Exhibit A which are not labeled with proposed zoning to CCR.

B. The Protected Property will be a significant natural area that qualifies for protection by a conservation easement pursuant to the provisions of Ark. Code Ann. § 15-20-402.

C. The current condition of the Protected Property as of the date of this grant is documented in a Baseline Documentation Report (Exhibit "B"), and the proposed condition of the Protected Property as it will be after restoration as documented in the Proposed Condition Report (Exhibit "C") ("Proposed Condition"), both prepared by the Grantor and signed and acknowledged by the City of Fayetteville, Arkansas ("City").

D. The Grantor and City have the common purpose of conserving the Protected Property in perpetuity as set forth below, and the State of Arkansas has authorized the creation of conservation easements pursuant to the Arkansas Conservation Easement Act, codified at §15-20-401 *et seq.,* and Grantor and City wish to avail themselves of the provisions of that law. The City is a qualified organization to be a holder of conservation easements under the Arkansas Conservation Easement Act.

E. The Grantor and City believe that conserving the Protected Property, as shown in Exhibit C, meets the purpose and goals of § 161.38 **District CCR, Conservation Cultural, and Recreation** of the Fayetteville Unified Development Code. Specifically, that the city and the owner have determined it is beneficial and desirable to conserve, preserve, protect, or enhance

natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of improving and restoring such property's ecosystem services.

NOW, THEREFORE, the Grantor, for and in consideration of the facts recited above and of the mutual covenants, terms, conditions and restrictions contained herein and as an absolute and unconditional gift with no consideration, hereby gives, grants, bargains, sells and conveys unto the City a Conservation Easement in perpetuity over the Protected Property of the nature and character as follows:

1. **Purpose.** The purpose of this Conservation Easement is to ensure that the Protected Property will be retained forever predominantly in its Proposed Condition, after restoration, as detailed in Exhibit C, except for limited access by Grantor, or its successors or assigns, as set forth more fully below; to protect the plants, animals, or plant communities on the Protected Property; and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values or interests of the Protected Property described above. The Grantor intends that this Conservation Easement will restrict the use of the Protected Property to only such activities as are consistent with the purpose of this Conservation Easement. The Protected Property shall be placed into the Proposed Condition prior to issuance of final plat approval by the City of Fayetteville.

2. **Prohibited Uses.** After completion of the work converting the Protected Property to its proposed condition, as described herein, any activity on or use of the Protected Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited, except as provided in paragraph 3 below:

2.1 No Construction. There shall be no constructing or placing of any building, recreational facility, mobile home, swimming pool, fence or sign (other than those required by the City for appropriate management), asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower (including, but not limited to, cellular telephone), conduit, line, sodium vapor light or any other temporary or permanent structure or facility on or above the Protected Property.

2.2 No Excavation. There shall be no ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any building of roads or change in the topography or surface hydrology of the Protected Property in any manner.

2.3 No Cutting. There shall be no removal, harvesting, destruction or cutting of trees, shrubs or plants, planting of trees, shrubs or plants, use of fertilizers, plowing, introduction of non-native animals, grazing of domestic animals, or disturbance or change in the natural habitat in any manner, except Grantor may, as set forth more fully below, periodically remove dead trees, limbs, vegetation, etc., as reasonably necessary for long-term preservation of the Protected Property.

2.4 No Biocides. There shall be no use of pesticides or biocides including, but not limited to, insecticides, fungicides, and rodenticides, and no use of devices commonly known as "bug zappers."

2.5 No Dumping. There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks in, on, or under the Protected Property; there shall be no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils, nor shall activities be conducted on the Protected Property or on adjacent property, if owned by the Grantor, that could cause erosion or siltation on the Protected Property.

2.6 No Pollution. There shall be no pollution, alteration, depletion or extraction of surface water, natural water courses, lakes, ponds, marshes, subsurface water or any other water bodies, nor shall activities be conducted on the Protected Property or on adjacent property, if owned by Grantor, that would be detrimental to water purity or that could alter the natural water level or flow in or over the Protected Property.

2.7 No Vehicles. There shall be no operation of any types of mechanized vehicles, including motorcycles and all-terrain or off-road vehicles, except as required to maintain the Protected Property as provided for more specifically below.

2.8 No Subdivision. The Protected Property may not be divided, partitioned, or subdivided, nor conveyed except in its current configuration as an entity.

2.9 Density. Neither the Protected Property nor any portion of it shall be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights that have been encumbered or extinguished by this Conservation Easement shall be transferred to any other lands pursuant to a transferrable development rights scheme, cluster development arrangement, or otherwise.

3. **Grantor's Reserved Rights.** The Grantor hereby reserves the following rights:

3.1 Existing Uses. The right to undertake or continue any activity or use of the Protected Property not prohibited by this Conservation Easement.

a) Prior to making any change in use of the Protected Property, the Grantor shall notify the City in writing to allow the City a reasonable opportunity to determine whether such change would violate the terms of this Conservation Easement.

3.2 Transfer. The right to sell, give, mortgage, lease, or otherwise convey the Protected Property, provided such conveyance is subject to the terms of this Conservation Easement, subject to the City's right of first refusal.

3.3 Recreational Activities and Amenities. The right to construct or allow to be constructed soft surface trails, immersive pathways, and wildlife observation structures such as blinds, hides, towers, and platforms.

3.4 Diseased Trees. The right to cut and remove dead, diseased, or exotic trees, shrubs, or plants and to cut firebreaks subject to the prior written approval of the Grantee pursuant to paragraph 4.5 below, except that such approval shall not be required in the case of emergency firebreaks.

3.5 Enforcement. The right (but not the obligation) to enforce the terms of this Conservation Easement, it being understood that City has the same right and obligation.

4. City's Rights and Obligations. To accomplish the purpose of this Conservation Easement, subject to the remaining terms set forth herein, the following rights are conveyed to the City by this Conservation Easement, enforceable following completion of the Work, as described herein, converting the Protected Property to its Proposed Condition:

4.1 Right to Protect. The right to preserve and protect the conservation values of the Protected Property.

4.2 Right of Entry. The right to enter the Protected Property at all reasonable times for the purposes of: (a) inspecting the Protected Property to determine if the Grantor is complying with the covenants and purposes of this Conservation Easement; (b) enforcing the terms of this Conservation Easement; (c) taking any and all actions with respect to the Protected Property as may be necessary or appropriate, with or without order of court, to remedy or abate violations hereof; (d) making scientific and educational observations and studies and taking samples in such a manner as will not disturb the quiet enjoyment of the Protected Property by the Grantor; and (e) monitoring and management as described below.

4.3 Monitoring and Management. The right, but not the obligation, to monitor the condition of any rare plant and animal populations, plant communities, and natural habitats on the Protected Property, and to manage them, to the extent deemed appropriate by the City to ensure their continued presence and viability on the Protected Property. Such activities shall be in accordance with management practices of the City, which may include, but not be limited to, mowing, fencing, trapping, or prescribed burning.

4.4 Enforcement. The right and obligation to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use, pursuant to paragraph 10.

4.5 Discretionary Consent. The City's consent for activities otherwise prohibited under Section 2 above, or for any activities requiring City's consent under Section 3 above, may be given under the following conditions and circumstances. If, owing to unforeseen or changed circumstances, any of the activities listed in Section 2 are deemed desirable by

both the Grantor and the City, the City may, in its sole discretion, give permission for such activities, subject to the limitations herein. Such requests for permission, and permission for activities requiring the City's consent under Section 3, shall be in writing and shall describe the proposed activity in sufficient detail to allow the City to judge the consistency of the proposed activity with the purpose of this Conservation Easement. The City may give its permission only if it determines, in its sole discretion, that such activities (1) do not violate the purpose of this Conservation Easement and (2) either enhance or do not impair any significant conservation interests associated with the Protected Property. Notwithstanding the foregoing, the City and Grantor have no right or power to agree to any activities that would result in the termination of this Conservation Easement or to allow any residential, commercial or industrial structures or any commercial or industrial activities not provided for above.

4.6 Annual Inspection and Report. The right, but not the obligation, to inspect the Protected Property at least annually and prepare an annual report regarding the results of the inspection, including any significant changes to the Protected Property or violations of this Conservation Easement, and any action that will be taken in response thereto. A copy of each annual report, if prepared, will be maintained at City Hall and a copy will be mailed to the fee owner of the Protected Property. The City shall provide notice to Grantor at least seven (7) days in advance of any annual inspection.

4.7 Utility Easement. The right to maintain the water/sewer easement that crosses through the Protected Property.

5. Access. Nothing contained in this Conservation Easement shall give or grant to the public a right to enter upon or to use the Protected Property or any portion thereof.

6. Costs and Liabilities. The Grantor and its successors and assigns retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property, including without limitation all trails located thereon, and it shall make all decisions regarding these issues at its sole discretion; provided that Grantor shall keep the City's interest in the Protected Property free of any liens arising out of any work performed for, materials furnished to or obligations incurred by the Grantor.

Each party agrees to release and absolve the other from any and all liabilities including, but not limited to, injury, losses, damages, judgments, costs, expenses and fees that one party may suffer or incur as a result of or arising out of the activities of the other party on the Protected Property, provided that nothing herein shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville under the Constitution and Statutes of the State of Arkansas.

7. Taxes. The Grantor shall pay any real estate taxes or other assessments levied on the Protected Property.

8. Title. The Grantor covenants and represents that the Grantor is the sole owner and is

seized of the Protected Property in fee simple and has good right to grant and convey this Conservation Easement; that the Protected Property is free and clear of any and all encumbrances, including but not limited to, any mortgages not subordinated to this Conservation Easement, and that the City shall have the use of and enjoy all of the benefits derived from and arising out of this Conservation Easement.

9. **Hazardous Waste.** The Grantor covenants, represents and warrants to the City that no hazardous substance or toxic waste exists nor has been generated, treated, stored, used, disposed of, or deposited in or on the Protected Property, and that there are not now any underground storage tanks located on the Protected Property.

10. **City's Remedies.** If the City becomes aware of a violation of the terms of this Conservation Easement, the City shall give notice to: (a) the person(s) responsible for the violation, and (b) the Grantor or the fee owner of the Protected Property if Grantor is no longer the owner (hereafter the "Owner"), at the Owner's last known post office address, of such violation, and request corrective action sufficient to abate such violation and restore the Protected Property to its previous condition at the time of this grant. Grantor agrees that the Baseline Documentation Report shall be deemed to provide objective information concerning the Protected Property's condition at the time of this grant. Failure by the responsible party to abate the violation and take such other corrective action as may be requested by the City within thirty (30) days after receipt of such notice shall entitle the City or Grantor to bring an action at law or equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement; to require the restoration of the property to its previous condition; to enjoin the non-compliance by ex parte temporary or permanent injunction in a court of competent jurisdiction; and/or to recover any damages arising from the non-compliance; provided however that Grantor shall in no way and under no circumstances be responsible for any damages. Such damages, when recovered, may be applied by the City only to corrective action on the Protected Property. City shall be entitled to recover its attorney's fees and costs in any successful action to enforce the terms of this Conservation Easement, or the violation thereof, against anyone but Grantor.

The City does not waive or forfeit the right to take action as may be necessary to insure compliance with this Conservation Easement by any prior failure to act and the Grantor hereby waives any defenses of waiver, estoppel or laches with respect to any failure to act or delay by the City, its successors or assigns, in acting to enforce any restriction or exercise any rights under this Conservation Easement.

11. **Parties Subject to Easement.** The covenants agreed to and the terms, conditions, and restrictions imposed by this grant shall not only be binding upon the Grantor but also its lessees, agents, personal representatives, successors and assigns, and all other successors to Grantor in interest and shall continue as a servitude running in perpetuity with the Protected Property. No third party right of enforcement exists. Only the City and/or the Grantor can enforce this Conservation Easement.

12. **Subsequent Transfers.** The Grantor agrees that the terms, conditions, restrictions and purposes of this grant or reference thereto will be deemed to be contained within any subsequent deed or other legal instrument by which the Grantor divests either the fee simple title or

possessory interest in the Protected Property; and the Grantor further agrees to notify the City of any pending transfer at the time of the transfer or within a reasonable time thereafter.

13. **Merger.** The Grantor and the City agree that the terms of this Conservation Easement shall survive any merger of the fee and easement interest in the Protected Property.

14. **Amendment.** In the event that the property is affected by unusual and unforeseen circumstances and conditions, Grantor and City by mutual consent may amend this easement; provided that the amendment is not inconsistent with the conservation purpose of this easement; will not result in a net degradation of the conservation values of the property; will not affect the enforceability of the easement; and is accomplished in compliance with any applicable state statute and all regulations applicable thereto, as they may be in effect at the time. Any such amendment shall be recorded in the official land records where the Protected Property is located.

15. **Assignment.** The Grantor may assign its interest hereunder by selling the fee interest in the Protected Property. The City may not assign its interest hereunder without the express written consent of the fee owner of the Protected Property; provided that only those entities that are qualified organizations as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986 (or any successor section) and the regulations promulgated thereunder, that is organized and operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Internal Revenue Code, shall be permitted, and the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes that the contribution was originally intended to advance.

16. **Eminent Domain.** Whenever all or part of the Protected Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, the Grantor shall join in appropriate actions at the time of the taking to recover the full value of the taking and all incidental or direct damages resulting from it, and the Grantor shall retain all proceeds.

17. **Miscellaneous Provisions.**

17.1 Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

17.2 Successors and Assigns. The term "Grantor" shall include the Grantor and the Grantor's heirs, executors, administrators, successors and assigns and shall also mean the masculine, feminine, corporate, singular or plural form of the word as needed in the context of its use. The term "City" shall include the City of Fayetteville, Arkansas, and its successors and assigns.

17.3 Re-recording. The City is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Easement; for such

purpose, the Grantor appoints the City its attorney-in-fact to execute, acknowledge and deliver any necessary instrument on its behalf. Without limiting the foregoing, the Grantor agrees to execute any such instruments upon request.

17.4 Captions. The captions herein have been inserted solely for convenience of reference and are not a part of this Conservation Easement and shall have no effect upon construction or interpretation.

17.5 Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

17.6 Notices. Any notices required in this Conservation Easement shall be sent by certified mail to the following address or such address as may be hereafter specified by notice in writing:

If to Grantor:	If to City:
Titan TLH, LLC Attn: Bransen Harris P.O. Box 1002 Alma, AR 72921	City of Fayetteville, Arkansas Attn: Office of the Mayor 113 W. Mountain Fayetteville, AR Fayetteville, AR 72701

With a copy to:

Watkins, Boyer, Gray & Curry PLLC
Attn: Will A. Kellstrom
1106 W. Poplar St.
Rogers, AR 72756

TO HAVE AND TO HOLD the said Conservation Easement unto the said City forever.

IN WITNESS WHEREOF, the Grantor has executed and sealed this document the day and year first above written.

GRANTOR:

By: Reinhold F Dudeck, Trustee
Printed Name: Reinhold F Dudeck
Title: Trustee, Kerri C. Dudeck Marital Trust
Date: 7-23-26

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF Faulkner)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Reinhold F. Dudack, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he or she is the Trustee of Kenn C. Dudack Marital Trust, and is duly authorized in that capacity to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that he or she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 23rd day of July, 2026.

BUDDY TULLIS
PULASKI COUNTY
NOTARY PUBLIC --- ARKANSAS
My Commission Expires Mar 26, 2032
Commission No. 12718129

Notary Public

My Commission Expires: 03-26-2032

ACCEPTANCE

The undersigned does hereby, on behalf of the City of Fayetteville, Arkansas, consent to and accepts the interest and Conservation Easement granted and conveyed to it under and pursuant to the foregoing grant and agrees to observe and perform all obligations imposed on it thereunder. In consideration of the making of such grant of Conservation Easement, the undersigned further agrees as follows:

1. That should it or its successors or assigns acquire the fee simple interest in and to the Protected Property, it shall not cause or permit the merger of such fee simple interest and the Conservation Easement;

2. Not to release the Conservation Easement to the holder of the fee interest unless such holder is an agency of the State of Arkansas, a unit of local government or a not-for-profit corporation or trust whose primary purposes include the conservation of land, natural areas, open space or water areas, or the preservation of native plants or animals, or biotic communities; and

3. That any subsequent conveyance of the Conservation Easement by it or its successors and assigns shall be in accordance with the terms of an Act relating to Conservation Rights in Real Property, Act 567 of 1983, as set forth at A.C.A. § 15-20-401 et seq., as such Act may be amended from time to time, and shall not be in exchange for money, other property or services, but shall be for no consideration and each instrument of subsequent conveyance shall expressly set forth the same requirements.

The undersigned agrees that this acceptance and its covenants and agreements hereunder shall be binding upon the City of Fayetteville and its successors and assigns.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Molly Rawn, Mayor

Date: _____

ATTEST:

By: _____
Kara Paxton, City Clerk Treasurer

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Molly Rawn** and **Kara Paxton**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk Treasurer** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2026.

_____
Notary Public

My Commission Expires: _____

Exhibit "A"
Legal Description of Protected Property (and any surveys)

EXHIBIT A:

LAND TO BE DEVELOPED: LEGAL DESCRIPTION: (NC TO RIU #1)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Beginning at the NE Corner of said SW1/4, NE1/4, said point being the POINT OF BEGINNING, thence S02°12'17"W 552.02 feet, thence N82°39'09"W 50.20 feet, thence N87°47'43"W 40.74 feet, thence along a non tangent curve to the left 79.94 feet, said curve having a radius of 180.51 feet and a chord bearing and distance of S79°21'59"W 79.29 feet, thence N22°04'52"W 79.16 feet, thence N00°39'05"W 20.13 feet, thence along a non tangent curve to the left 167.43 feet, said curve having a radius of 130.00 feet and a chord bearing and distance of N39°16'06"E 156.10 feet, thence N02°22'18"E 240.83 feet, thence N87°37'42"W 16.59 feet, thence N02°22'18"E 108.21 feet, thence S87°26'18"E 123.10 feet to the POINT OF BEGINNING: Containing 1.62 acres more or less subject to easements and right of way of record.

LAND TO BE DEVELOPED: LEGAL DESCRIPTION: (NC TO CS #2)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence N87°26'18"W 123.10 feet to the POINT OF BEGINNING, thence S02°22'18"W 108.21 feet, thence S87°37'42"E 16.59 feet, thence S02°22'18"W 240.83 feet, thence along a curve to the right 167.43 feet, said curve having a radius of 130.00 feet and a chord bearing and distance of S39°16'06"W 156.10 feet, thence N00°39'05"W 20.64 feet, thence along a non tangent curve to the left 101.69 feet, said curve having a radius of 110.00 feet and a chord bearing and distance of N47°13'40"E 98.11 feet, thence N87°37'42"W 77.39 feet, thence N02°22'18"E 255.50 feet, thence N87°37'42"W 45.34 feet, thence N02°22'18"E 128.64 feet, thence S87°26'18"E 131.75 feet to the POINT OF BEGINNING: Containing 1.05 acres more or less subject to easements and right of way of record.

LAND TO BE PLACED INTO PROTECTED PROPERTY: LEGAL DESCRIPTION: (NC TO CCR #3)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence N87°26'18"W 254.85 feet to the POINT OF BEGINNING, thence S02°22'18"W 128.64 feet, thence S87°37'42"E 45.34 feet, thence S02°22'18"W 255.50 feet, thence S87°37'42"E 77.39 feet, thence along a non tangent curve to the right 101.69 feet, said curve having a radius of 110.00 feet and a chord bearing and distance of S47°13'40"W 98.11 feet, thence S00°39'05"E 40.77 feet, thence S22°04'52"E 79.16 feet, thence along a non tangent curve to the left 78.28 feet, said curve having a radius of 180.51 feet and a chord bearing and distance of S54°15'21"W 77.67 feet, thence S41°40'50"W 32.30 feet, thence along a non tangent curve to the right 93.71 feet, said curve having a radius of 187.00 feet and a chord bearing and distance of N11°59'05"W 92.73 feet, thence N02°22'18"E 90.09 feet, thence N87°37'42"W 3.00 feet, thence N02°22'18"E 370.83 feet, thence N87°37'42"W 63.63 feet, thence N02°22'18"E 88.92 feet, thence S87°26'18"E 82.74 feet to the POINT OF BEGINNING: Containing 1.05 acres more or less subject to easements and right of way of record.

LAND TO BE PLACED INTO PROTECTED PROPERTY: LEGAL DESCRIPTION: (NC TO CCR #4)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 602.02 feet to the POINT OF BEGINNING; thence S02°12'17"W 187.76 feet, thence N87°47'43"W 185.80 feet, thence N00°39'05"W 129.22 feet, thence N41°40'50"E 13.35 feet, thence along a non tangent curve to the right 106.26 feet, said curve having a radius of 120.45 feet and a chord bearing and distance of N66°56'34"E 102.85 feet, thence S87°47'43"E 40.74 feet, thence N87°03'43"E 50.20 feet to the POINT OF BEGINNING: Containing 0.76 acres more or less subject to easements and right of way of record.

LAND TO BE DEVELOPED: LEGAL DESCRIPTION: (NC TO RIU #5)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 789.78 feet to the POINT OF BEGINNING; thence S02°12'17"W 167.44 feet, thence N87°47'43"W 105.64 feet, thence along a non tangent curve to the left 33.73 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of N11°52'09"E 33.57 feet, thence N02°12'17"E 134.34 feet, thence S87°47'43"E 100.00 feet to the POINT OF BEGINNING: Containing 0.39 acres more or less subject to easements and right of way of record.

LAND TO BE DEVELOPED: LEGAL DESCRIPTION: (NC TO CS #6)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 789.78 feet, thence N87°47'43"W 100.00 feet to the POINT OF BEGINNING, thence S02°12'17"W 134.34 feet, thence along a curve to the right 33.73 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of S11°52'09"W 33.57 feet, thence N87°47'43"W 21.53 feet, thence S26°38'39"W 30.46 feet, thence N87°54'19"W 124.56 feet, thence S02°05'41"W 101.54 feet, thence N87°54'19"W 70.83 feet, thence N14°14'59"W 97.16 feet, thence along a non tangent curve to the left 204.18 feet, said curve having a radius of 658.21 feet and a chord bearing and distance of N65°56'43"E 203.37 feet, thence N00°39'05"W 114.08 feet, thence S87°47'43"E 85.80 feet to the POINT OF BEGINNING: Containing 0.67 acres more or less subject to easements and right of way of record.

Exhibit "B"
Baseline Documentation

EXHIBIT B:
Baseline Documentation Report

From: Blew & Associates
Subject: Baseline land assessment for parcel 765-16275-032

Current Aerial:

This site is namely an open field that has historically been used for agricultural purposes, however it hasn't been used for any purposes in many years. There are sparse trees that can be found on the northern border, a few in the low lying areas north of Catalpa, and more spread out on the south side of Catalpa.

Current Floodplain Exhibit:

Currently this floodplain is within Zone 'A'. In the interest of having better more accurate floodplain modeling, the City of Fayetteville, along with Fayetteville Public Schools, and Titan TLH, LLC have entered

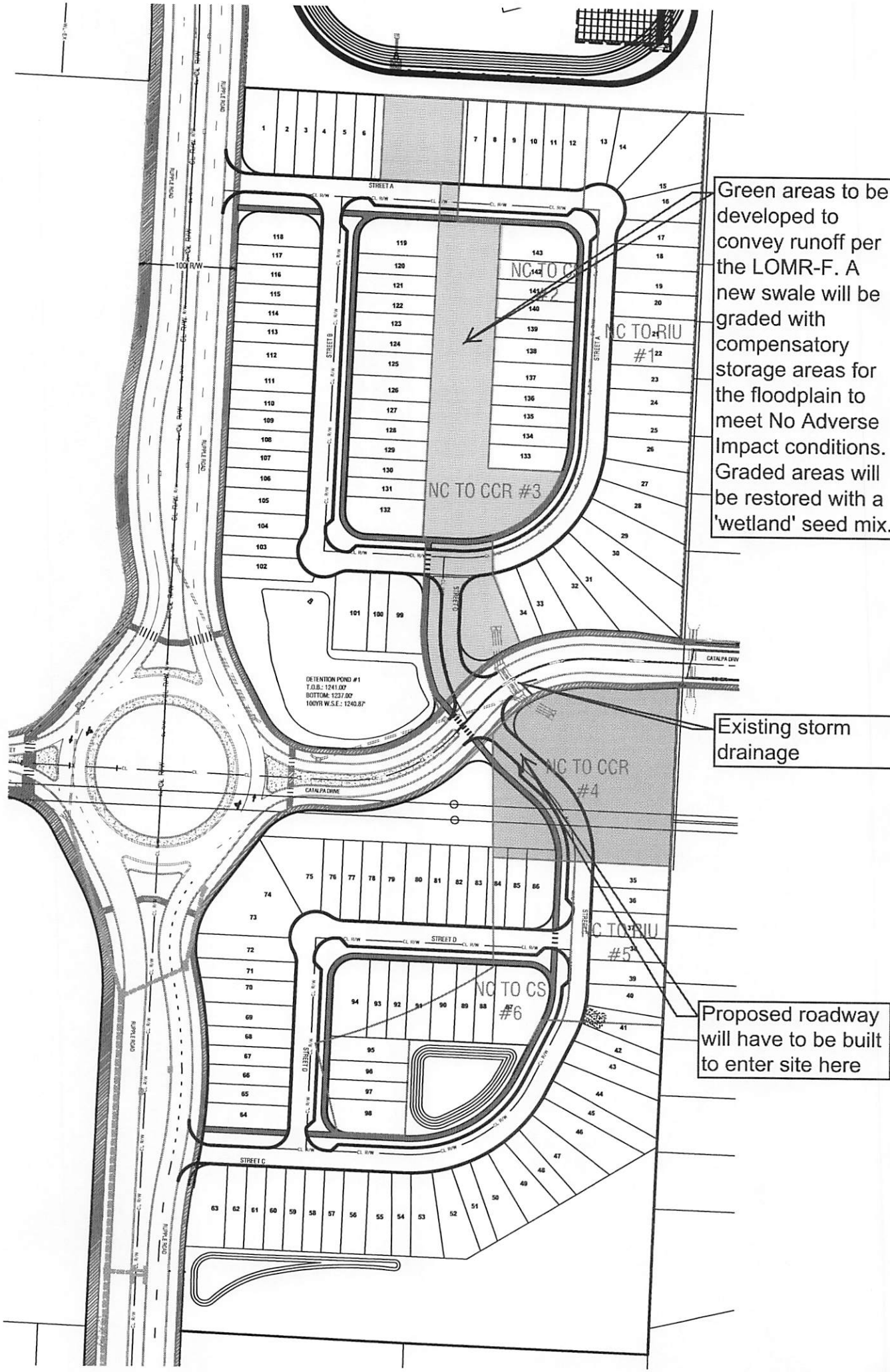
into a cost share agreement with Olsson to perform a Letter of Map Revision for the North Farmington Branch and North Farmington Branch Tributary 1. Fayetteville Public Schools is the property owner to the north of this subject property and Titan TLH, LLC is the proposed developer of this current parcel.

Due to development from both owners, the floodplain will be modified to accurately reflect proposed changes to both sites. These changes will be documented and the resulting areas that will be dedicated as preservation areas can be found in Exhibit C.

Exhibit "C"
Proposed Conditions Report

EXHIBIT C:
Proposed Conditions Report

Fayetteville Public Schools is currently renovating John L. Colbert Middle School to be a junior high school. With this, a new track will be placed on the south end, this will have an underground detention pond and its outlet will convey runoff to this subject parcel of land. This runoff will be graded through the middle portion of this development with infrastruture and homes surrounding the new floodplain area. During construction, roadways, storm drainage, and utilities will have to be built, but upon completion, the disturbed areas within the areas to be dedicated as CCR, will contain wetland mix seed, compensatory storage areas for the floodplain to meet the city of Fayetteville's No Adverse Impact, and all other conditions for the LOMR-F.


Green areas to be developed to convey runoff per the LOMR-F. A new swale will be graded with compensatory storage areas for the floodplain to meet No Adverse Impact conditions. Graded areas will be restored with a 'wetland' seed mix.
Existing storm drainage
Proposed roadway will have to be built to enter site here
NC TO CCR #3
NC TO CCR #4
NC TO CS #6
NC TO RIU #1
NC TO RIU #5
DETENTION POND #1
T.O.B.: 1241.00
BOTTOM: 1237.00'
100YR W.S.E.: 1240.87'
STREET A
STREET B
STREET C
STREET D
CATALPA DRIVE
PURPLE ROAD
100' R/W

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: April 13, 2026 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2026-0003: Rezoning (NORTH AND SOUTH OF W. CATALPA DR & S. RUPPLE RD/DUDECK REZONING, 556)** Submitted by JORGENSEN AND ASSOCIATES for property located NORTH AND SOUTH OF W. CATALPA DR & S. RUPPLE RD. The property is zoned UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; and NC, NEIGHBORHOOD CONSERVATION and contains approximately 13.59 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE; CS, COMMUNITY SERVICES; RI-U, RESIDENTIAL INTERMEDIATE-URBAN; AND CCR, CONSERVATION, CULTUTAL, AND RECREATION.

RECOMMENDATION:
Staff recommends forwarding **RZN-2026-0003** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2026-0003** to City Council with a recommendation of approval."*

MARCH 9 AND MARCH 23, 2026 PLANNING COMMISISON MEETING
The project was tabled at the March 9, 2026 Planning Commission meeting at the applicant's request to provide additional time for the applicant to work through staff comments. A revised request to a combination of R-A, Residential Agricultural; CS, Community Services; and RI-U, Residential Intermediate-Urban was provided but with insufficient time for staff review prior to the March 23 planning commission meeting; therefore, the project was tabled again to provide time for staff review. In the interim, the project was revised to propose CCR, Conservation, Cultural, and Recreation over the floodplain areas rather than R-A.

BACKGROUND:
The subject property is located in west Fayetteville along S. Rupple Road, north of Martin Luther King Jr. Blvd, and with additional frontage along W. Catalpa Dr. The 13.59-acre parcel was part of the 2015 rezoning to support the development of Rupple Road, which was intended to serve as a mixed-use corridor. As a result of this rezoning, the property was split-zoned between UT, Urban Throughfare; CS, community Services; and NC, Neighborhood Conservation. The property is not subject to any overlay districts, but does contain hydric soils, streamside protection, and FEMA floodplain. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	John L. Colbert Middle School	P-1, Institutional
South	Restaurant/ Undeveloped	UT, Urban Thoroughfare; NC, Neighborhood Conservation
East	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Undeveloped	CS, Community Services UT, Urban Thoroughfare;

Request: The request is to rezone portions of the property from NC, Neighborhood Conservation to the following districts: 1.81 acres to CCR, Conservation, Cultural, and Recreation; 1.72 acres to CS, Community Services; and 2.01 acres to RI-U, Residential Intermediate-Urban. The remaining 8.05 acres of the site are proposed to remain within existing zoning districts.

Public Comment: Staff has not received any public comment at this time.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along West Catalpa Drive, a fully improved Residential Link with asphalt paving, sidewalk curb and gutter. The subject area also has frontage along South Rupple Road, a fully improved Regional Link Street with asphalt paving, sidewalk curb and gutter. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the Subject area. Existing 8-inch water main is present along the north side of West Catalpa Drive.

Sewer: Sanitary Sewer is available to the Subject area. Existing 8-inch sewer main is present along the south side West Catalpa Drive. There are no known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system

Drainage: The property is not within the Hillside-Hilltop Overlay District. The property does contain hydric soils, streamside protection areas, and FEMA floodplain.

Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This “protected area” is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited

A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Fire: Station 6, located at 900 S Hollywood Ave., protects this site. The property is located approximately 2.2 miles from the fire station with an anticipated drive time of approximately 6 minutes using existing streets. The anticipated response time would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning districts of NC requires **20% minimum canopy preservation.** The proposed zoning districts of CCR, CS, and RI-U, require **80%, 20% and 15% minimum canopy preservation respectively**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as a mix of **Residential Neighborhood** and **City Neighborhood.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity nonresidential uses intended to serve the surrounding neighborhoods, 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 of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system

of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **3-7** for this site with a weighted score of **7.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, S Hollywood Ave)
- Near Sewer Main (8 inch main, W Catalpa Dr)
- Near Water Main (8 inch main, W Catalpa Dr)
- Near Public School (John L. Colbert Middle School)
- Near City Park (Centennial Park, Holland Park)
- Near Paved Trail (Rupple Rd Side Path)
- Appropriate Future Land Use

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: S*taff finds the request to be compatible with the surrounding land uses and the intention of the original rezoning. The property received this zoning district (Ord. 5775) in 2015 during Rupple Road's development. The intent for the 642 acres along Rupple Road was to establish a mixed-use corridor, with CS to allow for mixed uses along the corridor and NC, a single-family zoning district, in the peripheral areas to allow for "adequate transition and compatibility amongst existing uses." Rezoning to CS would allow for further support to Rupple Road as it permits for more mixed-use opportunities. This intention has not yet happened as development in the area has been primarily single-family detached homes, often with facades facing away from Rupple. Staff is concerned that additional CS would allow for further development of single-family developments given the established precedent. UDC §164.06(C) and §166.08 are intended to prevent a property from fronting two streets and should provide some protection from this issue occurring in the future, however.**

The current NC zoning acts as a buffer transition in the area as the property moves east towards Jasmine Lane. The applicant proposes to maintain this lower-intensity buffer, though with an incremental increase in development rights. The southeast corner of the property within floodplain is proposed to remain NC, a portion adjacent to Catalpa is proposed to rezone to R-A, and the remainder is proposed to be upzoned to RI-U. Both RI-U and CS allow single-family homes by right with no density maximums and on lots as narrow as 18 feet, however RI-U has lower height maximums and does not permit many uses that could be compatible adjacent to Rupple but less compatible adjacent to existing neighborhoods such as multifamily structures. In CS, the use schedule allows for multi-family residential by-right and for non-residential uses ranging from institutional uses to commercial uses such as restaurants, offices, and small-scale production. Staff asserts that these uses make sense and are compatible with the property's frontage along Rupple Road, but this has not happened in other

developed areas and such uses may not be compatible further away from the regional link frontage adjacent to existing single-family neighborhoods.

The property does have a ranged infill score of 3-7 as this area has higher-intensity zoning entitlements but has not yet been developed with the necessary infrastructure that could support higher intensity development. Staff generally supports additional mixed uses and housing choice in the area and finds that the proposed upzoning paired with downzoning the proposed floodplain boundaries could provide potential for increased services in the area that are compatible with surrounding land uses.

Land Use Plan Analysis: **Staff finds that the request is not fully consistent with adopted land use policies, or the Future Land Use Map's designation of a residential neighborhood given the intensity of uses permitted in the CS zoning. However, staff finds that the inclusion of an RI-U buffer between the proposed CS upzoning and the existing single-family neighborhoods is likely to mitigate that associated impact.**

The applicant has provided a preliminary "No Adverse Impact" analysis that shows the effect of potential grading on the property on the existing floodplain. The new location of the floodplain associated with this analysis are largely proposed to be dedicated within the CCR, Conservation, Cultural and Recreation District, the city's zoning district intended for preservation of sensitive environmental areas. Staff notes that neither this study nor the revised floodplain boundaries indicated by a larger floodplain study that was completed as part of the adjacent school development have been submitted to FEMA to complete a formal map revision; therefore, the floodplain boundaries have not yet changed at this time. Additionally, engineering has not yet had a chance to review the proposed modeling.

Staff has historically not supported upzoning within sensitive environmental areas such as floodplain and streamside preservation. Previous iterations of the rezoning included downzoning floodplain adjacent to the southern border of the parcel. This iteration of the request has now excluded that floodplain from the proposed rezoning, which would allow it to remain CS and UT under existing zoning entitlements. also now proposes to rezone 0.76 acres of rezoning adjacent to Catalpa to CCR, which could create approximately 200 feet of street frontage where development is unlikely to occur, limiting the ability of that land to meet city goals for walkable development and street-oriented design. Staff does find that downzoning the proposed floodplain and placing these areas within CCR serves to meet city goals to provide protection for sensitive areas.

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

Finding: **Staff finds that there is sufficient justification to rezone this section of the subject property at this time. CS and RI-U would permit additional housing choice and potential for mixing of uses adjacent to a public school while CCR would provide permanent protection over portions of the intended floodplain on the site. While the floodplain boundaries have not yet been**

finalized, staff finds that the rezoning of the intended floodplain to CCR meets the intent of the district to preserve flood lands.

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

Finding: **Rezoning the NC portion of the property to a mix of CCR, RI-U, and CS could increase development potential and its associated traffic impact on the site as 3.73 acres is proposed to shift from NC, which has a density limit of 10 units per acre, to CS or RI-U, which have no density maximum. However, staff does not find that the ultimate added density would appreciably increase traffic danger or congestion at this location.**

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

Finding: **The proposed rezoning has the potential to alter the population density since CS and RI-U have smaller lot sizes and no density maximums, potentially increasing population density at a considerable rate. However, the property is near several high-intensity residential developments in the area as well as directly adjacent to a public school, which are supported by existing public infrastructure with no known capacity issues. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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: Planning staff recommends forwarding RZN-2026-0003 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: April 13, 2026	❒ **Tabled**	☒ **Forwarded**	❒ **Denied**
Motion: MCGETRICK	"I move to forward RZN-2026-0003 to City Council with a recommendation of approval."		
Second: BRINK			
Vote: 8-1-0 (BREWER OPPOSED)			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.12 RI-U, Residential Intermediate-Urban
  - §161.22 Community Services
  - §161.29 Neighborhood Conservation
  - §161.38 CCR, Conservation, Cultural, And Recreation
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Staff Exhibits
  - Floodplain / Zoning Overlay
  - Long Range Planning Memo
- Applicant Exhibits
  - Request Letter
  - Exhibits (Current Floodplain and Floodplain Study)

161.12 District RI-U, Residential Intermediate — Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(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- and four-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two-family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* 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 two (2) stories. Buildings or portions of the building setback greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.22 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 (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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 18	Gasoline service stations and drive-in/drive-through restaurants
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 42	Clean technologies
Unit 48	Private dormitories

(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	5 stories

(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; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21; Ord. No. 6879, §2, 5-20-25)

Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section

161.29 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
Unit 46	Short-term rentals

(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) and four (4) family dwellings
Unit 12a	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	Cluster Housing Development

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

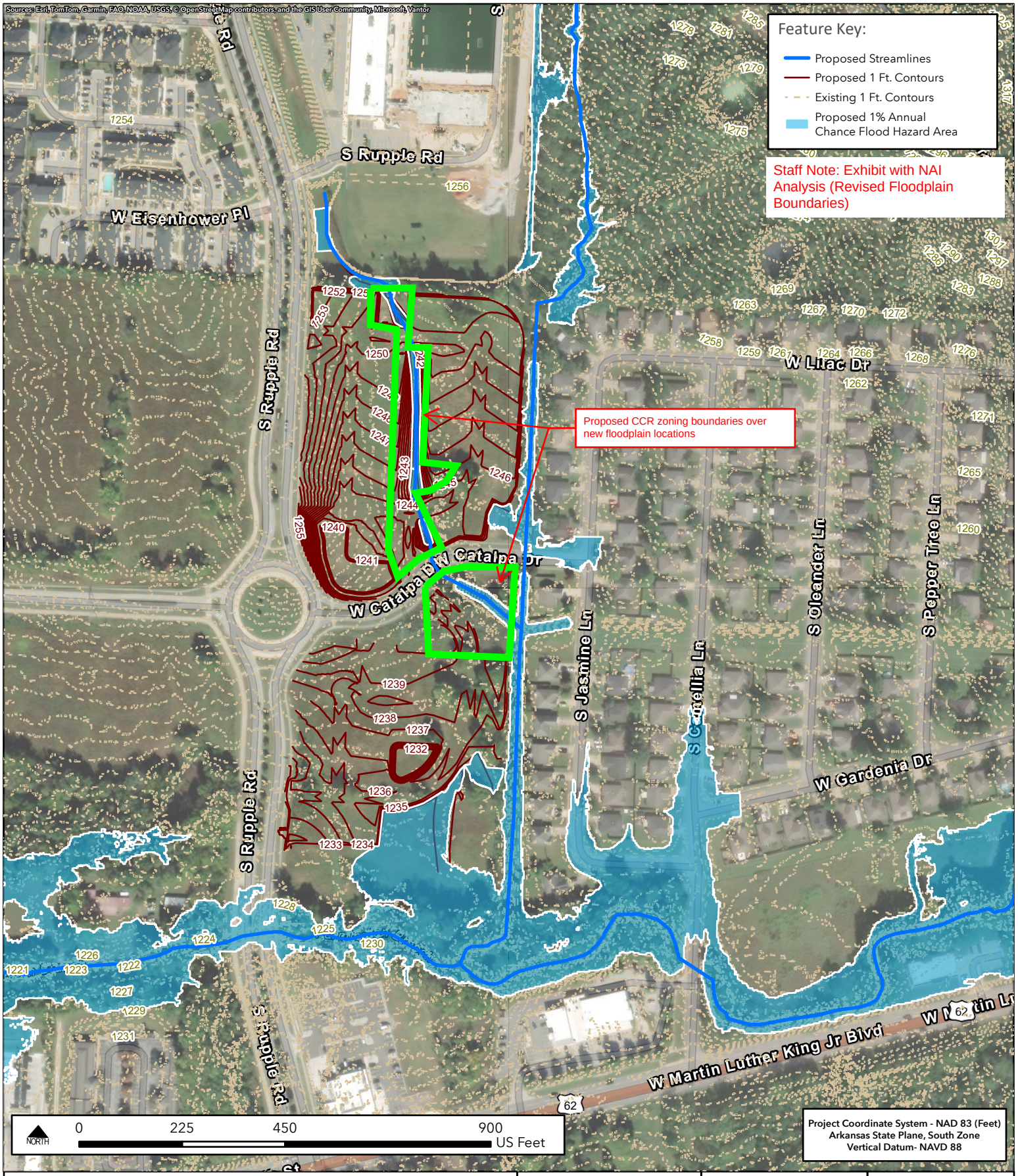
(2) *Lot Area Minimum.* 4,000 square feet

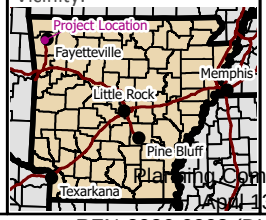
(E) *Setback Regulations*.

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	3 stories



Client Name: **Jorgensen**	**Notice of Intent:** This map was created by Olsson to visualize general location(s) of subject property. Unless otherwise stated, features depicted herein do not represent legal or survey boundaries.	Vicinity: 
Project Title: Titan Catalpa Dr NAI Analysis		
Project Location: Catalpa Drive, Fayetteville, Arkansas	Description: Figure 1. Proposed Contours	
Date Exported: 4/3/2026 2:02 PM		

olsson

(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>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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161.38 District CCR, Conservation, Cultural, And Recreation

(A) *Purpose.* The Conservation, Cultural, and Recreation District is a designation requested by the owner of property that the city and the owner have determined beneficial and desirable to conserve, preserve, protect, or enhance natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of improving and restoring such property's ecosystem services. Further, this district serves to permit certain limited uses and activities which are not detrimental to the land and consistent with these purposes.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right

(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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) At least 80% of the zoned area shall be left undeveloped as green space.

(2) No more than 10% of the conservation, cultural, and recreation zoned area may be dedicated to open space that also contains hard surface areas such as parking, paved trail, or other impervious ground cover.

(E) *Setback Requirements.*

(1) Minimum setback from the front property line shall be 20 feet.

(2) Minimum setbacks from all other property lines shall be 50 feet.

(3) A minimum setback of 50 feet shall be established parallel to all floodplain lines shown on currently adopted FIRM panels.

(4) A minimum setback of 100 feet shall be established parallel to the top of bank along all streams protected within the Streamside Protection Zones of §168.12.

(5) A minimum setback of 100 feet shall be established parallel to the edge of open bodies of water.

(F) *Height Requirements.*

Building height maximum	2 stories

(G) *Building area.* Maximum lot coverage shall be 5% of the zoned area.

(H) *Legal Instrument for Permanent Protection.* Green space shall be protected in perpetuity by an easement deed or other binding legal instrument that is recorded with the rezoning at the time of rezoning. The instrument shall be a permanent conservation easement or equivalent legal document such as:

(1) A permanent conservation easement conveyed to the city or a land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The conservation organization must be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for conveyance to another nonprofit conservation organization or to the city in the event the originally designated organization becomes unable to fulfill its functions, or

(2) An equivalent legal document that provides permanent protection, if approved by the city.

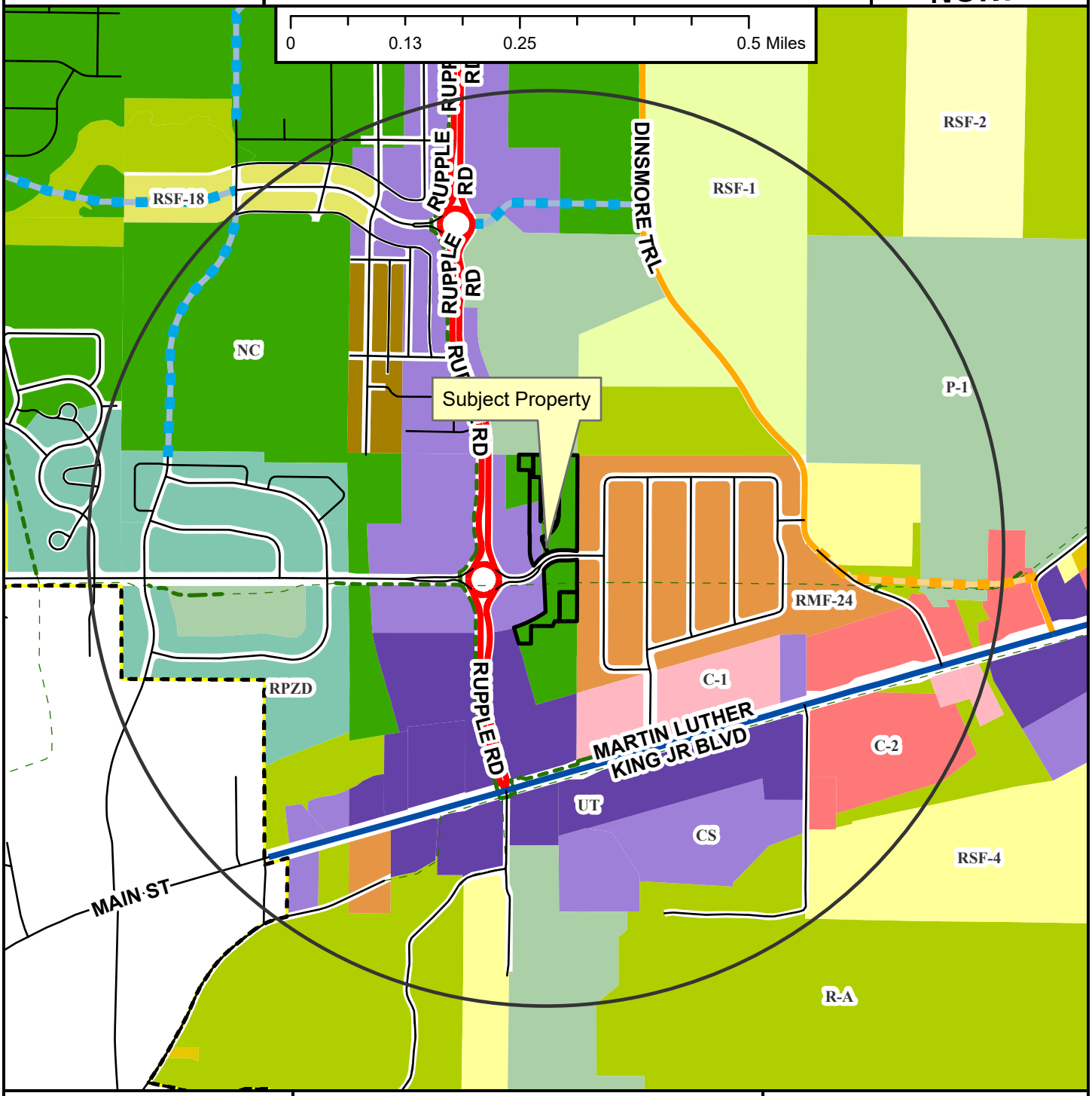
(Ord. No. 6945, §5(Exh. D), 12-16-25)

RZN-2026-0003

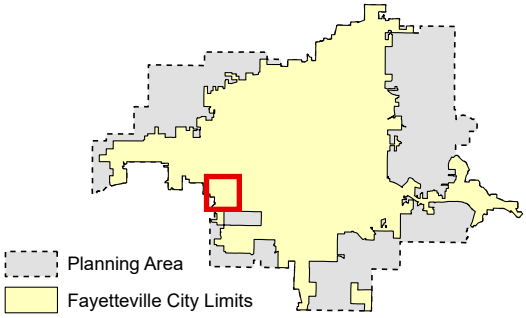
One Mile View

NORTH & SOUTH OF W. CATALPA DR & S. RUPPLE

NORTH



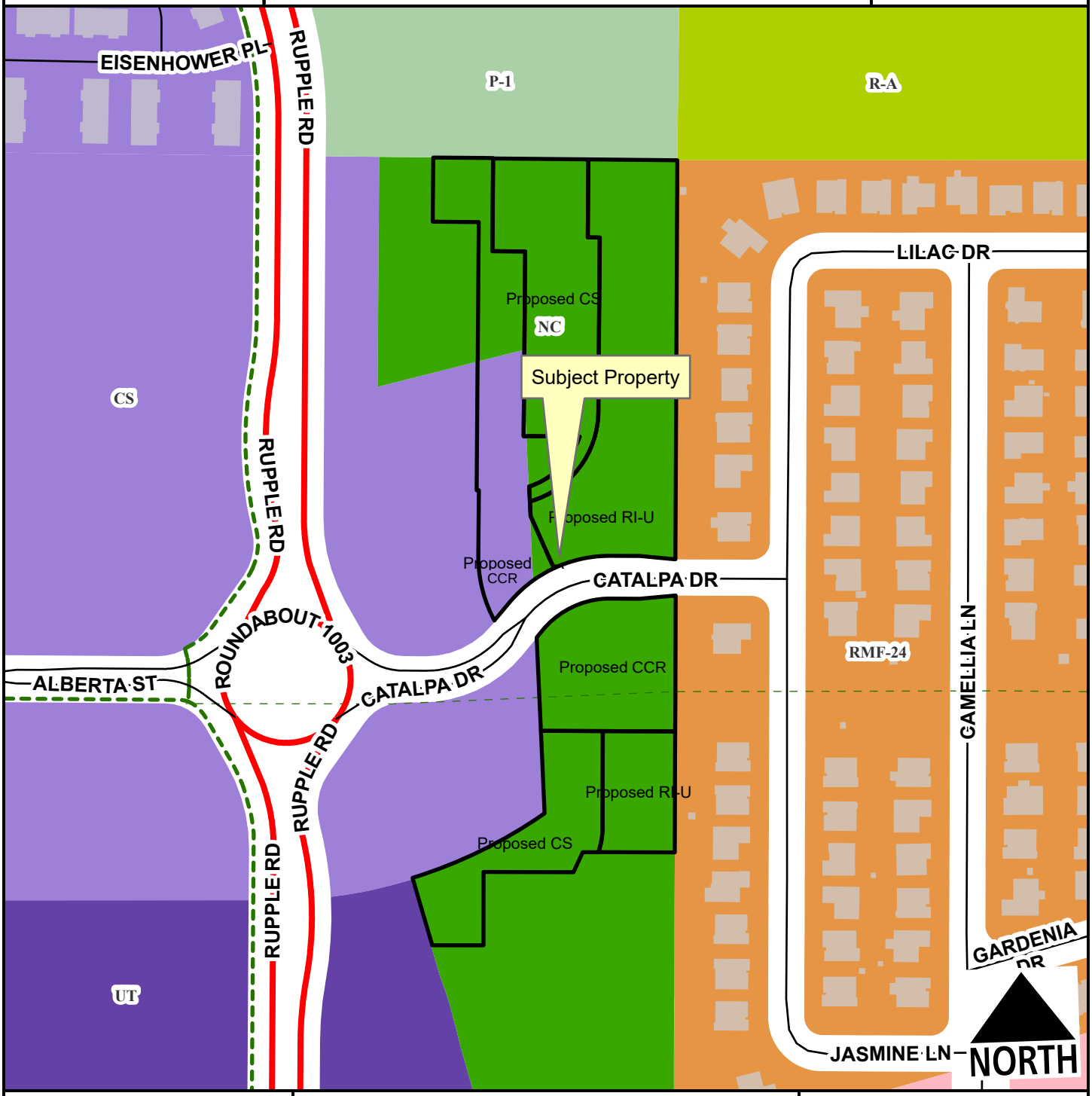
Regional Link
Neighborhood Link
Regional Link - High Activity
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



RZN-2026-0003

Close Up View

NORTH & SOUTH OF W. CATALPA DR & S. RUPPLE



- Regional Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
CS	0.5	1.7
NC	5.0	0.0
CCR	0.0	1.8
RI-U	0.0	2.0

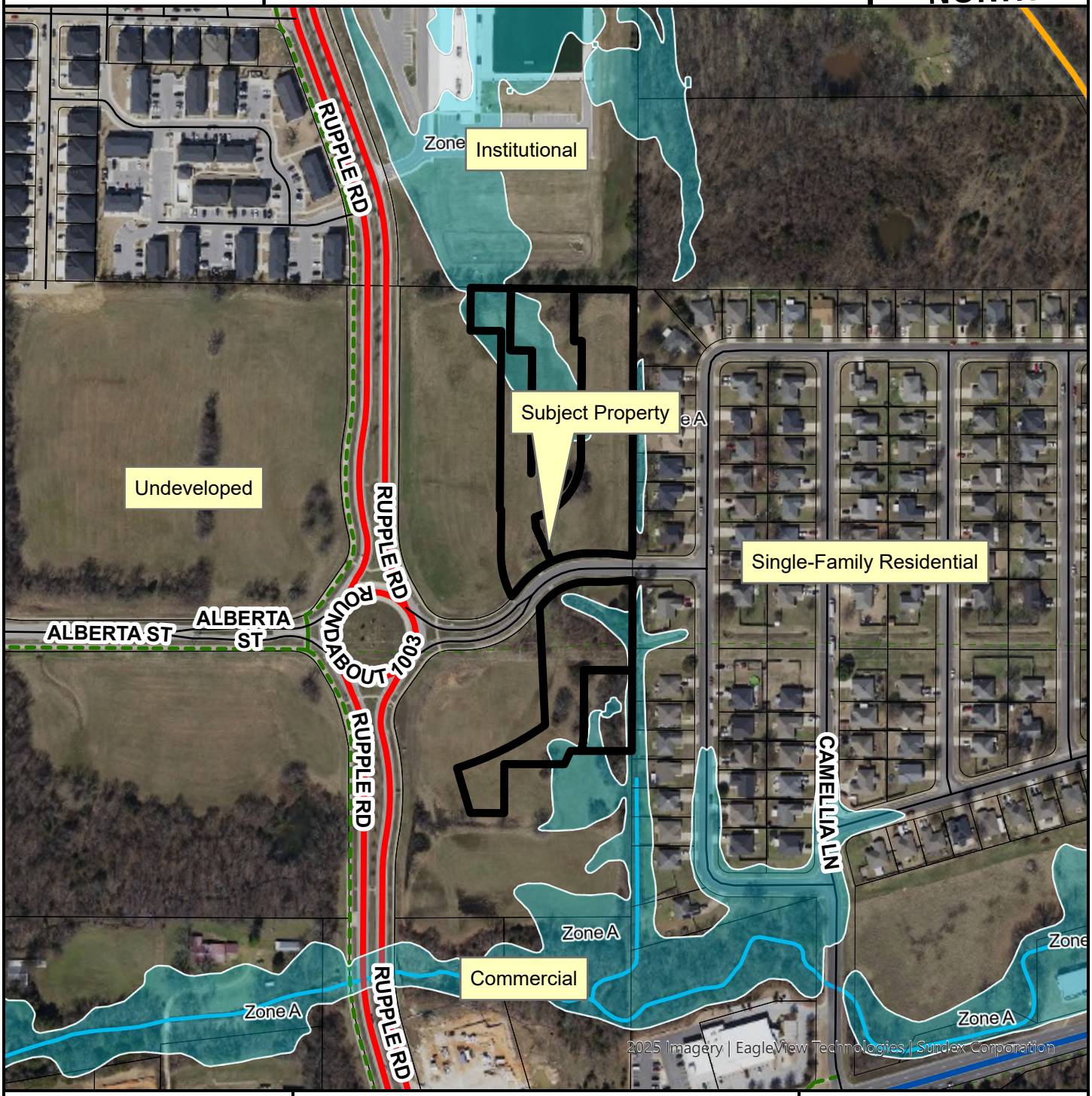
Total 5.5 ac

RZN-2026-0003

Current Land Use

NORTH & SOUTH OF W. CATALPA DR & S. RUPPLE RD

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

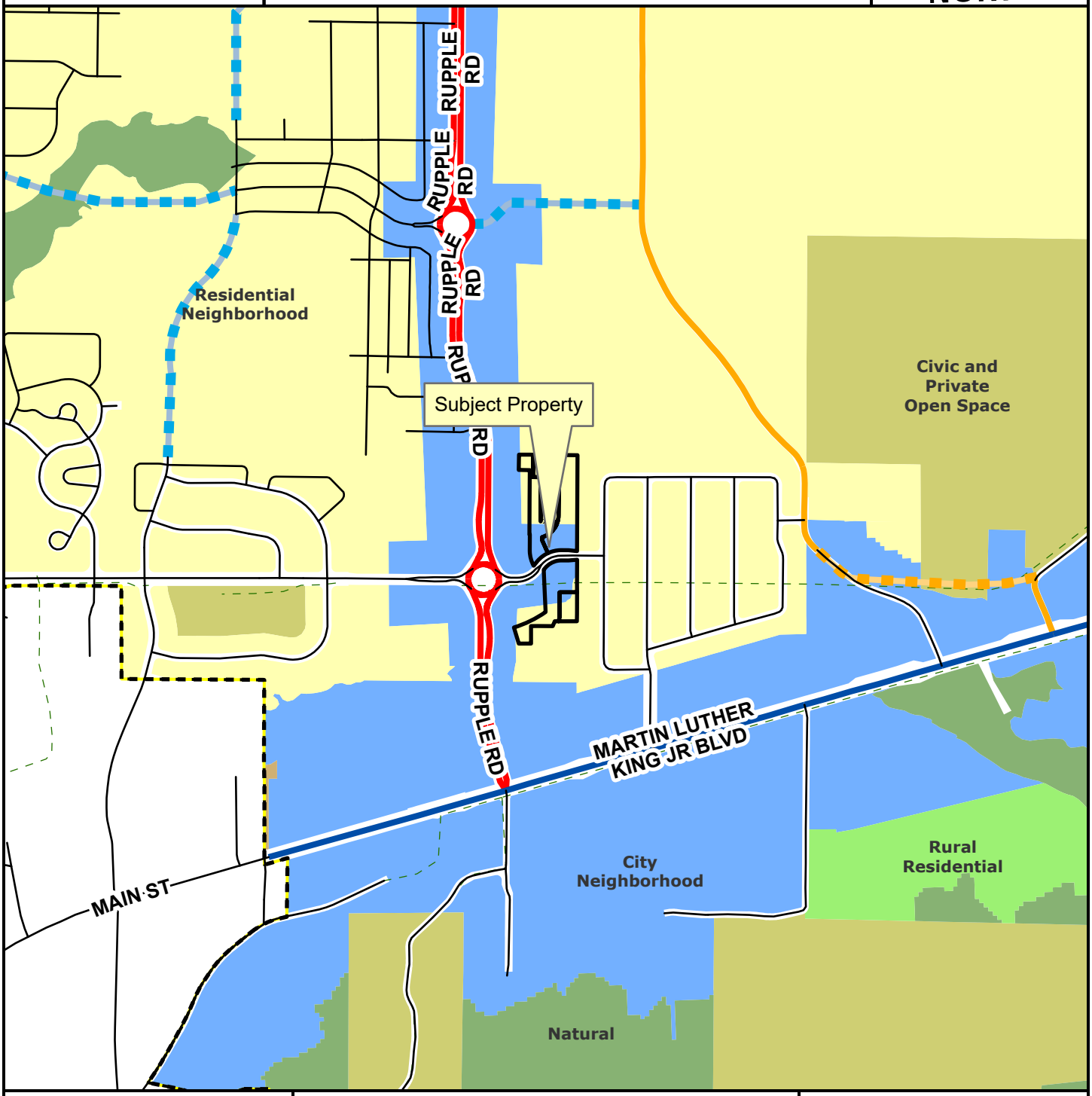
- 100-Year Floodplain
- Floodway

RZN-2026-0003

Future Land Use

NORTH & SOUTH OF W. CATALPA DR & S. RUPPLE

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: March 9, 2026

SUBJECT: **Long Range Planning Comments Regarding RZN-2026-0003**

BACKGROUND:
The applicant requests to rezone approximately 13.59 acres from NC, Neighborhood Conservation to CS, Community Services. One long range planning document is relevant when evaluating this request: *City Plan 2040.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

DISCUSSION:
Zoning History:
The subject property was annexed in 1967. Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property as being zoned into the agricultural, low-density "A-1" zoning district, which was subsequently translated to "R-A" with the adoption of the city's Unified Development Code. In 2015, over 600 acres adjacent to Rupple Road were rezoned, and the area's current zoning districts were assigned.

City Plan 2040 and Future Land Use Plan:
This area is designated as both a Residential Neighborhood area, which are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context," and the more dense and mixed-use City Neighborhood area. The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, four-family housing and adding opportunities for goods and services to support the surrounding neighborhood, creating complete neighborhoods, to support City Plan 2040 goals 1,2,3 & 6.

Wonsower, Donna

From: Blake Jorgensen <blake.jorgensen@blewinc.com>
Sent: Saturday, April 4, 2026 9:21 AM
To: Wonsower, Donna; Pugh, Alan
Cc: bransen_harris@yahoo.com; Masters, Jessica
Subject: Re: RZN-2026-0003 Discussion Request
Attachments: Figure 1. Proposed Contours.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for your time on Friday. The attached shows the new proposed floodplain lines from our preliminary LOMR-F and NAI. I'd like to propose that we keep the zoning legals and lines all the same and the only change would be R-A to CCR, this would keep things on track and be in line with the work we have done to-date on the layout and the flood study. See below from McKenzie in regards to the map and the study:

"Blake,

I apologize for the delayed response. We were able to develop proposed grading that would meet the No Adverse Impact condition (no increase to WSE and channel velocities) and compensatory storage requirements for all three streams (North Fork Farmington Branch, North Fork Farmington Branch Tributary 1, and North Fork Farmington Branch Tributary 1 Overflow).

We were able to configure the grading in a way that would not require structures to be placed on piers as discussed previously. I am attaching the proposed grading for your review. The modeling is very sensitive to the grading north of Catalpa Drive, so there is not much wiggle room with those contours, but the southern property is more flexible. I have attached the proposed grading shapefile and a figure with rough mapping based on our modeling results.

I'd be happy to set up a meeting next week to discuss the results and next steps for the project.

Thank you,

McKenzie Taake, P.E., CFM
Olsson Project Engineer / Water

JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 3
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

City of Fayetteville

City of Fayetteville
Development Services
J+A Project # 2025083
CoF Project # RZN-2026-0003
Re: Dudeck Rezoning

Dear Planning Department,

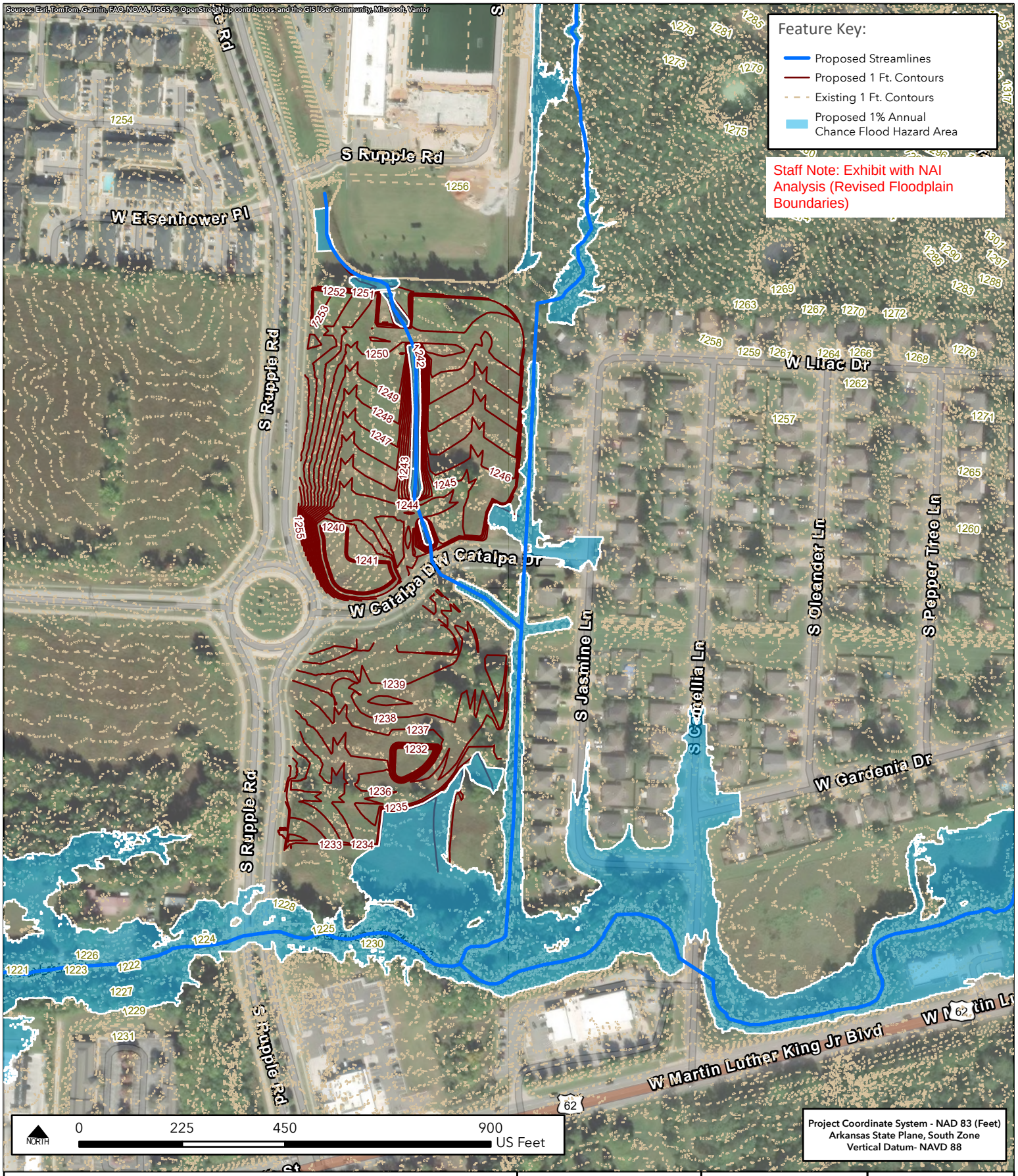
Please accept this request for a rezoning of property parcel #765-16275-032 off of Catalpa and Rupple Road. The applicant is requesting approval to rezone portions of this property from current zoning to various other zonings (including CS→RA, NC→RA, NC→CS, NC→RIU UT→RA). The various zoning will allow the developer to bring a variety of housing types and potential commercial uses in the future. The RA will be designated for the floodplain: the floodplain boundaries are being redefined by a Letter of Map Amendment that Olsson is performing.

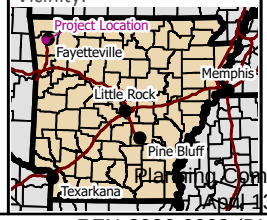
This rezoning request is compatible with the adjacent uses: as a Junior High School is to the north, CS is on the west, UT is on the south, and RMF-24 to the east.

The Developer of this property is as follows:
Titan TLH, LLC

Thanks, and we appreciate your consideration.

Blake Jorgensen, PE



Client Name: **Jorgensen**	**Notice of Intent:** This map was created by Olsson to visualize general location(s) of subject property. Unless otherwise stated, features depicted herein do not represent legal or survey boundaries.	Vicinity: 
Project Title: Titan Catalpa Dr NAI Analysis		
Project Location: Catalpa Drive, Fayetteville, Arkansas	Description: Figure 1. Proposed Contours	
Date Exported: 4/3/2026 2:02 PM		

olsson

Staff Note: Exhibit with Current Floodplain Boundaries

NOTES:

1. PARCEL #765-16275-032

2. CURRENT ZONING: CS, NC & UT

3. ROTATION BASED ON ARKANSAS STATE PLANE, NORTH ZONE, NAD83

4. BOUNDARY BASED ON:
   I. QUITCLAIM DEED, DEED FILE #2018-00000361

5. PER GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" AND ZONE "A" AS SHOWN ON FEMA FIRM PANEL #05143C0219G BEARING AN EFFECTIVE DATE OF 1/25/2024 AND IS/IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

6. CITY PLAT BOOK PAGE 556

OWNER / DEVELOPER:

DUDECK, KERRI C.
505 AMITY ROAD, SUITE 100
CONWAY, AR 72032

PARCEL #765-16275-032:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING THENCE S02°12'17"W 552.02 FEET TO THE NORTHERN RIGHT OF WAY OF WEST CATALPA DRIVE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 7 COURSES: N83°39'05"W 50.20 FEET; N87°47'43"W 40.74 FEET; ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 180.51 FEET, AND WHOSE LONG CHORD BEARS S86°56'34"W 153.21 FEET; S41°40'50"W 37.89 FEET; ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 118.00 FEET, AND WHOSE LONG CHORD BEARS S67°02'02"W 101.05 FEET; N87°36'47"W 30.44 FEET; ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 65.00 FEET, AND WHOSE LONG CHORD BEARS N53°37'15"W 64.98 FEET TO THE EASTERN RIGHT OF WAY OF SOUTH RUPPLE ROAD, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 3 COURSES: N27°32'43"W 47.84 FEET; ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 235.00 FEET, AND WHOSE LONG CHORD BEARS N12°37'42"W 121.65 FEET; N02°22'18"E 496.30 FEET; THENCE LEAVING SAID RIGHT OF WAY S87°28'18"E 484.97 FEET TO THE POINT OF BEGINNING.

AND

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING S2°12'17"W 602.02 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE SOUTHERN RIGHT OF WAY OF WEST CATALPA DRIVE, AND RUNNING THENCE S02°12'17"W 704.19 FEET; THENCE N87°19'14"W 232.92 FEET TO THE EASTERN RIGHT OF WAY OF SOUTH RUPPLE ROAD, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 5 COURSES: N02°22'18"E 86.08 FEET; ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 473.00 FEET, AND WHOSE LONG CHORD BEARS N07°17'09"E 81.04 FEET; ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 515.66 FEET, AND WHOSE LONG CHORD BEARS N05°08'16"W 220.08 FEET; ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 85.00 FEET, AND WHOSE LONG CHORD BEARS N12°26'53"E 71.64 FEET; N27°32'17"E 85.54 FEET TO THE SOUTHERN RIGHT OF WAY OF WEST CATALPA DRIVE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 7 COURSES: ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 65.00 FEET, AND WHOSE LONG CHORD BEARS N64°52'45"E 64.04 FEET; S87°36'47"E 23.48 FEET; ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 182.00 FEET, AND WHOSE LONG CHORD BEARS N67°52'02"E 155.86 FEET; N41°40'50"E 41.98 FEET; ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 120.45 FEET, AND WHOSE LONG CHORD BEARS N66°56'34"E 102.85 FEET; S87°47'43"E 40.74 FEET; N87°03'43"E 50.20 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 13.59 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION: (NC TO RIU #1)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Beginning at the NE Corner of said SW1/4, NE1/4, said point being the POINT OF BEGINNING, thence S02°12'17"W 552.02 feet, thence N83°39'05"W 50.20 feet, thence N87°47'43"W 40.74 feet, thence along a non tangent curve to the left 79.94 feet, said curve having a radius of 180.51 feet and a chord bearing and distance of S79°21'59"W 79.29 feet, thence N22°04'52"W 79.16 feet, thence N00°39'05"W 20.13 feet, thence along a non tangent curve to the left 167.43 feet, said curve having a radius of 130.00 feet and a chord bearing and distance of N39°19'06"E 156.10 feet, thence N02°22'18"E 240.83 feet, thence N87°37'42"W 16.59 feet, thence N02°22'18"E 108.21 feet, thence S87°28'18"E 123.10 feet to the POINT OF BEGINNING: Containing 1.62 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (NC TO CS #2)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence N87°28'18"W 123.10 feet to the POINT OF BEGINNING, thence S02°22'18"W 108.21 feet, thence S87°37'42"E 16.59 feet, thence S02°22'18"W 240.83 feet, thence along a curve to the right 167.43 feet, said curve having a radius of 130.00 feet and a chord bearing and distance of S39°19'06"W 156.10 feet, thence N00°39'05"W 20.64 feet, thence along a non tangent curve to the left 101.69 feet, said curve having a radius of 110.00 feet and a chord bearing and distance of N47°13'40"W 98.11 feet, thence S89°39'05"E 40.27 feet, thence S22°04'52"E 79.16 feet, thence along a non tangent curve to the left 78.28 feet, said curve having a radius of 180.51 feet and a chord bearing and distance of S54°13'21"W 77.67 feet, thence S41°40'50"W 32.30 feet, thence along a non tangent curve to the right 93.71 feet, said curve having a radius of 187.00 feet and a chord bearing and distance of N11°39'05"W 92.73 feet, thence N02°22'18"E 90.09 feet, thence N87°37'42"W 3.00 feet, thence N02°22'18"E 370.83 feet, thence N87°37'42"W 53.63 feet, thence N02°22'18"E 88.92 feet, thence S87°28'18"E 82.74 feet to the POINT OF BEGINNING: Containing 1.05 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (NC TO R-A #4)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 602.02 feet to the POINT OF BEGINNING, thence S02°12'17"W 187.76 feet, thence N87°47'43"W 185.80 feet, thence N00°39'05"W 129.22 feet, thence N41°40'50"E 13.35 feet, thence along a non tangent curve to the right 106.26 feet, said curve having a radius of 120.45 feet and a chord bearing and distance of N66°56'34"E 102.85 feet, thence S87°47'43"E 40.74 feet, thence N87°03'43"E 50.20 feet to the POINT OF BEGINNING: Containing 0.76 acres more or less subject to easements and right of way of record.

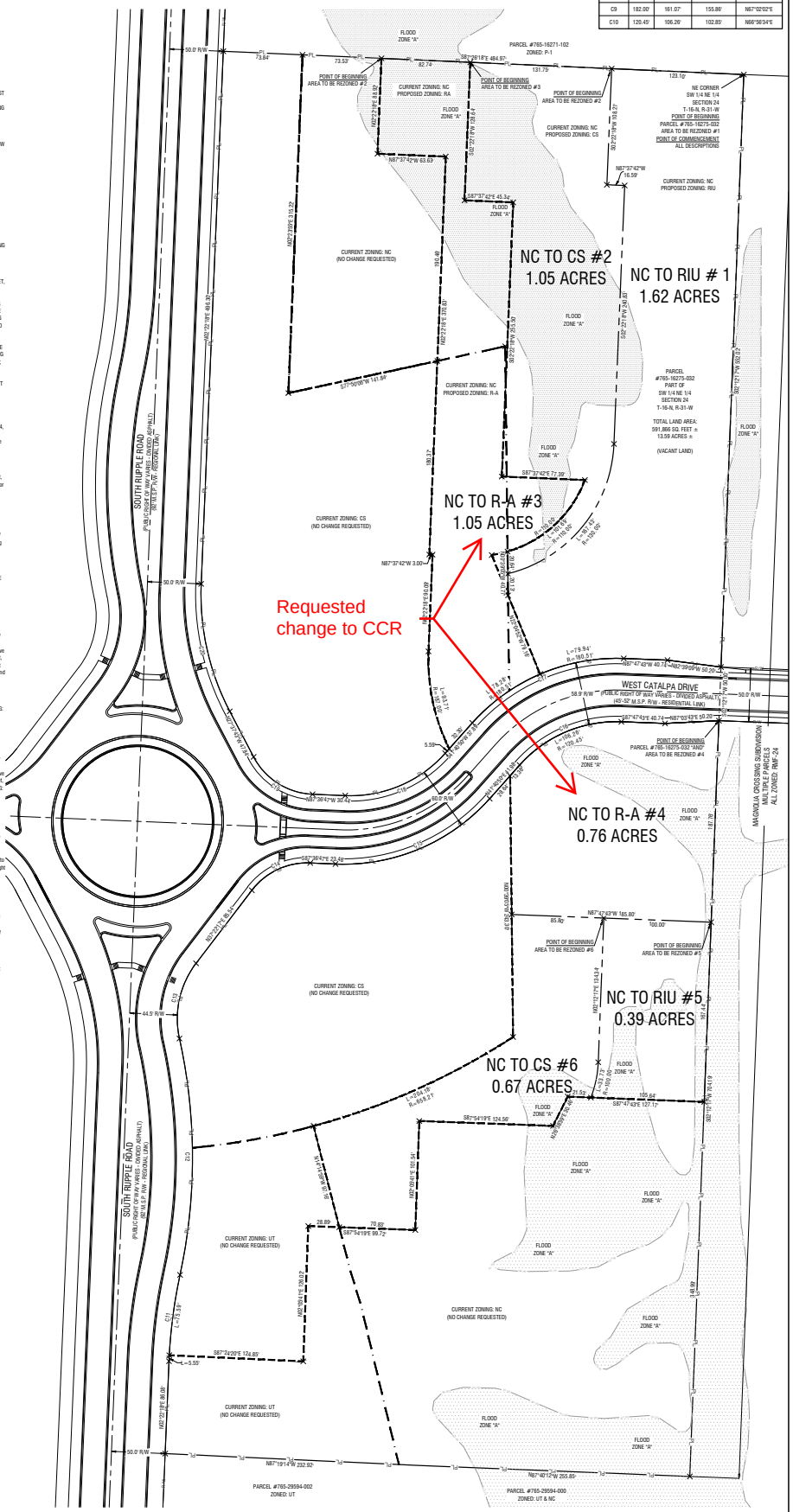
LEGAL DESCRIPTION: (NC TO RIU #5)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 789.78 feet to the POINT OF BEGINNING, thence S02°12'17"W 167.44 feet, thence N87°47'43"W 100.64 feet, thence along a non tangent curve to the left 33.73 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of N11°52'09"E 33.57 feet, thence N02°12'17"E 134.34 feet, thence S87°47'43"E 100.00 feet to the POINT OF BEGINNING: Containing 0.39 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (NC TO CS #6)

A part of the SW1/4 of the NE1/4 of Section 24, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SW1/4, NE1/4, thence S02°12'17"W 789.78 feet, thence N87°47'43"W 100.00 feet to the POINT OF BEGINNING, thence S02°12'17"W 134.34 feet, thence along a curve to the right 33.73 feet, said curve having a radius of 100.00 feet and a chord bearing and distance of S11°52'09"W 33.57 feet, thence N87°47'43"W 21.53 feet, thence S29°38'39"W 30.46 feet, thence N87°54'19"W 124.56 feet, thence S02°00'41"W 101.54 feet, thence N87°54'19"W 70.83 feet, thence N14°14'59"W 97.16 feet, thence along a non tangent curve to the left 294.18 feet, said curve having a radius of 658.21 feet and a chord bearing and distance of N05°56'43"E 293.37 feet, thence N03°39'05"W 114.08 feet, thence S87°47'43"E 85.80 feet to the POINT OF BEGINNING: Containing 0.67 acres more or less subject to easements and right of way of record.

CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	180.51'	158.22'	153.21'	S86°56'34"W
C2	118.00'	104.43'	101.05'	S67°02'02"W
C3	65.00'	68.05'	64.98'	N53°37'15"W
C4	235.00'	123.05'	121.65'	N12°37'42"W
C5	473.00'	81.14'	81.04'	N07°17'09"E
C6	515.66'	221.79'	220.08'	N05°08'16"W
C7	85.00'	73.90'	71.64'	N12°26'53"E
C8	65.00'	62.41'	60.04'	N64°52'45"E
C9	182.00'	161.07'	155.86'	N67°02'02"E
C10	120.45'	106.26'	102.85'	N66°56'34"E



JORGENSEN + ASSOCIATES
Civil Engineering + Surveying
124 W. Sunbridge Drive, Suite 3
Fayetteville, AR 72703
Office 479.442.9127
www.jorgensenassoc.com
Established 1985

N
W E
S
0' 50'
GRAPHIC SCALE
1" = 50'

LEGEND

- CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- POWER POLE
- CENTERLINE MARKER
- SEWER MANHOLE
- FIRE HYDRANT
- STREET LIGHT
- EXISTING 8" SEWER LINE (EX SS-8)
- PROPOSED 8" SEWER LINE (SS-8)
- EXISTING WATERLINE (W-8)
- PROPOSED 8" WATER LINE (WL-8)
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- NEW SIDEWALK
- UTILITY CROSSING (UTX)
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE:
DUDECK REZONING

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

DATE: 3.20.26
DRAWN BY: PM/BJ/BJR
PROJECT #2025083
FILE PATH: Z:\SUBD\CATALPA\REZONE
SHEET SIZE: 22" x 34"
SCALE: 1" = 50'

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
ARKANSAS ENGINEER

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13643
BLAKE R. JORGENSEN

SHEET TITLE

REZONE EXHIBIT

SHEET 2 OF 2

Planning Commission
April 13, 2026
RZN-2026-0003 (DUDECK)
Page 23 of 23

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2208

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

SUBJECT:

ANX-2025-0002: Annexation (NORTHEAST OF 4110 W WEIR RD/DRP HOLDINGS, 205): Submitted by FLINTLOCK LTD for property located NORTHEAST OF 4110 W WEIR RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 11.17 acres. The request is to annex the property into the city limits of Fayetteville.

RECOMMENDATION:
City Planning staff recommend denial and the Planning Commission recommend approval of a request to annex the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in northwest Fayetteville about 1,300 feet east of the intersection of Rupple Road and Salem Road. The property includes the northernmost 11.17-acre portion of two undeveloped parcels. A request to rezone the subject property to RPZD, Residential Planned Zoning District (PZD-2025-0006) has been submitted concurrently with this application; all parcels are annexed into the city limits as R-A, Residential Agricultural

Request: The request is to annex the subject property into the City of Fayetteville. A request to rezone the property to RPZD, Residential Planned Zoning District (PZD-2025-0006) was submitted concurrently but was tabled to the July 13, 2026, Planning Commission meeting in order to provide time for the applicant to provide additional information on the proposed street connection to Weir Rd.

Public Comment: Staff did not receive any public comment on this item prior to the public hearing. Seven members of the public spoke at the meeting. Their comments are summarized in the discussion section.

Annexation Guiding Policies: The guiding policies for annexations are outlined in City Plan 2040. Staff finds that the requested annexation does not align with stated city goals and runs counter to many stated intentions for fiscally sound development. Items against the annexation include the expansion of an existing peninsula, lack of public water and sewer directly on or adjacent to the property, known capacity issues, lack of proximity to public right-of-way, lack of environmentally sensitive areas on the property, minimal connectivity to city boundaries, and emergency service response times above stated goals. Additionally, because only a portion of the parcels are proposed to be annexed, the proposed street connection to be annexed to Weir Rd. indicated

in the project documents would cross jurisdictional boundaries. It is unclear whether that road would be maintained as county ROW or a private street once it leaves city limits. Given the small size of the subject property, a fiscal impact assessment was not conducted for the requested annexation. However, it should be noted that annexing land toward the western extent of the City and developing it can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner. Because no existing infrastructure serves the area proposed to be annexed, lengthy infrastructure extensions to public water, sewer, stormwater, and street systems would all be required.

Due to recent changes at the state level, cities no longer have jurisdictional authority outside of their city limits. The annexation of this area would permit the application of city regulations where subdivision standards previously applied.

DISCUSSION:
At the June 22, 2026, Planning Commission meeting, a vote of 7-0-0 forwarded the request. The applicant highlighted the proximity of a tier 3 center, the city's future land use map, and plans to connect the parcel to an overall planned neighborhood with smaller housing units. Seven members of the public spoke against the request, all opposed. Concerns cited included the previous planning commission denial of a nearby annexation in 2024, inadequate infrastructure and emergency services, the large lot and home sizes predominant in the area, drainage and flooding issues, and lowering of property values. Multiple individuals also cited agreement with staff recommendations.

There was some discussion about the history of the property's use as a red dirt pit. Commissioners also asked for clarification from the applicant about their plans for the portion of the property to remain outside of city limits, with some commissioners expressing reservations about the possibility of an additional amendment seeking to annex additional land and further expand the PZD at a later time. The applicant stated that there were no set plans for the southern portion of the lots but confirmed that the these would likely remain large septic lots because of an inability to provide sewer and a desire not to further stress the existing water infrastructure. There were also questions about the process city-initiated annexations. Commissioners in favor of the annexation cited the changes to state law limiting city impact on land outside of city limits, the associated planned zoning district request, and a need for additional small homes within the city. No commissioners voted against the request.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Staff Report

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

File #: 2026-2208

AN ORDINANCE TO ANNEX THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 25-002 SUBMITTED BY FLINTLOCK LTD FOR PROPERTY LOCATED NORTHEAST OF 4110 WEST WEIR ROAD CONTAINING APPROXIMATELY 11.17 ACRES

WHEREAS, Flintlock LTD has properly secured the Washington County Judge's authorization to annex 11.17 acres located northeast of 4110 West Weir Road adjacent to Ward 4 into the City of Fayetteville.

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 confirms the annexation to the City of Fayetteville, Arkansas of about 11.17 acres as described in Exhibit B and as shown in the map attached as Exhibit A, both attached to the Planning Department's agenda memo.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby zones the newly annexed property R-A, Residential Agricultural.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends the official map and zoning map of the City of Fayetteville to recognize this annexation.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby assigns this 11.17 acres to Ward Four of the City of Fayetteville.

City of Fayetteville Staff Review Form

2026-2208

Item ID

7/21/2026

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

Jonathan Curth	6/30/2026	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

ANX-2025-0002: Annexation (NORTHEAST OF 4110 W WEIR RD/DRP HOLDINGS, 205): Submitted by FLINTLOCK LTD for property located NORTHEAST OF 4110 W WEIR RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 11.17 acres. The request is to annex the property into the city limits of Fayetteville.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

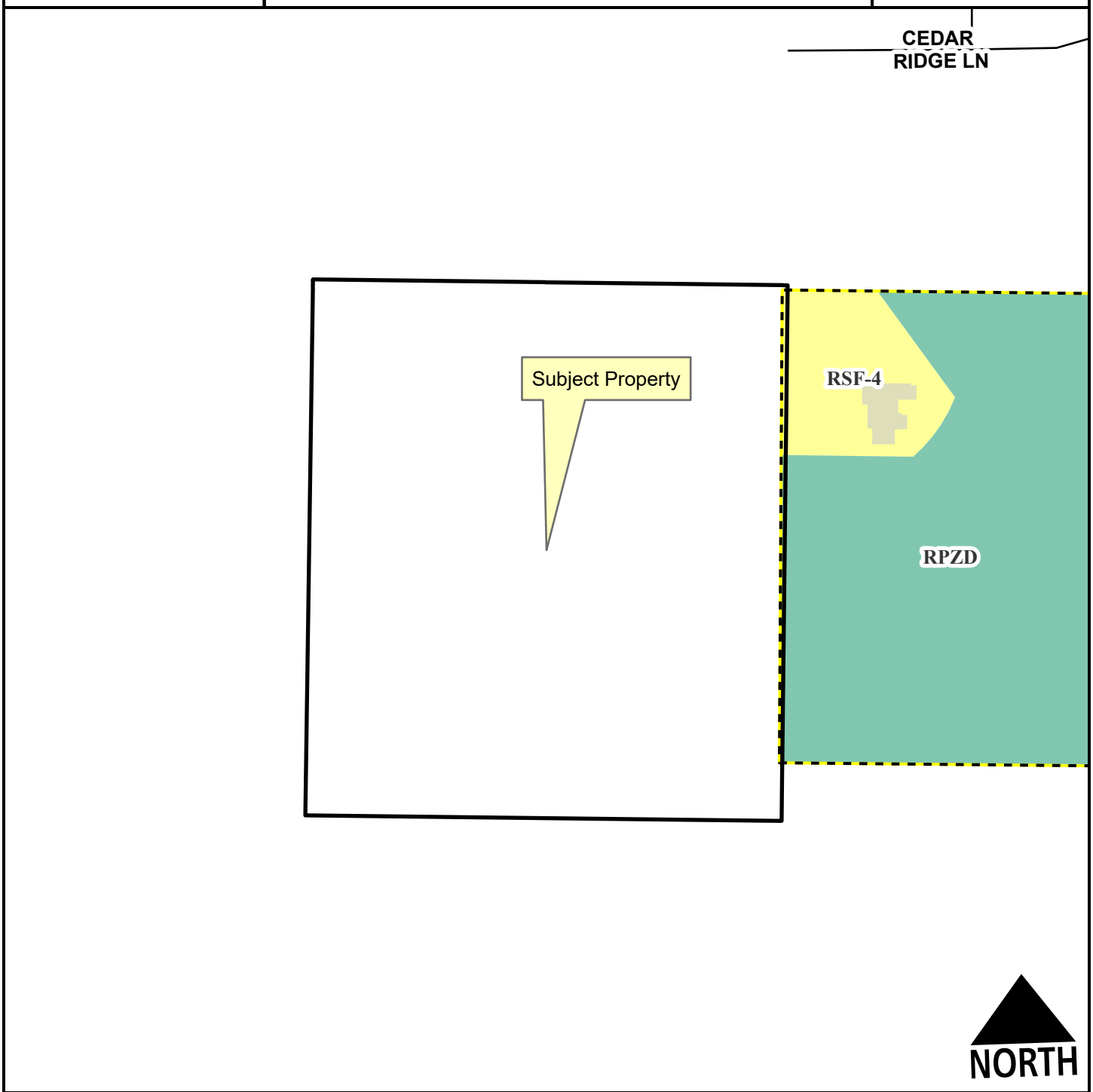
Change Order Number:

Approval Date:

Original Contract Number:

Comments:

ANX-2025-0002 *Close Up View*	**NORTHEAST OF 4110 W. WEIR RD**	**ANX-2025-0002 EXHIBIT 'A'**



ANX-2025-0020
Exhibit ‘B’

PORTION OF PARCELS #001-16771-000 AND #001-16771-002 FOR PROPOSED ANNEXATION DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST LINE OF SAID FORTY ACRE TRACT WHICH IS N02°39'11"E 576.34' FROM AN EXISTING COTTON SPINDLE MARKING THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE N87°20'48"W 658.19' TO AN EXISTING REBAR, THENCE N02°48'51"E 741.08' TO AN EXISTING REBAR, THENCE S87°17'17"E 656.10' TO AN EXISTING STONE MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE ALONG THE EAST LINE THEREOF S02°39'11"W 740.41' TO THE POINT OF BEGINNING, CONTAINING 11.17 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: June 22, 2026 (UPDATED WITH MEETING RESULTS)

SUBJECT: **ANX-2025-0002: Annexation (NORTHEAST OF 4110 W WEIR RD/DRP HOLDINGS, 205):** Submitted by FLINTLOCK LTD for property located NORTHEAST OF 4110 W WEIR RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 11.17 acres. The request is to annex the property into the city limits of Fayetteville.

RECOMMENDATION:
Staff recommends denial of **ANX-2025-0002.**

RECOMMENDED MOTION:
*"I move to forward **ANX-2025-0002** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in northwest Fayetteville about 1,300 feet east of the intersection of Rupple Road and Salem Road. The property includes the northernmost 11.17-acre portion of two undeveloped parcels. A request to rezone the subject property to RPZD, Residential Planned Zoning District (PZD-2025-0006) has been submitted concurrently with this application; all parcels are annexed into the city limits as R-A, Residential Agricultural. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Rural Residential	Washington County
South	Single-Family Residential	Washington County
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units Per Acre RPZD, Residential Planned Zoned District
West	Single-Family Residential	Washington County

Request: The request is to annex the subject property into the City of Fayetteville in order to expand the adjacent Foxtail Meadows subdivision. A request to rezone the property to RPZD, Residential Planned Zoning District (PZD-2025-0006) has been submitted concurrently with this application.

Public Comment: To date, staff has not received any public comment on this item.

INFRASTRUCTURE:

Streets: The site technically does not have any frontage withing city limits. The overall project proposed within the associated PZD, which includes additional property to the east, has frontage on Rupple Road and North Salem Road. These streets are unimproved with no curb and gutter or sidewalk. Any street or drainage improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. There are existing lines, differing in size along Rupple Road, West Salem Road, and North Salem Road. Main extensions across the adjacent property that is already within the city and part of the project will be required to provide service to this property.

Sewer: The property must be annexed to provide access to City sewer. Main extensions will be required from off-site to provide sewer to the subject property. A sewer study will be required at the development entitlement phase.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District. No protected streams, hydric soils, or FEMA Floodplain are identified on the subject property within the annexation area.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 3 miles from the fire station with an anticipated drive time of approximately 6 minutes using existing streets. The anticipated response time would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, 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 of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **1-2** for this site with a weighted score of **2** at the highest level. The following elements of the matrix contribute to the score:

- Near City Park (Lierly Lane Park)
- Near Paved Trail (Rupple Rd. Side Path)

FINDINGS OF THE STAFF
CITY PLAN 2040 (Res. 35-20)
12.3 Annexation Guiding Policies

Boundaries

12.3.5.a Annex existing islands and peninsulas and do not annex areas that create an island or peninsula.

Finding: **The proposed annexation would lengthen an existing peninsula, extending the length from approximately 3000 linear feet to nearly 4000 feet deep. The additional annexation completed in 2024 was east of Salem Rd. and does not abut this property (see attached exhibit for more information). The proposed annexation would extend city limits further east and would serve to make city boundaries more irregular rather than less.**

12.3.5.b The proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: **The proposed annexation area is adjacent and contiguous to Fayetteville's City Limits in northwest Fayetteville.**

12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: **The proposed annexation is for an area containing no subdivisions. The parcels proposed to be annexed are currently undeveloped.**

12.3.5.d Boundaries for annexed areas should follow natural corridors.

Finding: **The proposed annexation boundary does not follow the property lines of the subject property. Rather it splits two parcels into a north/south division with the northern portion proposed to be annexed into the city and the southern portion proposed to remain within the county. The annexation also does not follow natural boundaries such as existing road patterns, streams, steep topography, or other similar features. As this annexation area does not abut any existing roads, it also does not provide an opportunity to improve existing infrastructure in the way the previous annexation did.**

12.3.5.e The provision of services should be concurrent with development.

Finding: **The portions that are proposed to be annexed into the city do not have direct access to city water or sewer and would require main extensions to be served. Connection to water and sewer service would be the responsibility of the property owner. City Engineering has noted that the overall site does not have adequate water capacity for the typical requirement for fire flow. From the north, the lines in Rupple and Salem are fed by a single six-inch main. The utility department has designed plans for a pressure reduction project that will restrict connections to the south. In order to have hydrants**

for future development, a minimum line size of eight inches must be provided and it must tie into a line that is 8 inches or larger. Also, a downstream capacity study for sewer must be provided at the time of development to determine if there are sewer capacity issues. Any capacity issues will have to be addressed prior to occupancy or final plat of a development.

ENVIRONMENTALLY SENSITIVE AREAS

12.3.5.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The subject property is undeveloped and does not lie within the HHOD or a floodplain and no hydric soils or protected streams are present on site.

EMERGENCY AND PUBLIC SERVICES

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: Fire: The Fayetteville Fire Department response time to this location is approximately 8.2 minutes from the current closest station (835 N. Rupple Road). The Fire Department response time goal is six minute for an engine and eight minutes for a ladder truck.

Police: The Fayetteville Police Department has not commented on this request.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: Should it be annexed, the subject property would require additional extensions of public infrastructure since no infrastructure currently exists to serve it. These extensions would further increase pressure on existing public safety systems by increasing the city's maintenance burden and expanding service areas for trash service, police protection, fire protection, sewer, water, recycling and yard waste pick-up, and zoning protection. Given limited water pressure and extended response times already present in the area, staff finds such expansion is not in the public's best interest.

12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units, and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

12.3.5.j Areas currently served by utilities and other public services should be annexed.

Finding: The property currently has access to a public street and city water, though there are neither within the portion of the property proposed to be annexed.

Utility extensions and upgrades would be required to serve the associated, subsequent development.

12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Engineering: Upgrades and extensions of water mains and extensions of sewer mains would be required to meet the demands of development.**

Planning: The proposed annexation would lead to increased density on the subject property when considering the PZD that was concurrently submitted with this request, and there are concerns that the site does not have adequate water capacity for the typical requirement for fire flow.

12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **Not applicable; the proposed annexation is not part of a phased annexation initiated by the City.**

INTERGOVERNMENTAL RELATIONS

12.3.5.m Promote long-range planning with adjacent jurisdictions.

Finding: **Due to recent changes at the state level, cities no longer have jurisdictional authority outside of their city limits. The applicant proposes to annex a portion of the property into city limits with the remainder to remain in Washington County. Additionally, the development could prompt the need for cross jurisdictional cooperation because of infrastructure which is proposed to be located on both city and county land.**

12.3.5.n Establish agreements to address regional concerns, such as water, stormwater, *and sewer.*

Finding: **The subject area does not have direct access to city streets, sewer or water and utility extensions would be required to serve the subject area. If the property were to be annexed, it would be subject to the City's stormwater ordinances.**

ADMINISTRATION OF ANNEXATIONS

12.3.5.o Develop a land use plan for annexation initiated by the City.

Finding: **Not applicable; this annexation is not City-initiated. However, the subject area is included within the City's Future Land Use Plan and is designated as a Residential Neighborhood Area.**

12.3.5.p Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned R-A, Residential Agricultural per UDC §161.01(E), though the applicant has submitted a separate rezoning application with a request to rezone the property to a PZD.**

12.3.5.q An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has engaged with the Engineering Division along with the Water and Sewer, Fire, and Police Departments to review the proposed annexation. The request was studied to determine if facilities or services are available or needed in association with this request. Responses are included throughout this report.**

12.3.5.r Development proposals require a separate review from the annexation proposals.

Finding: **Future development of the subject property will be required to go through the appropriate development review process. Staff notes that due to recent changes at the state level, the subdivision of land outside of city limits is no longer subject to city review; therefore, the annexation of land within city limits will permit the review for development standards where it is no longer permitted if the property were to remain outside city jurisdiction.**

12.3.5.s Residents should be fully informed of annexation activities.

Finding: **Per §157.03 of the Unified Development Code, property owners and residents within 200 feet of the subject property have been notified. Additionally, a legal advertisement has been submitted with the local newspaper prior to the Planning Commission meeting for which this item is scheduled. Signage was posted on the site informing surrounding neighbors of the annexation proposal.**

12.3.5.t Encourage larger annexations to create acceptable boundaries.

Finding: **Staff finds the request would not serve to reduce an existing peninsula or island and would also make the city's boundaries more irregular rather than less.**

12.3.5.u Conduct a fiscal impact assessment on large annexations.

Finding: **Given the moderate size of the subject property, a fiscal impact assessment was not conducted for the requested annexation. It should be noted that annexing land toward the western extent of the City and developing it can pose financial challenges for the City to maintain the public infrastructure in a fiscally sustainable manner.**

RECOMMENDATION: Planning staff recommends denial of ANX-2025-0002.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 22, 2026	❒ **Tabled**	☒ **Forwarded**	❒ **Denied**
Motion: BRINK	"I move to forward ANX-2025-0002 to City Council with a recommendation of approval."		
Second: CABE			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- City Plan 2040, Section 12.3: Annexation
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Long-Range Planning Memo
- Annexations Exhibit
- Applicant Exhibits
  - Request Letter
  - Applicant Exhibit
  - Order of Annexation

PUBLIC COMMENT

12.3 Annexation

Annexation is the inclusion of previously unincorporated lands within the City limits. Annexation has benefits to the residents of the annexed area as well as to the City. The residents gain access to urban services, such as enhanced police and fire protection and have a voice in city government. The City gains the ability to control development and extend boundaries in a logical manner.

The purpose of this planning element is to take a more active approach toward annexations by identifying potential annexations areas and establishing annexation policies. The annexation policies will guide evaluation of future annexation proposals. The policies are designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth. The potential annexation areas may become part of the City when these annexation polices are met.

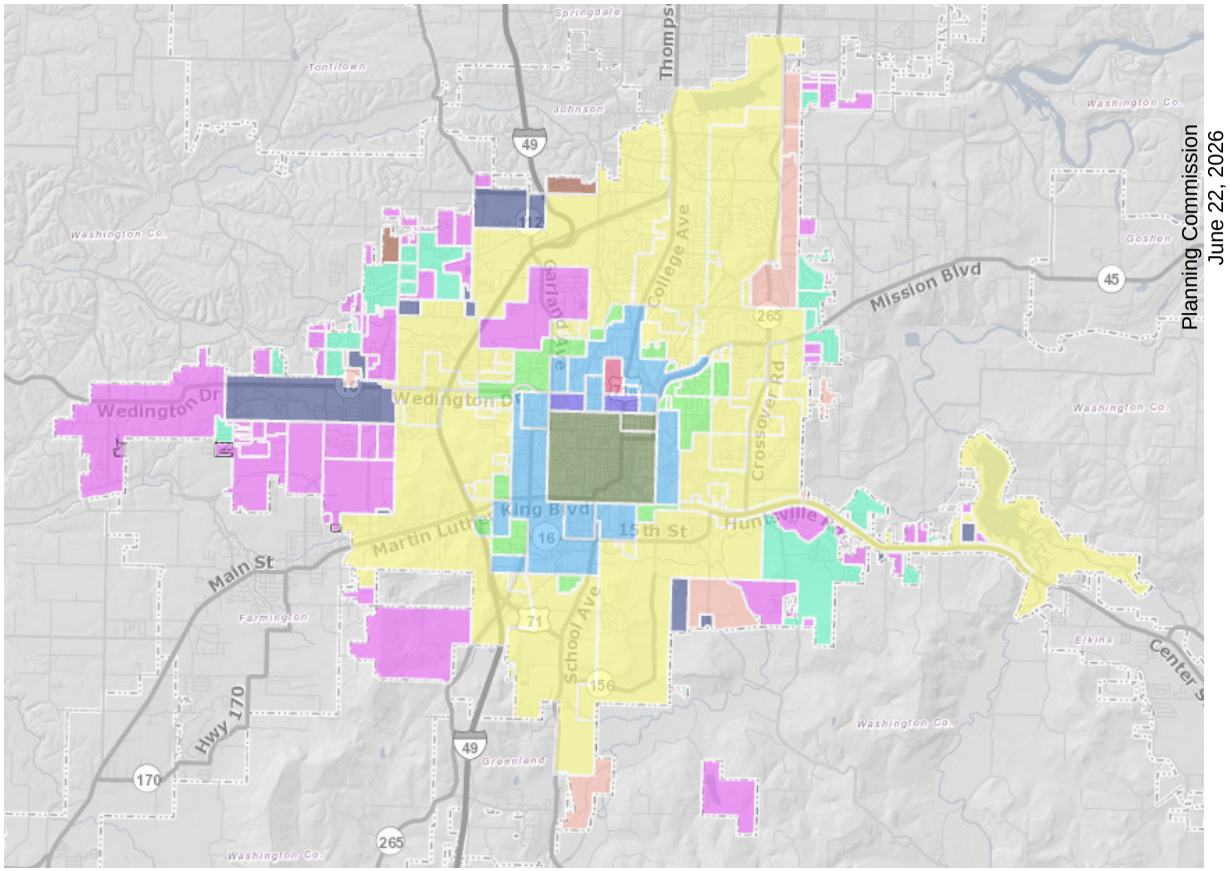


Figure 12.15 - Fayetteville Annexation Map

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Annexation History and Trends

The original town was incorporated in 1870 with approximately 1,100 acres. Since incorporation, the City has made almost 200 annexations, totaling over 34,000 acres. Annexation activity was relatively slow until the 1940's, when over 2,500 acres were annexed within 19 annexations. During the 1950's, almost the same number of annexations took place, however, the total land area annexed was significantly smaller than in the 1940's. By the 1960's. annexation activity increased dramatically, with 42 annexations bringing over 18,000 acres into the city limits. Annexation numbers dropped in 1970 and stayed steady until the 1990's, when the number of annexations tripled from the 1980's. By 2000, the City contained 45 square miles and by 2018 the City contained approximately 55 square miles.

One indicator of the amount of developable land within the City is the number of people per acre. Prior to 1940 there were approximately 5.6 persons per acre. This era represents the time when Fayetteville was still relatively small and consisted primarily of what we would now consider the downtown and surrounding neighborhoods. By 1970, after numerous large annexations in the 1960's, the persons per acre had been reduced to 1.3. The City's population continued to increase dramatically through the 2000's when we maintained just over 2 people per acre from 2000-2010. An annexation referendum in October of 2006 for a large area along Wedington Drive on the west side of town brought in an additional 1,400 acres of low density land for eventual development.

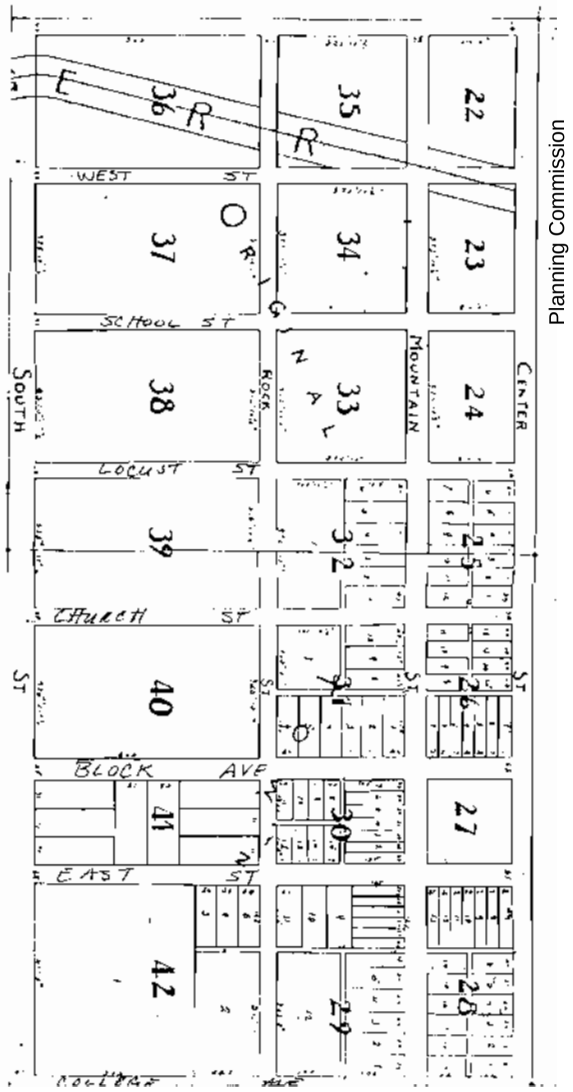

Figure 12.16 - Fayetteville Town Plat

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State Statutes on Annexation

Title 14, Chapter 40 of the state statute discusses annexation. Annexations can be initiated by a municipality or by property owners.

A municipality can annex contiguous lands, lands surrounded by the municipality, unincorporated area that is completely bounded by two or more municipalities. If the municipality has the greater distance of city limits adjoining the area, and land contiguous and in adjacent counties to annex any contiguous lands, the governing body must adopt an ordinance, passed by two-thirds of the governing body and hold an election of the people. Those lands must meet one of the following criteria:

- Platted and held for sale or use as municipal lots;
- Whether platted or not, if the lands are held to be sold as suburban property;
- When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- When they are valuable by reason of their adaptability for prospective municipal uses.

Contiguous lands must not be annexed if they meet either of the following criteria:

- Have a fair market value at the time of adoption of the ordinance of lands used only for agricultural or horticultural purposes and the highest and best use of the land is for agricultural or horticultural purposes; or
- Are lands upon which a new community is to be constructed with funds guaranteed in whole or in part by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

To annex land surrounded by a municipality, the governing body can propose an ordinance to annex the property. Again, the lands must meet the criteria listed above. A public hearing must be held within 60 days of the proposed ordinance, A majority of the governing body must approve the annexation for it to become effective.

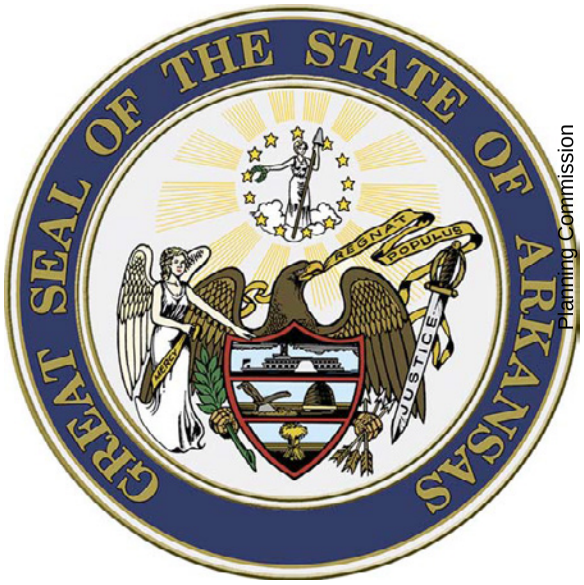

Figure 12.17 - Great Seal of the State of Arkansas

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Property owners in areas contiguous and adjacent to the municipality may request annexation. They can apply with a petition of the majority of land owners in the area, if the majority of the total number of owners own more than one-half of the acreage affected.

Potential Annexation Areas

The potential annexation areas should be identified by the City using the following criteria:

- Areas that are already urban in character.
- Areas that can be developed at urban densities.
- Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.
- Vacant lands that are subject to development pressure.
- Areas where urban services are already provided.
- Areas where urban services are needed.

Annexation Guiding Policies

Boundaries

- Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- Proposed annexation area must be adjacent, or contiguous, to city limits.
- Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- Boundaries for annexed areas should follow natural corridors.
- The provision of services should be concurrent with development.

Environmentally Sensitive Areas

- Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- Public services must be able to be provided efficiently in newly annexed areas.
- Annexed areas should receive the same level of service of areas already in the city limits.
- The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

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Infrastructure and Utilities

- Areas currently served by utilities and other public services should be annexed.
- Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- Phased annexation should be initiated by the City within the active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- Promote long-range planning with adjacent jurisdictions.
- Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

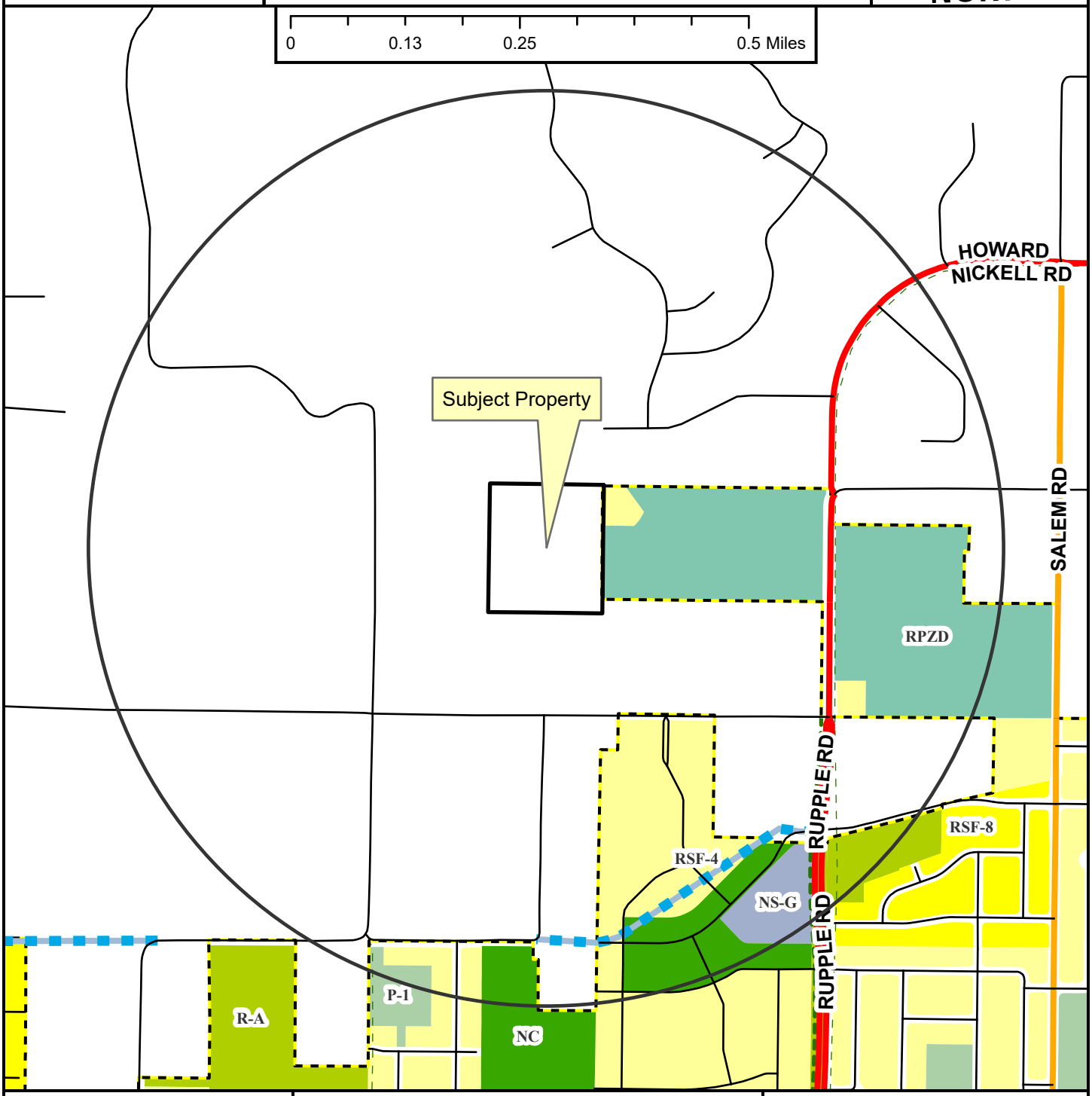
- Develop a land use plan for annexation initiated by the City.
- Designate zoning districts for property during the annexation process.
- An annexation study should be completed on all annexation proposals.
- Development proposals require a separate review from the annexation proposals.
- Residents should be fully informed of annexation activities.
- Encourage larger annexations to create acceptable boundaries.
- Conduct a fiscal impact assessment on large annexations.

ANX-2025-0002

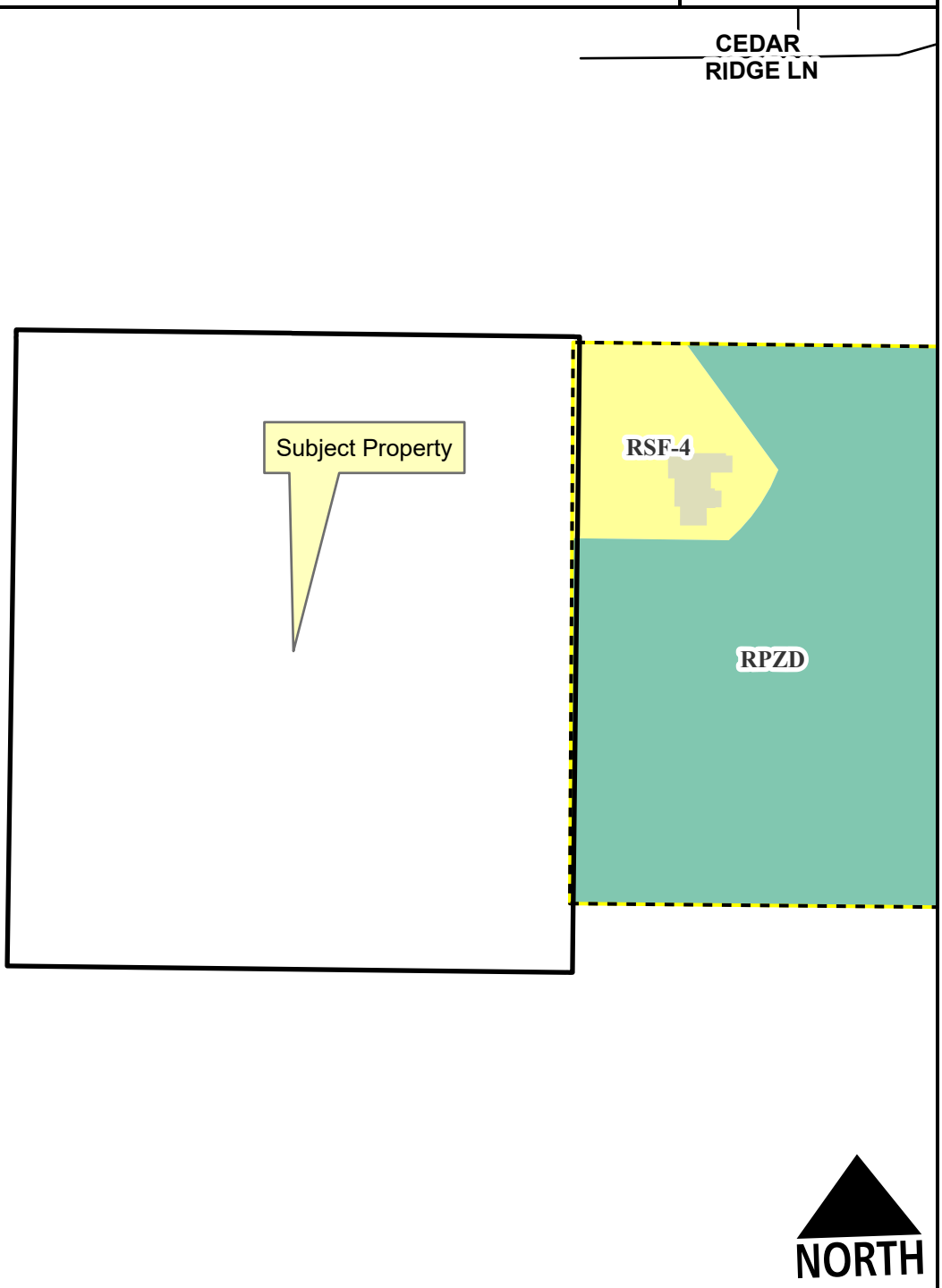
One Mile View

NORTHEAST OF 4110 W. WEIR RD

NORTH



ANX-2025-0002	NORTHEAST OF 4110 W. WEIR RD	
Close Up View		



Unclassified
Planning Area
Fayetteville City Limits

Feet
0 75 150 300 450 600
1:2,400

ANX-2025-0002

Current Land Use

NORTHEAST OF 4110 W. WEIR RD

NORTH

Unclassified
Residential Link
Planning Area
Fayetteville City Limits

Feet

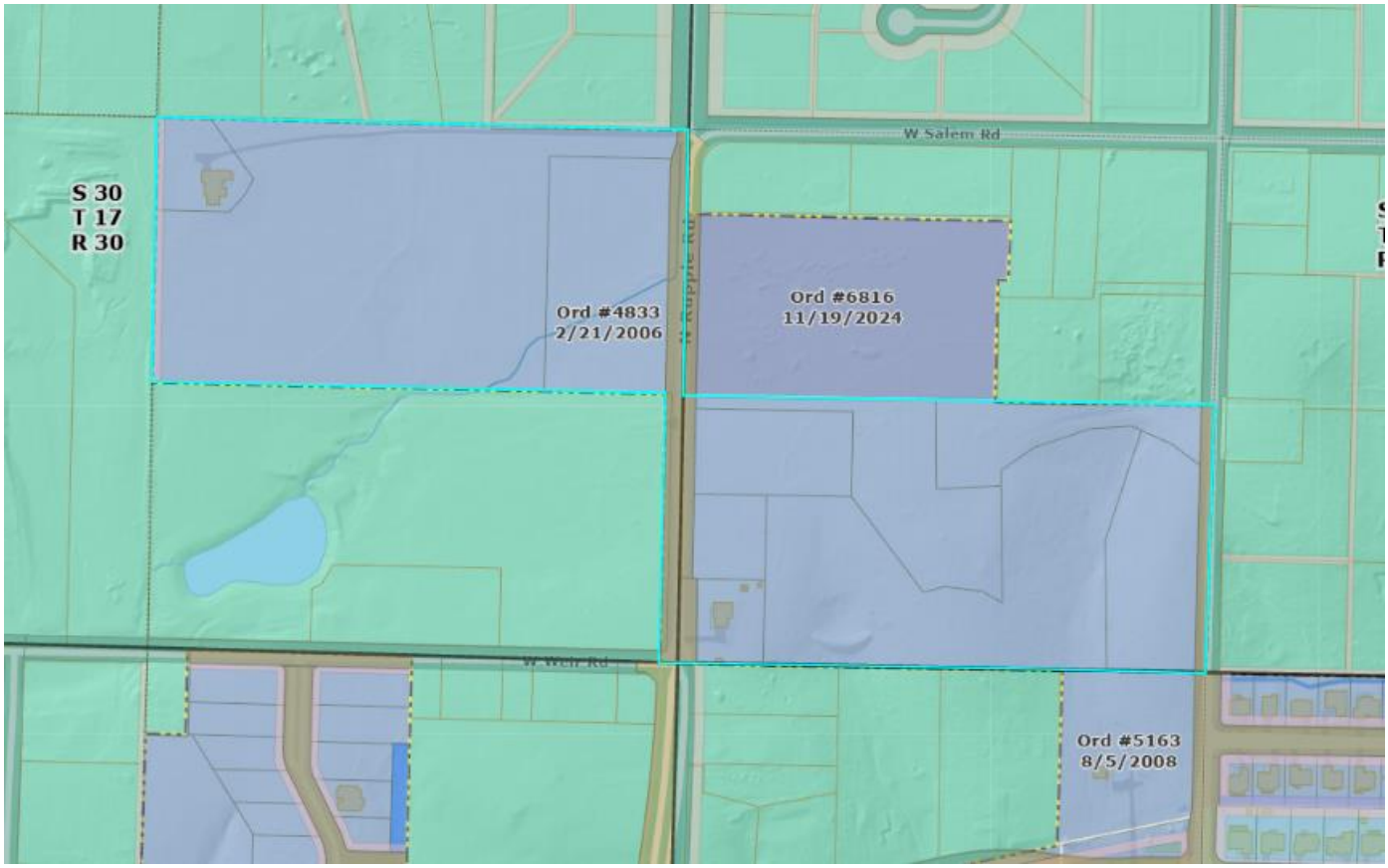
0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

STAFF EXHIBIT:
ANNEXATIONS



CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: June 22, 2026

SUBJECT: **Long Range Planning Comments Regarding ANX-2025-0002 & PZD-2025-0006**

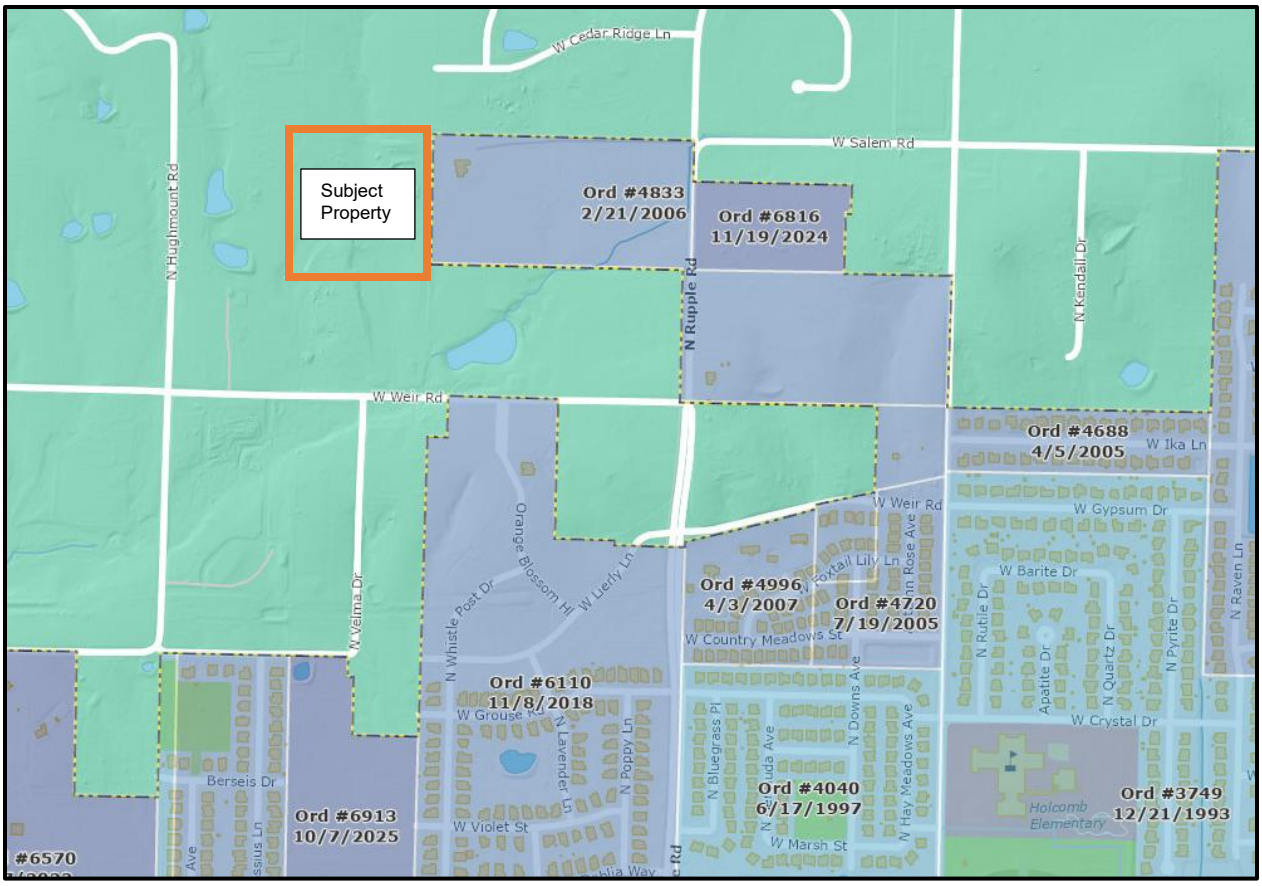
BACKGROUND:
The applicant requests to annex approximately 11.17 acres of property into the City and incorporate it into the Foxtail Meadows Planned Zoning District (PZD). One long range planning document is relevant when evaluating this request: *City Plan 2040.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

DISCUSSION:
Zoning History:
This land immediately adjacent to the subject property was annexed in 2006. An annexation in 2024, extended City limits east and north of existing boundaries to encompass the remainder of the site under consideration with the associated PZD. Approximately 0.11 miles to the southeast of the subject property, south of W. Weir Rd., 68.5 acres were annexed in 2018.



City Plan 2040 and Future Land Use Plan:
As with all land outside of the City, this area is designated as a Rural Residential Area, which are "identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled." The site's recent use as a red dirt source indicate the area may not be ideal for natural/environmental conservation or preservation efforts. Rural Residential areas may not have "adequate water infrastructure or public services, such as police and fire protection to support urban or suburban densities and development patterns." [1] Further, the proposal doesn't align with the guiding principles outlining when the expansion of city services to accommodate further growth is appropriate. As proposed, this will not allow historical agricultural or related uses, use alternative development patterns, foster a culture that supports local food production, or encourage agribusiness as outlined in *City Plan 2040.*

In arguendo, if the site's recent use has stripped its value for conservation/preservation, it could be considered more akin to a City Neighborhood area like other areas to the south and east, although this has *not* been formally adopted by the FLUM. When considered this way, the proposed annexation and PZD are in better alignment. The PZD allows a variety of housing types, advancing goal 6 of *City Plan 2040*.

The proposed annexation and development plan falls short of other *City Plan 2040* goals, more clearly it runs *counter* to goals 1, 2, and 3. This does not advance infill goals (Goal 1), but would push residential development to the far northeastern portion of the city, and could reasonably be considered sprawl, which runs counter to Goal 2. The PZD does not allow for the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail

[1] City Plan 2040, 127.

or offices,[2] an important component of a complete neighborhood and a feature lacking in the overall area, which moves us further from Goal 3.

City's Annexation Guiding Policies

a. *Annex existing island and peninsulas and do not annex areas that would create an island or peninsula.*
    a. While the proposal does not create an island or peninsula, it exacerbates an existing peninsula by expanding westward. While the applicant's request letter notes that the annexation would provide "an additional connection for the development along W Weir Rd, allowing for continuity and integration into the city," the 5 acre portion directly adjacent to W. Weir Rd. is not proposed for annexation as its inclusion would create an island of county property. As such, this proposal worsens an existing peninsula without providing a clear public benefit.
b. *Proposed annexation area must be adjacent, or contiguous, to city limits.*
    a. While the proposed annexation is adjacent to city limits along one (eastern) boundary, it would make an existing peninsula worse.
c. *Areas should either include or exclude entire subdivisions or neighborhoods, not divide.*
    a. It is unclear how the proposed addition wouldn't split the neighborhood as a portion of the property immediately adjacent to W. Weir Rd. is not proposed for incorporation but is serving as "an additional connection for the development" effectively splitting the neighborhood between City and county.
d. *Boundaries for annexed areas should follow natural corridors.*
    a. The proposal appears to follow mostly consistent topography.
e. *Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.*
    a. Annexation would provide for tree preservation requirements that are not required in the county. However, much of the site contains exposed soil from its use as a red dirt source and lacks vegetation except around the western and northern property lines.
f. *Public services (including emergency response) must be able to be provided efficiently in newly annexed areas.*
    a. The applicant's letter cites the extension of an off-site water line that "strengthens the City's infrastructure beyond the needs of the development alone, and this additional annexation makes that investment possible." It is not immediately clear how an offsite investment for development reviewed earlier equates to a justification for even more strain on infrastructure. Fire response times are on the upper end of target goals for response within the city limits, (8.2 minutes anticipated drive time) where the goal is 6 minutes for an engine and 8 minutes for a ladder truck. This indicates that at this time fire response time is nearing the threshold and annexation in this area may result in a strain on resources and risk to life and safety.
g. *Areas currently served by utilities and other public services should be annexed.*
    a. While water service is extended in the area generally, this parcel is not yet serviced by water. Sewer service is not located nearby and the extension of this infrastructure can reasonably be considered sprawl.
h. *Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.*
    a. The applicant's letter cites the extension of an off-site water line that "strengthens the City's infrastructure beyond the needs of the development alone, and this additional annexation makes that investment possible." It is not immediately clear

[2] City Plan 2040, 128.

how an offsite investment for development reviewed earlier equates to a justification for even more strain on infrastructure.

In summary, this proposal runs counter to several adopted *City Plan 2040* goals and does not wholly align with *Annexation Guiding Policies*. In the absence of an adopted annexation plan, further annexing land in areas that to not advance goals and align with policies is not in the best interest of the public as it strains infrastructure and contributes to sprawl.

Annexation Request

Foxtail Meadows Annexation into the City of Fayetteville, Arkansas
PORTION OF PARCELS #001-16771-000 AND #001-16771-002 FOR PROPOSED ANNEXATION

May 13, 2026

To the City Council of Fayetteville,

We are submitting this petition to request annexation of approximately ±11.17 acres of property into the City of Fayetteville. Range is representing the property owner, DRP Holdings, LLC, in making this request. The intent of the annexation is to allow the property to be planned, developed, and served consistently with adjacent city areas and with the standards and expectations of the City of Fayetteville.

The property owner entitled the adjacent ±36 acres under a Planned Zoning District (PZD) in 2024. In the course of negotiating the second exit to the west, as proposed in the original PZD, it became possible to purchase an adjacent 11 acres. Including this property in the overall development assists in paying for, initially and for ongoing maintenance, the unusual off-site development costs of extending an 8-inch water line nearly a quarter mile off site. This investment will provide adequate water pressure to the development without tapping into the on-site adequate water supply that is connected to a proposed low-pressure water zone. This off-site water line extension represents a significant investment that strengthens the City's infrastructure beyond the needs of the development alone, and this additional annexation makes that investment possible.

Because the site is uphill from the low-pressure water zone, tying into the existing adjacent city infrastructure would risk increasing water pressure within that zone. Instead, approximately 4,000 linear feet of new 8-inch water line is proposed to connect to improvements at Highway 112. This approach will provide increased fire flow and water pressure to a large area of existing homes, as well as to this neighborhood, while also relieving pressure on the water infrastructure grid downhill.

These improvements are being made for the good of the overall city infrastructure. Maintenance costs in the low-pressure zone are unusually high due to poor longevity of the polyethylene pipes that were, for a time, allowed in the neighborhoods to our south. This proposed approach will benefit the area as a whole and provide a more responsible and collaborative way to access city infrastructure than insisting on connection to the existing on-site water lines.

The new ±11 acres of land is proposed to be developed with the same one-story, mobility-friendly small cottages on rear-loaded lots as the previously approved ±36-acre adjacent property. We are proposing large tree preservation buffers along the western and northern property lines along the county, which is where existing large oaks sit. This will provide a buffer between single-family large-lot county homes and the proposed development, and it will protect the highest-value tree resources on the site.

The site has been used as a red dirt source for building pads for several years. The center portion of the site, which is proposed for annexation and higher density development, is currently not vegetated, as it consists of exposed soil from removal of several feet of structural fill dirt.

This annexation request will run concurrently with a proposed PZD that matches the previous PZD language. Procedurally, the new PZD is proposed to replace the former one so that the entire site is controlled by one PZD rather than two side-by-side identical PZDs. This will make administration of the zoning simpler long term. If the new PZD is not approved, the existing PZD on the existing acreage will remain unchanged.

The following responses are provided to address the City's annexation criteria:

1. We further state that this petition is signed by 100% of the real estate owners owning 100% of the acreage in said area.
   The sole owner of this property is DRP Holdings, LLC, an Arkansas limited liability company. Darrin Pitts is the Authorized Signatory of DRP Holdings, LLC and has provided all required ownership consent.

2. Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
   This property adjoins the City of Fayetteville on one side (east) and will not create an island or peninsula. The properties to the west, south, and north are in Washington County and are adjacent to other county properties. It will also provide an additional connection for the development along W Weir Rd, allowing for continuity and integration into the city.

3. Proposed annexation area must be adjacent, or contiguous, to city limits.
   The proposed lot for annexation is bounded on the east by the City of Fayetteville.

4. Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
   The proposed lot is planned to be incorporated into a PZD that is currently before the City of Fayetteville. The entire resulting property will function as one cohesive neighborhood adjacent to a proposed Tier 3 Center in the Future Land Use Map.

5. Boundaries for annexed areas should follow natural corridors.
   The boundaries for the proposed annexation include the northern portion of the parcels, ending in line with the southeastern property line. The +/- 5 acres to the south that is not included in the request is a lower topography and cannot easily gravity drain to sewer service as the requested 11 acres can.

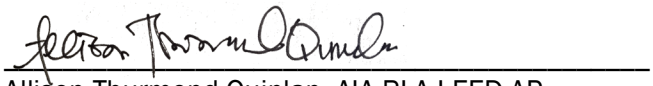
6. Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.
   The inclusion of this parcel in the PZD context allows for the preservation of a tree preservation buffer of large native oaks, which are not currently protected in the county.

7. Public services (including emergency response) must be able to be provided efficiently in newly annexed areas.
   The planned PZD that will include the proposed annexed lot will incorporate public services and utilities, and will improve fire flow and water pressure issues that are pre-existing in this area of town.

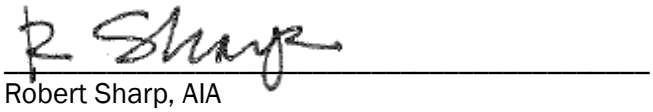
8. Areas currently served by utilities and other public services should be annexed.
   The planned PZD that will include the proposed annexed lot will incorporate public services and utilities.

9. **Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.**
   The proposed annexation will support the cost of upgrading existing utilities to improve fire flow in the area and reduce a current threat to public safety.

Respectfully submitted,



Allison Thurmond Quinlan, AIA RLA LEED AP
Range Co.

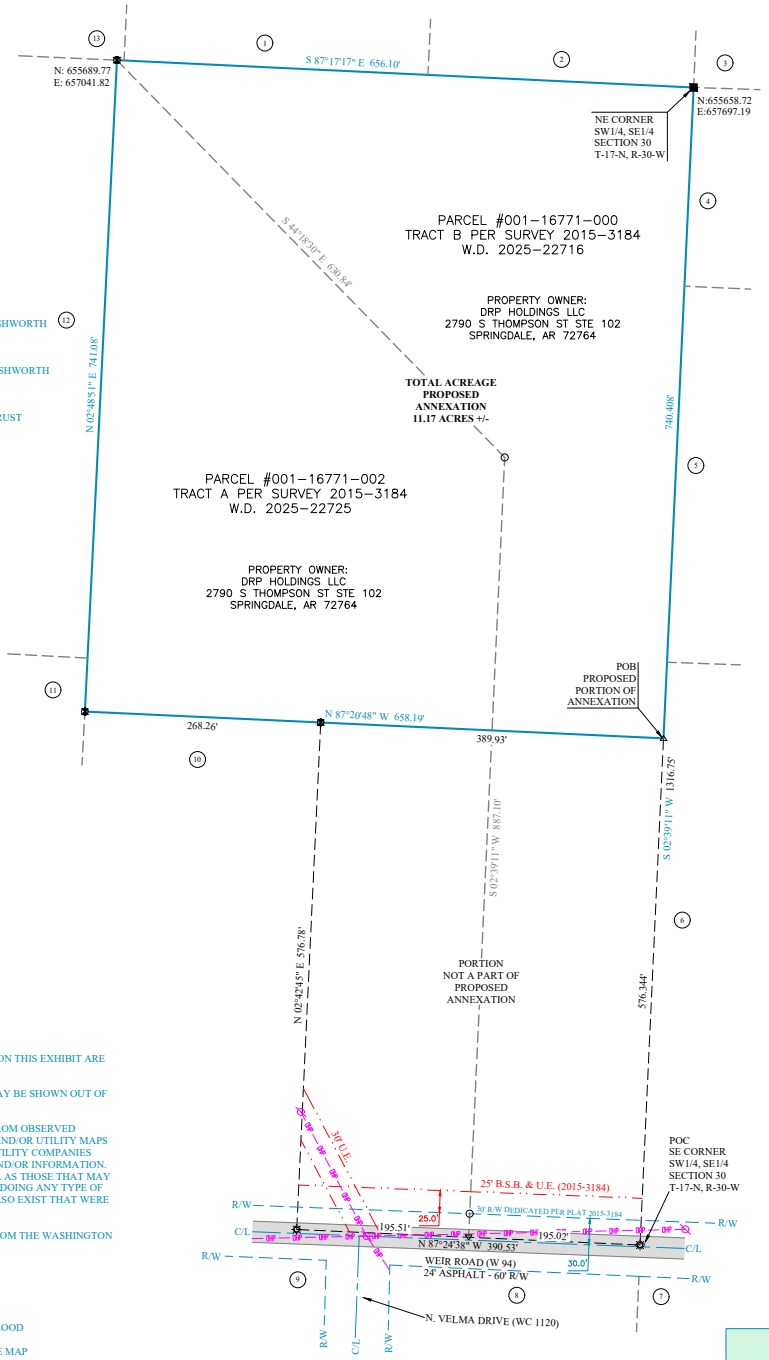


Robert Sharp, AIA
Range Co.

ANNEXATION EXHIBIT

ADJACENT LAND OWNERS

1) STRIEGLER, GARY E
4246 W WEIR RD
FAYETTEVILLE AR 72704
PARCEL #001-16751-003
2) DOMINGUEZ, ALBERTO LUIS & SALLY ELIZABETH
4023 W CEDAR RIDGE LN
FAYETTEVILLE AR 72704
PARCEL #001-16751-008
3) TAYLOR, CHARLES & SHEILA LIVING
3965 W CEDAR RIDGE LN
FAYETTEVILLE AR 72704
PARCEL #177-00004-000
4) FINCHER, HAL
3395 N RUPPLE RD
FAYETTEVILLE AR 72704
PARCEL #765-21244-201
ZONED: RSF-4
5) DRP HOLDINGS LLC
2790 S THOMPSON ST STE 102
SPRINGDALE AR 72764
PARCEL #765-21244-200
ZONED: RPZD
6) STONEHAVEN LLC
2002 S 48TH ST
SPRINGDALE AR 72762-5772
PARCEL #001-16774-004
7)ASHWORTH FAMILY TRUST; BILLY D & DOROTHY A ASHWORTH
4085 W WEIR RD
FAYETTEVILLE AR 72704-5956
PARCEL #001-16775-000
8) ASHWORTH FAMILY TRUST; BILLY D & DOROTHY A ASHWORTH
4085 W WEIR RD
FAYETTEVILLE AR 72704-5956
PARCEL #316-01454-000
9) TILLOTSON, CHARLES C & PATRICIA A REVOCABLE TRUST
4117 W WEIR RD
FAYETTEVILLE AR 72704
PARCEL #316-01459-000
10) HAMPTON, SAM F & SHERYL
4110 W WEIR RD
FAYETTEVILLE AR 72704-5917
PARCEL #001-16771-001
11) TEAGUE, TRACY A & MELINDA P REVOCABLE TRUST
PO BOX 1138
JAY OK 74346-1138
PARCEL #001-16773-000
12) STRIEGLER, GARY E & NICOLE ANN
4246 W WEIR RD
FAYETTEVILLE AR 72704
PARCEL #001-16772-001
13) STRIEGLER, GARY E & NICOLE ANN
4246 W WEIR RD
FAYETTEVILLE AR 72704
PARCEL #001-16751-006



CITY PLAT PAGE:
205

REFERENCE DOCUMENTS:
1. PLAT OF SURVEY FILED IN BOOK 2015 AT PAGE 3184
2. WARRANTY DEED FILED IN BOOK 2025 AT PAGE 22725
3. WARRANTY DEED FILED IN BOOK 2025 AT PAGE 22716

CURRENT ZONING:
WASHINGTON COUNTY
AG/SF 1 UNIT PER ACRE

PLAT NOTES:
1) THE BOUNDARY AND SURVEY MONUMENTS SHOWN ON THIS EXHIBIT ARE FROM TRACT SPLIT SURVEY 2015-3184.

2) SOME FEATURES AND/OR SYMBOLS ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR VISUAL CLARITY.

3) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES, GIS, AND/OR UTILITY MAPS PROVIDED BY LOCAL UTILITY COMPANIES. NOT ALL UTILITY COMPANIES MAY HAVE RESPONDED TO OUR REQUEST FOR MAPS AND/OR INFORMATION. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

4) NORTHINGS AND EASTINGS WERE INTERPOLATED FROM THE WASHINGTON COUNTY GIS MAP.

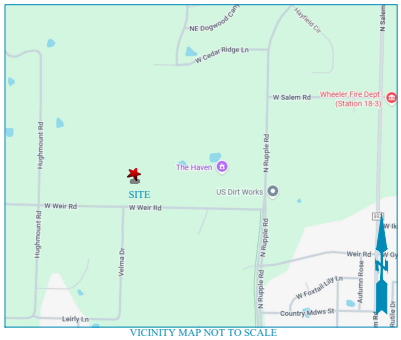
FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0205G. DATED 01/ 25/ 2024)

PORTION OF PARCELS #001-16771-000 AND #001-16771-002 FOR PROPOSED ANNEXATION DESCRIPTION:
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST LINE OF SAID FORTY ACRE TRACT WHICH IS N02°39'11"E 576.34' FROM AN EXISTING COTTON SPINDLE MARKING THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE N87°20'48"W 658.19' TO AN EXISTING REBAR, THENCE N02°48'51"E 741.08' TO AN EXISTING REBAR, THENCE S87°17'17"E 656.10' TO AN EXISTING STONE MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE ALONG THE EAST LINE THEREOF S02°39'11"W 740.41' TO THE POINT OF BEGINNING, CONTAINING 11.17 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC.
#1335
ARKANSAS ENGINEER

0' 100' 200' 300'
GRAPHIC SCALE (IN FEET)
1 Inch = 100ft.

VICINITY MAP



VICINITY MAP NOT TO SCALE

DRAWING #25-274

FOR USE AND BENEFIT OF:
FLINTLOCK LAB
ADDRESS:
WEST WEIR ROAD
FAYETTEVILLE, ARKANSAS
DATE: 11/18/25
SCALE: 1"=100'
LOCATION:
SECTION: 30
TOWNSHIP: 17 NORTH
RANGE: 30 WEST
DRAFTED:
JCR, KT
DRAFT DATE: 11/4/25
REVIEWED: DT
COA #1335

BATES
Engineers • Surveyors
7230 S. Pleasant Ridge Dr.•Fayetteville, Arkansas 72704 • 479.442.9350

BATES & ASSOCIATES, INC. Copyright 2025
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the hereon cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

Location Map:
R-30-W
30
T-17-N

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
(R) RECORD BEARING & DISTANCE
FOUND STONE
FOUND 1/2" REBAR
SET 5/8" REBAR/CAP
FOUND COTTON SPINDLE
COMPUTED POINT
BOUNDARY LINE (MEASURED)
BOUNDARY LINE (EXISTING)
CENTERLINE OF ROAD
RIGHT-OF-WAY
UTILITY EASEMENT
BUILDING SETBACK
OHP OHP OVERHEAD POWER LINE

N W E S

RECORDING NUMBER/DATE

FILED

2026 MAR 30 AM 10: 16

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO THE CITY OF FAYETTEVILLE, ARKANSAS CERTAIN TERRITORY CONTIGUOUS TO SAID CITY OF FAYETTEVILLE, ARKANSAS

CC NO. 2025-39

ORDER CONCERNING ANNEXATION

On this 30th day of March, 2026, of a regular term of the County Court of Washington County, Arkansas, there is presented a petition of the owners desiring the annexation of territory into the City of Fayetteville, Arkansas, more particularly described therein. The court has received the verification of the county assessor and county clerk required by A.C.A § 14-40-609. This Court being fully advised of the facts and the law does hereby find as follows:

1. The Court finds that the petition and verifications are complete and accurate.
2. The Court further finds that no enclaves will be created by the annexation.
3. The Court finds that the petition contains a schedule of services.

Therefore, the Court hereby ORDERS that the petition and this Order be delivered to the City of Fayetteville, Arkansas.

PATRICK W. DEAKINS, COUNTY JUDGE

Wonsower, Donna

From: Susan Yell <garlen.susan@gmail.com>
Sent: Monday, June 22, 2026 8:01 PM
To: Wonsower, Donna
Subject: Fw: In Re: ANX-2025-0002 & PZD-2025-0006 - Please deny both...
Attachments: Weir Road Flooding.JPG; Weir Road Flooding1.JPG

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Susan Yell <garlen.susan@gmail.com>
Sent: Monday, 22 June 2026 19:56:35
To: planning@fayetteville-ar.gov <planning@fayetteville-ar.gov>
Subject: In Re: ANX-2025-0002 & PZD-2025-0006 - Please deny both...

Good Morning!

In re: ANX-2025-002 & PZD-2025-006:

Safety: Weir Road is a two-lane paved road. There are no shoulders, no sidewalks, no bike lane. Just a steep drop-off on both sides.

Flooding: Very prevalent in this area, both on the same side of the road as this proposal, as well as right across from it. This is with dirt and trees; imagine with concrete, asphalt and roof tops.

Density: This is absolutely not consistent with the existing neighborhood. All homes adjacent are at least 1 home to 1 acre. But most are 2, 3, 4 acres and more.

Rights: “Landowners” have rights, but not when it infringes upon the lives of people who have lived there 10, 20, 30 years, several almost 50 years.

Rural: There is a reason why we moved to, and live in, a rural area, and we do not want to live in a heavily populated neighborhood.

Citizens, Natives, Neighbors are tired of having things like this shoved down our throats.

As well, when the annexation and plans were approved for the adjoining property, it was stated that this land would be used for "an emergency access/exit road only."

Please deny both the annexation and the planned zone development.

Respectfully submitted,

Susan & Garlen

3105 N. Velma Drive
Fayetteville, AR 72704-5908

Get Outlook for iOS

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2557

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

SUBJECT: **APPEAL PZD-2025-0006: Planned Zoning District (NORTHEAST OF 4110 W. WEIR RD./DRP HOLDINGS LLC, 205): Submitted by FLINTLOCK LTD for property located NORTHEAST OF 4110 W. WEIR RD. The property is currently split between city limits and Washington County and contains approximately 85.63 acres. The request is to rezone the property from R-A, RESIDENTIAL AGRICULTURAL AND RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO RPZD, RESIDENTIAL PLANNED ZONING DISTRICT.**

RECOMMENDATION:
City Planning staff recommends approval and the Planning Commission recommends denial of a request to rezone the subject property as described and shown in the attached Exhibits ‘A’, ‘B’, and 'C'.

BACKGROUND:
The subject property is located in northwest Fayetteville just north of the intersection of Rupple Road and Weir Road. The property contains a total of twelve parcels. Nine were previously annexed in 2006 and one was annexed in 2024, with all ten of these rezoned to R-PZD, Residential Planned Zoning District in 2025 (PZD-2024-0005). The existing R-PZD is substantially similar to the current request and a table has been provided comparing existing and proposed regulations within the attachments. A request to annex the remaining two parcels currently in Washington County has been submitted concurrently with this request for portions of the two westernmost parcels (ANX-2025-0002). All parcels included in the project boundary are currently undeveloped and those on the east side of Rupple Road are largely covered by mature tree canopy. A protected stream is present on the west side of the site, though no portions of the property lie within a floodplain, or the Hillside/Hilltop Overlay District and no hydric soils are present. *Request:* The request is to rezone the subject area from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate-Urban.

Public Comment: Three members of the public commented on the request, all opposed. Two spoke at the June 22 and July 13 Planning Commission meetings. Concerns expressed included inadequate road and utility infrastructure, incompatibility with adjacent properties, decreased property values, construction of smaller or rental residential units, construction on non-single-family homes, drainage and flooding, maintenance of a private road, and a lack of clarity regarding the intent for the portion of the lots to remain within the county.

Land Use Compatibility: Staff finds the request compatible with the surrounding area. Though staff did not initially support the associated annexation request, staff asserts that the proposed planned zoning district

allows a compact residential development pattern that preserves green spaces and compliments adjacent to low-density subdivisions. This is demonstrated by the PZD's anticipated density of 3.6 units per acre, which is comparable to nearby RSF-4, Residential Single-Family, 4 Units per Acre properties within incorporated Fayetteville. The PZD request supports a mix of housing types, pedestrian-oriented design, and preservation of natural features. Planning Area C has been revised to generally follow CCR district standards, and staff finds the proposed protections sufficient since any future changes would require City Council action. Small-scale commercial uses would be subject to conditional use review, ensuring compatibility at the time of permitting. Required street, water, and sewer improvements would be determined during development review.

Land Use Plan Analysis: Staff finds that the proposed planned zoning district is somewhat consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates this property as Residential Neighborhood Area and those areas are intended to encourage a wide range of housing types which this PZD would allow. While the site has an infill score range of 1-5, is located just within city limits, and has limited access to utilities, staff finds that it would not be encouraging suburban sprawl. Staff finds that the proposed PZD is aligned with several goals of City Plan 2040 including Goal 2 (discouraging suburban sprawl) by allowing for a compact residential development with urban zoning standards that is compatible with the surrounding area, Goal 3 (making compact, complete, and connected development the standard), and Goal 6 (creating opportunities for housing).

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **1-5** for this site. Elements contributing to the highest score include the following:
1. Near Sewer Main (8" main, Ika Lane)
2. New Water Main (various mains, Rupple Road and Salem Road)
3. Near Public School (Holcomb Elementary School)
4. Near City Park (Gary Hampton Softball Complex)
5. Near Paved Trail (Rupple Road, Clabber Creek Trail)

DISCUSSION:
At the July 13, 2026 Planning Commission meeting, a vote of 3-5-0 denied the request. Commissioner Gulley motioned, and Commission Castin seconded. Commissioners McGetrick, Castin, and Holeyfield voted in favor of the request. Though ultimately recommending in favor of the associated annexation, Commissioners' concerns with the applicant's Planned Zoning District were centered around the applicant's proposed access through a private county road, and cross-jurisdictional coordination between the City and the County with any associated future traffic impacts or necessary street improvements. Commissioners were also concerned about sprawl and the overall impacts to the City's infrastructure. Two members of the public spoke against the request, citing flooding and drainage, narrow streets, increased traffic congestion and danger, the proposed connection to Weir Rd., maintenance of a private road by an HOA, and the addition of non-single-family homes.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: 3. Appeal Letter, 4. Exhibit A, 5. Exhibit B, 6. Exhibit C, 7. Staff Report

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

File #: 2026-2557

AN ORDINANCE TO APPROVE A PLANNED ZONING DISTRICT ENTITLED PZD-2025-006 FOR APPROXIMATELY 51.4 ACRES LOCATED NORTH OF THE INTERSECTION OF WEST WEIR ROAD AND NORTH RUPPLE ROAD IN WARD 4

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves PZD-2025-05 as described in Exhibits "A" (map), "B" (legal description), and "C" (PZD booklet) attached to the Planning Division's Agenda Memo which allows the development of approximately 32 acres of residential uses and 19.4 acres intended to preserve natural areas and open space with regulations similar to the City's CCR, Conservation, Cultural, and Recreation zoning district.

Section 2: This PZD approval does not constitute approval of any associated development, nor does it constitute approval of any variances to street standards, design standards, or other requirements.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning criteria change provided in Section 1 above.

20 July 2026

To Kara Paxton, City Clerk Treasurer, City of Fayetteville
113 W Mountain Street
Fayetteville, Arkansas 72701

Appeal to City Council of Planning Commission decision, regarding:

PZD-2025-006 Planned Zoning District (Northeast of 4110 W Weir Road / Foxtail, 205

This form is to request an appeal of a decision by the Planning Commission made on 13 July 2026 in regards to rezoning of an 85.63 acre parcel located north of Weir Road.

As per UDC § 161.35:

> "Any property located within the city limits is eligible for a **Planned Zoning District**. Upon City Council approval, an owner or developer of a specific piece of property located outside of the city limits may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville."
>
> "The intent of the Planned Zoning District is to **permit and encourage comprehensively planned zoning and development** [emphasis mine] whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development.

UDC § 161.35 goes on to say that:

> "The City Council may consider any of the following factors in review of a Planned Zoning District application.
>
> ***(1) Flexibility.*** Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
>
> **(2) *Compatibility.*** Providing for compatibility with the surrounding land uses.
>
> **(3) *Harmony.*** Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
>
> **(4) *Variety***. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities."

At the July 13th Planning Commission meeting, our team presented a comprehensive design that included large and small lot residential development that provided this flexible approach contemplated by the PZD process. We identified natural areas to be preserved, we noted which lots were to be larger lots to maintain and enhance rural character, we stated that development along Wier Road would be in harmony with the existing residential large lot uses.

Our PZD design was based upon the **Future Land Use Map**, which identifies this area as Residential Neighborhood Area:

> "Residential Neighborhood Areas are primarily residential in nature and support a **wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units.** [emphasis mine] ...This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood."

In addition to housing, our design showed existing natural areas to be preserved and areas that had been mined for red dirt to be restored and enhanced. Areas adjacent to Wier Road were identified as opportunities for large lot residential consistent with the existing rural character.

City Planning staff understood our vision for this area and recommended approval.

Planning Commission at their June 22nd meeting had voted in favor of annexation for this property.

The basis for our appeal is that at the July 13th meeting, the Planning Commission did not consider the matter before them. Rather than exploring the nature of the proposed PZD, which was related to land use, they focused on two items that were incidental to this matter: First the nature, character, and construction details of an **Access Road** connecting our property to Wier Road. And second, whether **Additional Annexations** should be made adjacent to this property.

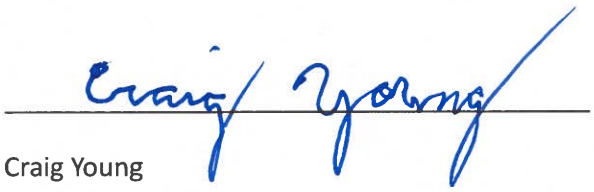
Regarding the **Access Road**, we stated several times that we were willing to construct the **Access Road** to City of Fayetteville standards and that we were willing to either deed that property to the City of Fayetteville, to Washington County, or to have it owned and maintained by a future Home Owner's Association. The Planning Commission made no consistent request on this matter.

In addition, we pointed out that the exact nature of the **Access Road** would be proposed and considered as part of the development process, as described in UDC § 166.01 *Development Categories* (B) *Subdivision of Land.* (2) *Preliminary Plat* as follows: "When a property is to be subdivided into more than four (4) lots or when a parent or resulting tract has been subdivided three (3) or more times and is proposed to be further subdivided, the application shall be processed as preliminary plat. A preliminary plat establishes the preliminary location of lot lines, streets, and utility infrastructure, and allows for the applicant to request construction plan approval and install required improvements."

The other item that was discussed multiple times, was the Planning Commission's desires for **Additional Annexations** in the vicinity of this project. Some of this discussion of **Additional Annexations** stemmed from anxiety about recent revisions to the laws of the State of Arkansas that eliminated the City of

Fayetteville's ability to control development within the Planning Area. Some Planning Commissioners felt that, absent that power, additional annexations might be the answer. There was also some enthusiasm for annexing the property at the Access Road, so that it could be built to City of Fayetteville standards. However, there was no consensus on this from the commission. In any case, the matter and limits of the annexation had been thoroughly considered and approved at the June 22nd meeting of the Planning Commission, where they forwarded this to the City Council with a recommendation of approval. We feel that if the amount of annexed property was a matter to be considered, it should have been considered at that June 22nd meeting, not as a way to effect land use and density.

In summary, we feel that the decision by the Planning Commission to not forward this PZD to the City Council was incorrect, and that the matter should be considered by the City Council. It is our hope that we can demonstrate that the design and vision for this 85.63 acre parcel is one that would help the city meet its goals to provide housing, enhance natural features, and to grow our city in a responsible manner.



Craig Young

CEO

DRP Holdings LLC

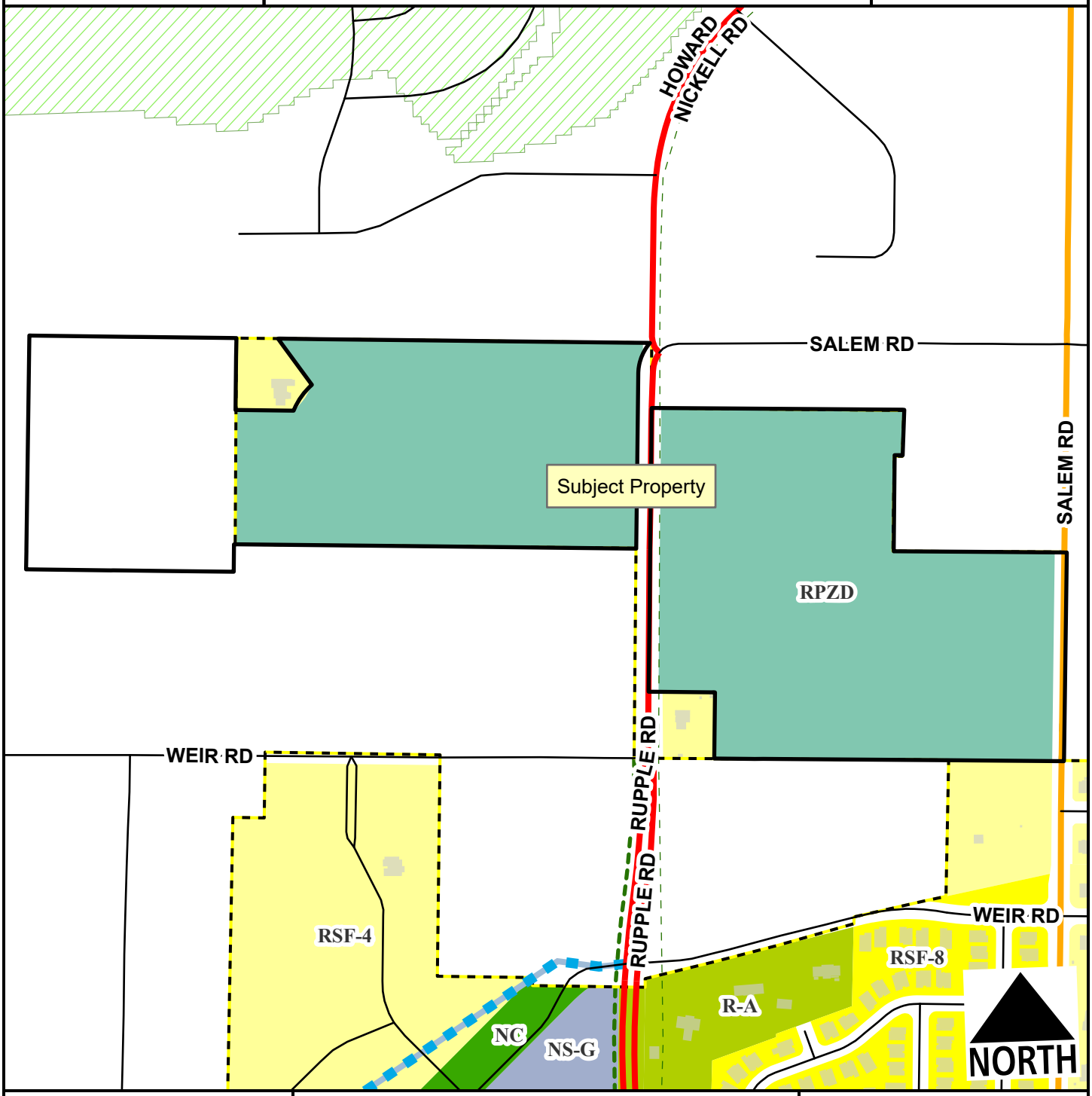
2790 S Thompson St. Suite 102, Springdale, AR 72764

PZD-2025-0006

Close Up View

NORTHEAST OF 4110 W. WEIR RD

PZD-2025-0006
Exhibit A



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)

Feet

0 165 330 660 990 1,320

1:5,500

PZD-2025-0006
Exhibit B Legal Description

January 19, 2026

Foxtail Meadows PZD annexation legal description

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND RUNNING THENCE ALONG THE WEST LINE THEREOF S02°39'23"W 227.95', THENCE LEAVING SAID WEST LINE S87°23'45"E 184.05', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 221.00' FOR A CHORD BEARING AND DISTANCE OF N37°14'48"E 100.32', THENCE N34°18'09"W 181.66' TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE ALONG SAID NORTH LINE S87°19'40"E 1179.18' TO THE WEST RIGHT-OF-WAY OF NORTH RUPPLE ROAD, THENCE LEAVING SAID NORTH LINE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 151.27' FOR A CHORD BEARING AND DISTANCE OF S22°47'08"W 104.09', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S02°39'46"W 554.27', THENCE LEAVING SAID RIGHT-OF-WAY N87°23'59"W 1275.08', THENCE S02°39'23"W 86.80', THENCE N87°20'37"W 658.19', THENCE N02°49'03"E 741.08', THENCE S87°17'05"E 656.10' TO THE POINT OF BEGINNING, CONTAINING 29.29 ACRES, MORE OR LESS.

AND ALSO

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°19'40"E 1318.83' AND S02°36'38"W 205.99' FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30 IN SAID TOWNSHIP AND RANGE AND RUNNING THENCE S87°36'01"E 800.32', THENCE S04°03'41"W 144.16' TO A POINT ON THE NORTH LINE OF A QUITCLAIM DEED FILED IN BOOK 2021 AT PAGE 48724, THENCE ALONG SAID NORTH DEED LINE N87°15'26"W 25.00' TO THE WEST LINE OF SAID QUITCLAIM DEED 2021-48724, THENCE ALONG SAID WEST DEED LINE S02°33'56"W 304.75', THENCE LEAVING SAID WEST DEED LINE S87°36'36"E 548.63', THENCE S02°47'48"W 661.43' TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE ALONG SAID SOUTH LINE N87°34'30"W 1108.12', THENCE LEAVING SAID SOUTH LINE N02°33'47"E 209.95', THENCE N87°27'50"W 210.09', THENCE N02°36'38"E 899.08' TO THE POINT OF BEGINNING, CONTAINING 27.05 ACRES, MORE OR LESS. THE ABOVE DESCRIBED TRACT CONTAINING IN AGGREGATE 56.34 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PZD-2025-0006
Exhibit 'C'

Foxtail Meadows Planned Zoning District Expansion

JUNE 05, 2026

A

Ownership

DRP Holdings, LLC
18836 Heads Ford Rd, Springdale AR 72764

PREPARED BY RANGE CO

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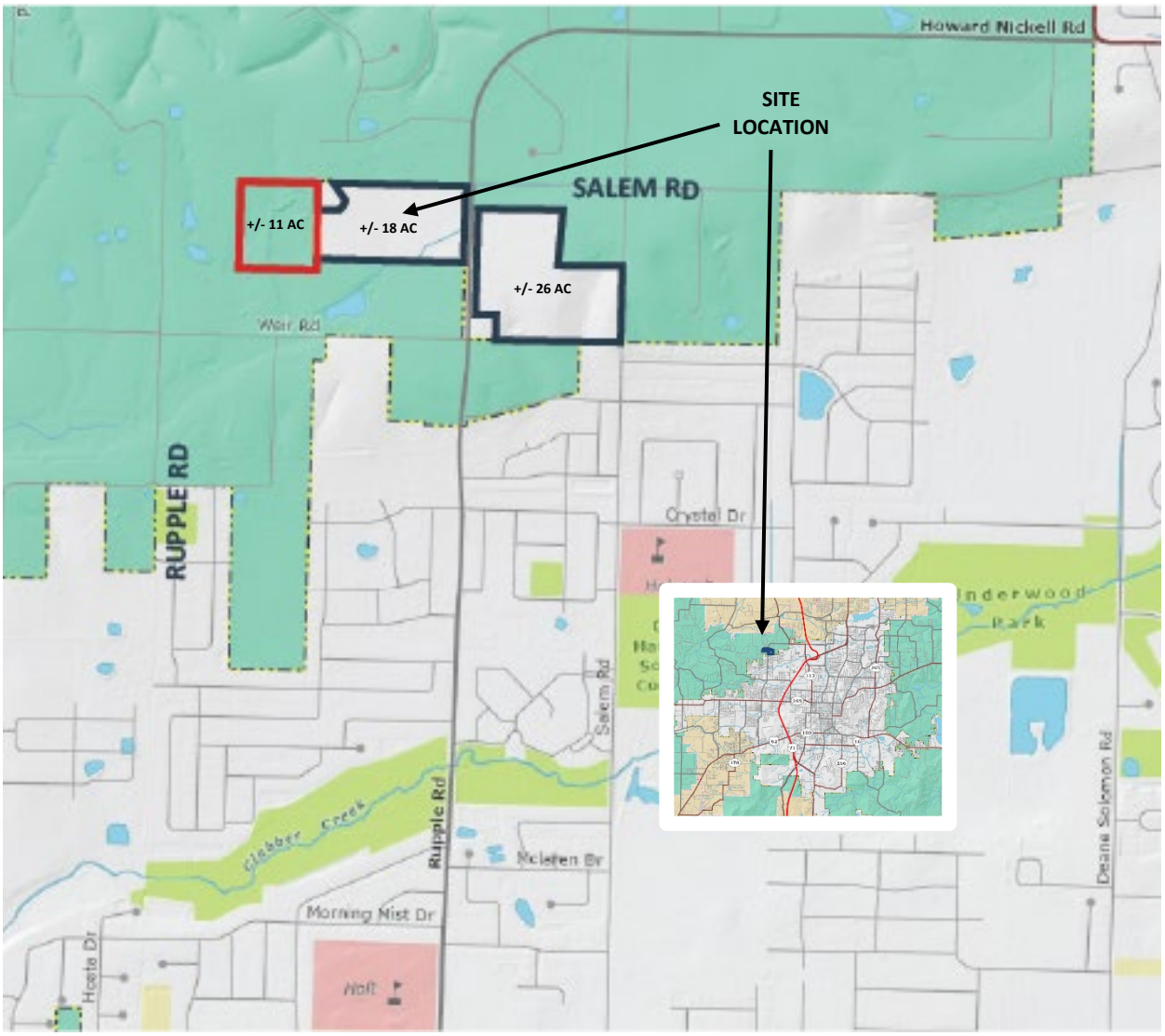
B

Project Summary

The proposed +/- 206 lot residential development aims to provide achievable housing options for our city's demographic needs structured in a walkable neighborhood format, with a series of storm parks lined by homes. The RPZD includes eleven parcels (765-21244-100, 765-21244-200, 765-21244-300, 765-21244-400, 765-21244-500, 765-21244-600, 765-21244-700, 765-21244-800, 765-21244-900, 001-16771-000, 001-16771-002) which will sensitively preserve over one-third of the planning area as open green space. Nine of the included parcels (765-21244-100, 765-21244-200, 765-21244-300, 765-21244-400, 765-21244-500, 765-21244-600, 765-21244-700, 765-21244-800, 765-21244-900) totaling +/- 44 acres were entitled under identical standards in 2024. This 2025 proposal adds two more county parcels (001-16771-000, 001-16771-002) totaling +/- 11 acres, for a total of +/- 55 acres, and aims to extend the goals of the already-adopted PZD. At +/- 3.6 units per acre, the overall unit density of the proposed development falls below the current allowable four units per acre, yet this zoning district will allow that density to be gathered together in a pattern that promotes walkable community and utilizes natural drainages as green stormwater amenities. This proposed development patterns supports City goals in the housing it offers, the green space it preserves, and its development pattern that exemplifies City recommendations.



Site Location Approximate location as seen aerially from the southeast.

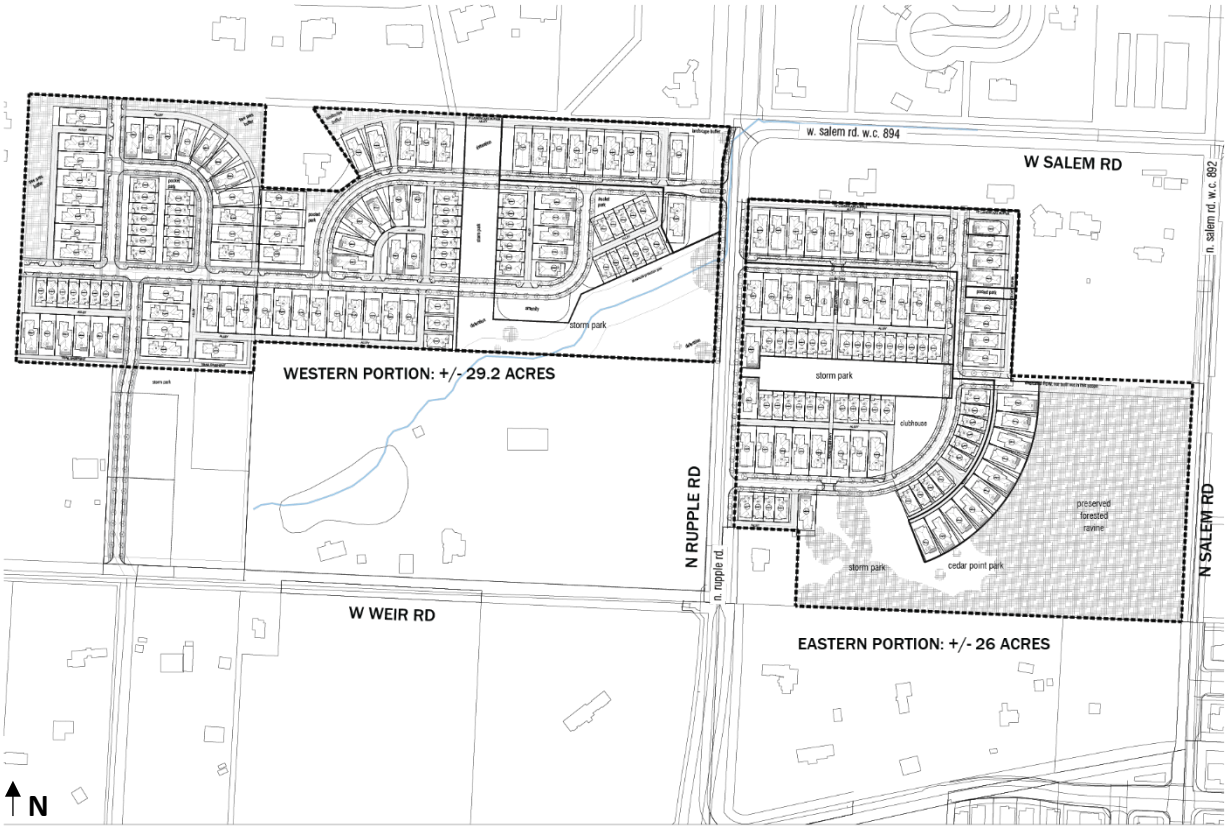
C

General Project Concept

Street and Lot Layout

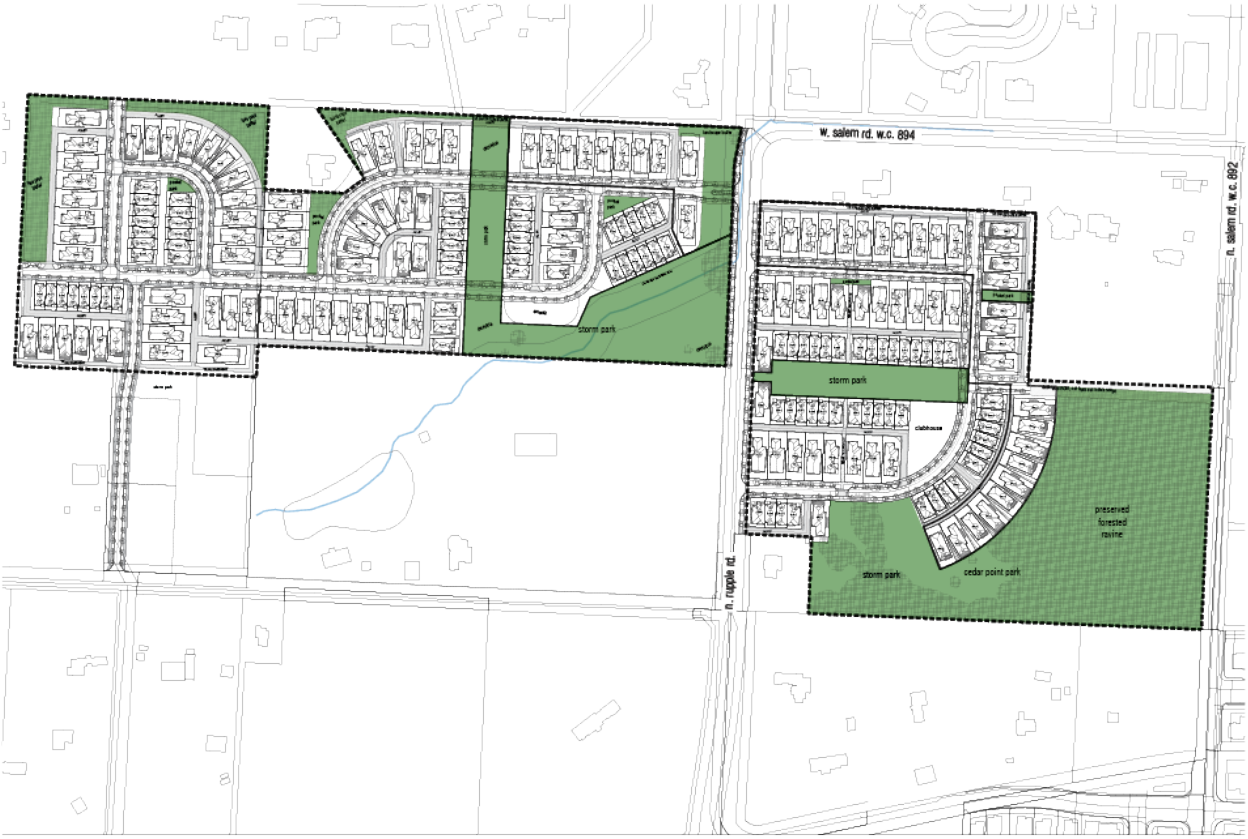
The project aims to continue the addition of single-family home neighborhoods on the northwest edge of the City yet with a pattern of streets and lots that preserves more green space, respects natural drainages and their stormwater management performance and reduces the City's long term infrastructure management costs. Smaller lot sizes will provide much needed smaller-footprint homes for our dominantly 1-2 person household demographics and walkable age-in-place homes that are deed restricted for buyers aged 55 and over. The lots and their street connections work with the existing topography to direct stormwater downhill towards places reserved for tree preservation, landscape buffer, streamside protection, and green amenity space. The proposed streets plan for and provide future interconnectivity with stub outs to potential developments in all directions, including a connection on W Weir Rd with the expanded parcels. The layout also incorporates an existing home into the new neighborhood, on the north side of the western portion. Because of the restricted geometry of the site, alleys are utilized throughout to provide rear-loaded access to units. This allows homes to more attractively face the street and reduces the higher costs of additional fully built out public streets. The resulting street layout is compliant with block length standards and ensures accessible greenspaces and enjoyable and safe pedestrian avenues for all future residents. Smaller lots with less street frontage allow for lower overall street lengths than conventional neighborhood development, thereby requiring lower long-term costs to maintain paving, sewer, and water infrastructure.

Site Plan



Buffer Areas

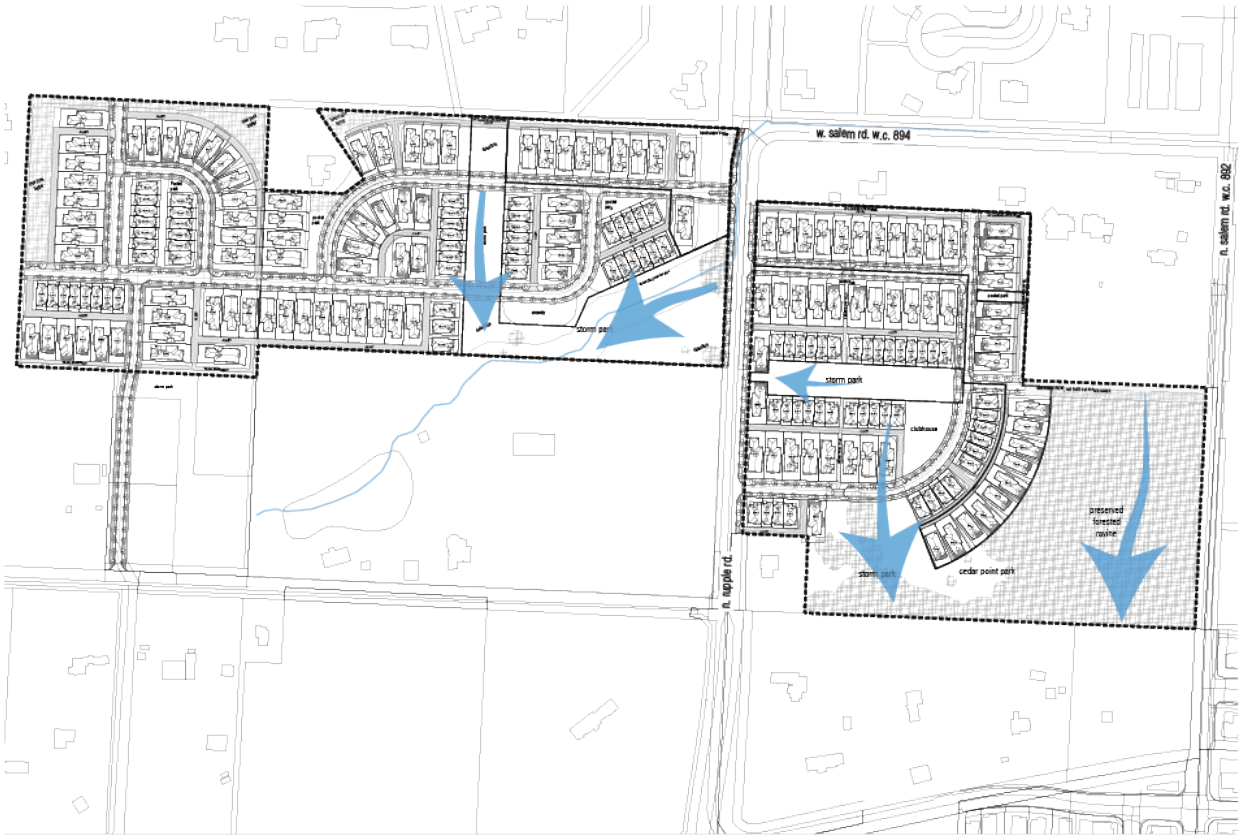
The proposed development provides a consistent landscape buffer along Rupple across the central portion of the planned development, including retention of a large natural draw for stormwater management. In the eastern portion of the proposed development, a large, forested ravine is preserved along with a continuous strip of existing tree canopy along the southern edge. Single family homes otherwise line the edge of the planned zoning district and abut other single-family homes on adjacent lots. In the center of the development on either side of N Rupple Rd, east-west linear storm parks catch off-site drainage onto the development while acting as landscape buffers to existing adjacent single-family homes. The western portion is also lined by landscape buffers along the northern and western portions of the site, preserving existing tree lines.



PRESERVE + GREEN AREAS

Tree Preservation Areas

The bulk of the property has long been dominantly pastureland or unshaded meadow, but in the past thirty years the patches of trees in the southeast-most portion have spread slowly into broader coverage through the central portion of the planned development. The masterplan and planning areas preserve the largest portion of this vegetation (a +/- 10-acre area). Initial estimates promise retention of up to 43% of existing tree canopy. This figure does not include the central linear storm parks running east-west on the eastern portion of the site, which are likely to require regrading. The westernmost portion of the site, consisting of the second annexation, has been mostly clear-cut exposed dirt for at least thirty years but does have mature oaks along its upper boundaries that will be preserved.



STORM WATER FLOW LINES

Storm Water and Detention Areas	The masterplan responds to the existing landform and drainage patterns and reserves those areas to manage stormwater. Across the central portion of the site, these patterns form a "V" down through the middle of the site and continue up to the northeast. On the eastern portion of the site, a large "M" of ridges along the south and southeastern property line is reserved for stormwater management, and the east-west linear storm parks capture additional stormwater across a more consistently sloped table in the central section. Those vegetated areas double as green amenity spaces.
Undisturbed Natural Areas	The southeastern portion of the site is a forested ravine. This approximately 7-acre portion of the property will be left undeveloped as natural amenity space, hopefully as a public recreational area. The existing topography suggests that most of site's stormwater will efficiently run to the proposed storm park on the central portion of the site, allowing minimal impact to the more vegetated southeastern portion of the overall site.
Existing and Proposed Utility Connections and Extensions	A waterline is proposed to be extended along Howard Nickell Road to the intersection of Hwy 112, to provide adequate fire flows to the site while respecting the city's planned low pressure zone to the south of the property. Sewer access is planned to be provided directly south via easement through to Magnolia Crossings property. Existing utilities are further discussed in Section M: Impacts to City Services

D

Proposed Planning Areas

The proposed Neighborhood Zones would extend the existing PZD onto the entire +/- 55.0 acres of the site**.** Neighborhood Zone A and Neighborhood Zone B each account for approximately +/- 16.0 acres of the site, and Conservation, Culture and Recreation Zone makes up the remaining and largest portion with +/- 19.4 acres. A portion of Area B is planned to be age-in-place single-story cottages that are deed restricted for owners 55+. The average unit sizes range from +/-1,220 sf to +/-2,050 sf.

LEGEND

A (NEIGHBORHOOD) +/- 16 ACRES

B (MISSING MIDDLE) +/- 16 ACRES

C (CONSERVATION ZONE) +/- 19.4 ACRES

E

Proposed Zoning Standards

Planning Area A: Neighborhood Zone

(A) *Purpose.*

- Provide an appropriately flexible neighborhood buffer to commercial, institutional, and single family residential uses
- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone A:

(1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;

(2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;

(3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;

(4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;

(5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage

(6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;

(7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

(8) Lots which have access to an alley shall be required to utilize said alley for driveway access;

Proposed Zoning Standards

(C) *Uses.*

(1) *Permitted Uses*

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

Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 12b	General business
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 45	Small scale production

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum. 24 feet*

** Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.*

(2) *Lot Area Minimum.* None.

(F) *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

(G) *Building Height Maximum. 3 stories*

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

Planning Area B: Missing Middle Zone

(A) *Purpose.*

- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone B:

(1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;

(2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;

(3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;

(4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;

(5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage

(6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;

(7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

(8) Lots which have access to an alley shall be required to utilize said alley for driveway access;

Proposed Zoning Standards

(C) *Uses.*

(1) *Permitted Uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development

Unit 46	Short-term rentals

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 5	Government facilities
Unit 12a	Limited business
Unit 12b	General business
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 45	Small scale production

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	24 feet
All other uses	None

** Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.*

(2) *Lot Area Minimum.* None.

(F) *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

(G) *Building Height Maximum. 3 stories*

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

Planning Area C: Conservation

Planning Area C rezones existing RSF-4 area within the PZD extent to an area with regulations identical to CCR Conservation, Cultural and Recreation for the purpose of protecting natural areas and open space while minimizing the administrative burden on the City's staff to administrate an additional PZD zone when unnecessary to planning use.

(A) *Purpose. The Conservation, Cultural, and Recreation District is a designation requested by the owner of property that the city and the owner have determined beneficial and desirable to conserve, preserve, protect, or enhance natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of improving and restoring such property's ecosystem services. Further, this district serves to permit certain limited uses and activities which are not detrimental to the land and consistent with these purposes*.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right

(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

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) At least 80% of the zoned area shall be left undeveloped as green space.

(2) No more than 10% of the conservation, cultural, and recreation zoned area may be dedicated to open space that also contains hard surface areas such as parking, paved trail, or other impervious ground cover.

(E) *Setback Requirements.*

(1) Minimum setback from the front property line shall be 20 feet.

(2) Minimum setbacks from all other property lines shall be 50 feet.

(3) A minimum setback of 50 feet shall be established parallel to all floodplain lines shown on currently adopted FIRM panels.

(4) A minimum setback of 100 feet shall be established parallel to the top of bank along all streams protected within the Streamside Protection Zones of §168.12.

(5) A minimum setback of 100 feet shall be established parallel to the edge of open bodies of water.

(F) *Height Requirements.*

Building Height Maximum	2 stories

(G) *Building area*. Maximum lot coverage shall be 5% of the zoned area.

F

Existing Property Zoning Standards of the New Annexation

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
Unit 46	Short-term rentals

(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.*

Unit per Acre	One-half (1/2)

(D) *Bulk and Area Regulations.*

Lot Width minimum	200 feet
Lot Area Minimum	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	35 feet
Side	20 feet
Rear	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Buildable area.* None.

Zoning Comparison Chart of the PZD

	PZD: CURRENT			PZD: PROPOSED		
	Planning Area A: Neighborhood Zone	Planning Area B: Missing Middle Zone	Planning Area C: R-A: Residential Agriculture	Planning Area A: Neighborhood Zone	Planning Area B: Missing Middle Zone	Planning Area C: Conservation, Cultural and Recreation
PERMITTED USES	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 4. Cultural and recreational facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 3. Public protection and utility facilities 6. Agriculture 7. Animal husbandry 8. Single-family dwellings 9. Two-family dwellings 37. Manufactured homes 41. Accessory dwellings 43. Animal boarding and training 46. Short-term rentals	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 4. Cultural and recreational facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right
CONDITIONAL USES	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 10. Thre (3) and four (4) family dwellings 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 4. Cultural and recreational facilities 5. Government facilities 20. Commercial recreation, large sites 24. Home occupations 35. Outdoor Music Establishments 36. Wireless communications facilities 42. Clean technologies	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities
DENSITY	None	None	One-half (1/2)	None	None	None
LOT WIDTH MIN. (FT)	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	200	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	None
LOT AREA MIN. (SF)	None	None	2 acres	None	None	None
FRONT SETBACK (FT)	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	35	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	20
SIDE SETBACK (FT)	5	None	20	5	None	50
REAR SETBACK (FT)	5 12 (from center line of an alley)	5 12 (from center line of an alley)	35	5 12 (from center line of an alley)	5 12 (from center line of an alley)	50
BUILDING HEIGHT	3 Stories	3 Stories	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	3 Stories	3 Stories	2 stories
MAX. BUILDING AREA (%)	50% of lot width	50% of lot width	None	50% of lot width	50% of lot width	5% of the zoned area

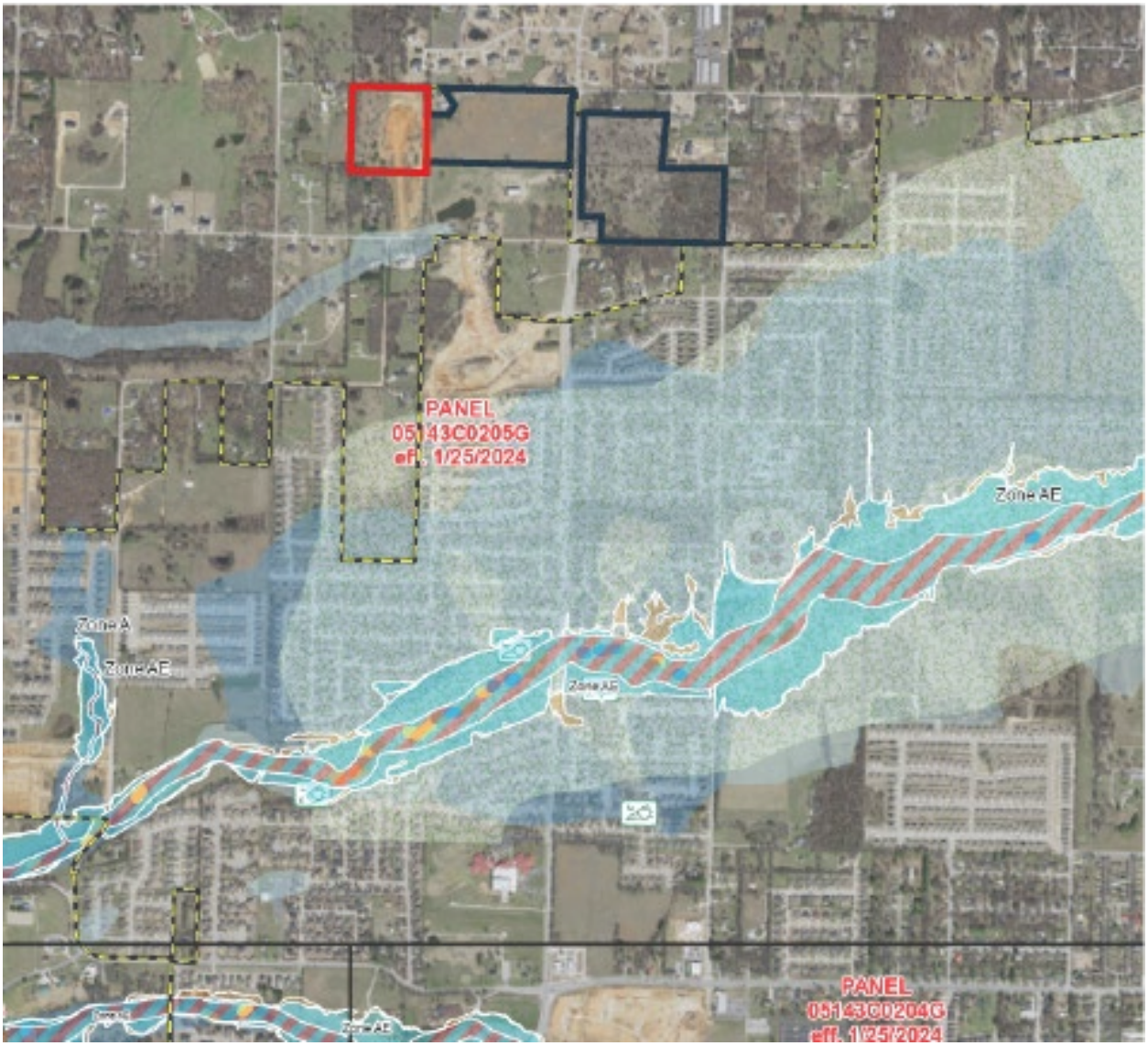
Zoning Comparison Chart of the New Annexation

	NEW ANNEXATION: CURRENT	NEW ANNEXATION: PROPOSED		
	R-A	Planning Area A: Neighborhood Zone	Planning Area B: Missing Middle Zone	Planning Area C: Conservation, Cultural and Recreation
PERMITTED USES	1. City-wide uses by right 3. Public protection and utility facilities 6. Agriculture 7. Animal husbandry 8. Single-family dwellings 9. Two-family dwellings 37. Manufactured homes 41. Accessory dwellings 43. Animal boarding and training 46. Short-term rentals	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 4. Cultural and recreational facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right
CONDITIONAL USES	2. City-wide uses by conditional use permit 4. Cultural and recreational facilities 5. Government facilities 20. Commercial recreation, large sites 24. Home occupations 35. Outdoor Music Establishments 36. Wireless communications facilities 42. Clean technologies	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities
DENSITY	1/2 units per acre	None	None	None
LOT WIDTH MIN. (FT)	200	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	None
LOT AREA MIN. (SF)	Residential: 2 acres Nonresidential: 2 acres	None	None	None
FRONT SETBACK (FT)	35	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	20
SIDE SETBACK (FT)	25	5	None	50
REAR SETBACK (FT)	35	5 12 (from center line of an alley)	5 12 (from center line of an alley)	50
BUILDING HEIGHT	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	3 Stories	3 Stories	2 stories
MAX. BUILDING AREA (%)	None	50% of lot width	50% of lot width	5% of the zoned area

G

Analysis of Site Characteristics

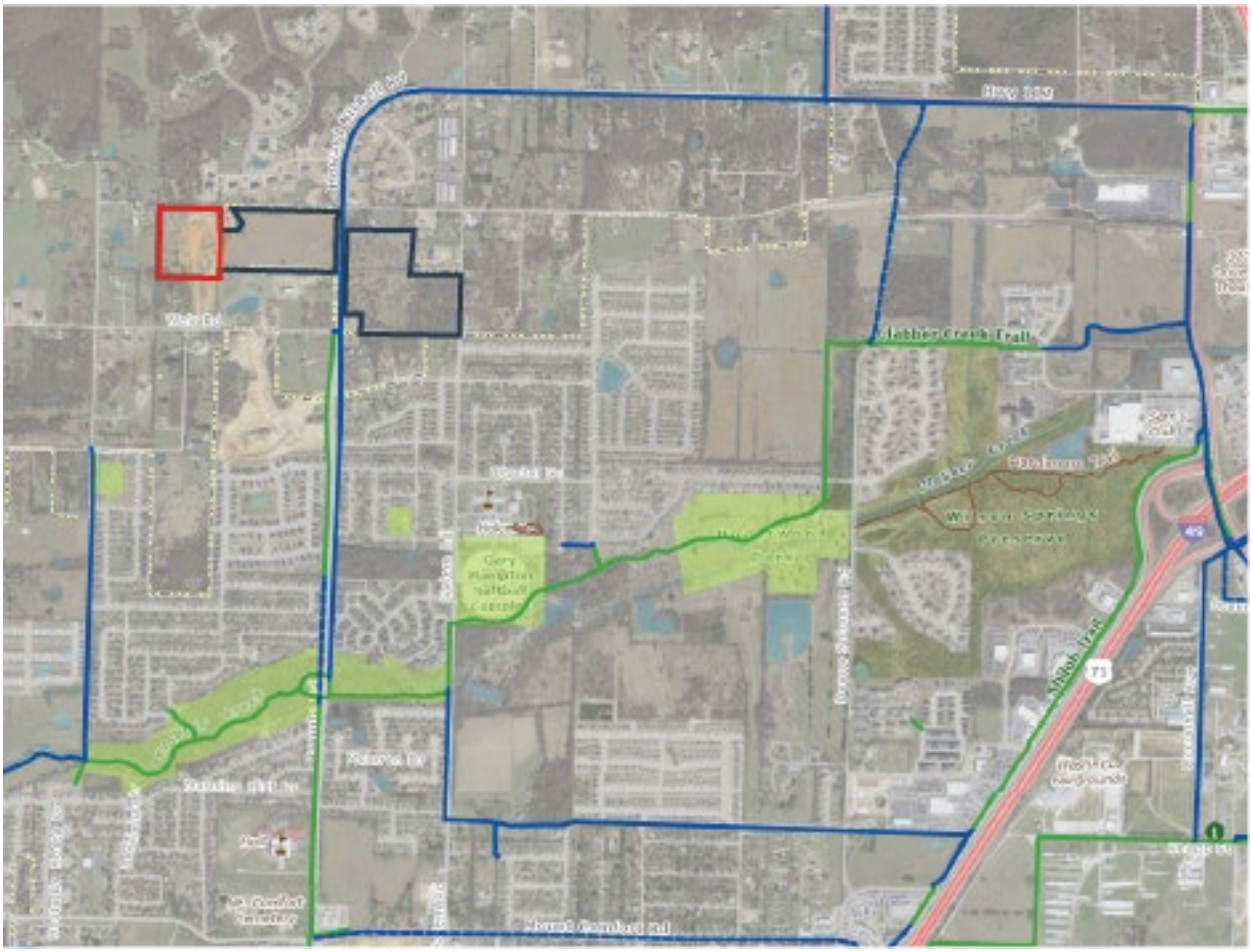
The existing site comprises of large gentle ridges with mild to significant slopes into four valleys. The two southeastern valleys drain south to Clabber Creek, while the northern and western portions meander to the southwest, eventually draining west-northwest into Clear Creek. Based on historic aerial imagery, since 1965 the bulk of the property has been and remains clear of woody vegetation, excepting the southeasternmost portion of the site, from which pioneer woody species have spread north over the past two decades. The westernmost portion of the site has been mostly clear-cut exposed red dirt for the last thirty years or more. The site does not include hydric soils, historic wet prairie, or other sensitive ecologies. It is also outside the floodway of Clabber Creek to the south.



H

Recreational Facilities

The proposed development includes considerate preserve areas along drainage lines, three linear storm parks for passive recreation, a +/- 7 acre preserved forested ravine, one neighborhood clubhouse and another smaller amenity space, and three small parks interspersed with single family lots. The site is walkable via existing sidewalks to the extensive Clabber Creek park and the future Underwood Park facilities, to Holcomb Elementary ½ mile to the south-southeast and to Holt Middle School 1 mile to the south. The proposed development also sits on a main artery of the future planned trail extension up Rupple and curving around Howard Nickell to connect to the NWA Greenway and Mall area.



I

Reasons a Zoning Change is Required

The original PZD area re-zoned the site from RSF-4 to these PZD standards. With the annexation of the enlarged site, matching zoning is desired for orderly development and administration. This allows the development to assist in meeting the City's need to house its rapidly increasing population, while creating and protecting an enduring green network. It also facilitates the compact, complete, and connected development of attainable and appropriately sized housing to which the City aspires, especially adjacent the Tier 3 center directly to the south on Fayetteville's Growth Concept Map. The new PZD area will, if approved, be annexed into the city as Residential-Agriculture zoning and will require re-zoning to able to be developed at attainable price points.

The development of this site requires extensive off-site improvement cost to extend approximately 5,000 linear feet of off-site waterline and acquire necessary right-of-way from the county. While adequately sized city water lines exist adjacent to the site, they connect into a substandard polyethylene water system that was allowed in the 1990s. The system cannot handle normal City of Fayetteville topography-driven water pressure, risking additional pressure-related leaks if this development were to exercise their right to access water via that system.

Instead, significant additional off-site development costs are being incurred, saving the City of Fayetteville significant long-term maintenance cost. The cost of this infrastructure improvement to the city can be financially offset by increasing the density of the developable land to take advantage of, and pay taxes toward, the long-term maintenance and replacement costs of that infrastructure. Thus, a zoning change to allow for higher density is the only financially viable option to develop a compact, walkable, and deliberate development like the one proposed here.

This is the kind of development described in the City Plan 2040 that creates livable communities that also will require less investment in infrastructure by the City. Refer to Sections J and K following this section for more discussion of these elements.

J

Relation to Existing and Surrounding Properties

The surrounding properties to the north outside City limits are larger lot single family residences and estate residential strips tucked into the forested hills. Patterned southeast towards Holcomb Elementary are RSF-8 and RSF-4 neighborhoods with minimal to no green space. Catty-corner to the southwest down Rupple is a +/- 4.7 acre Neighborhood Services – General site that may soon provide some of the commercial services and feel desired by its City Neighborhood designation in the Future Land Use plan. This proposed neighborhood development compatibly blends the compact footprints of attainable and age-in-place neighborhoods with the more rural natural setting of the County properties to the northwest through its intentional preservation of green space and provides a natural variety of housing product and price points with a walkable community structure.

K

Project Compliance with Fayetteville Comprehensive Land Use Plan + City Plan 2040

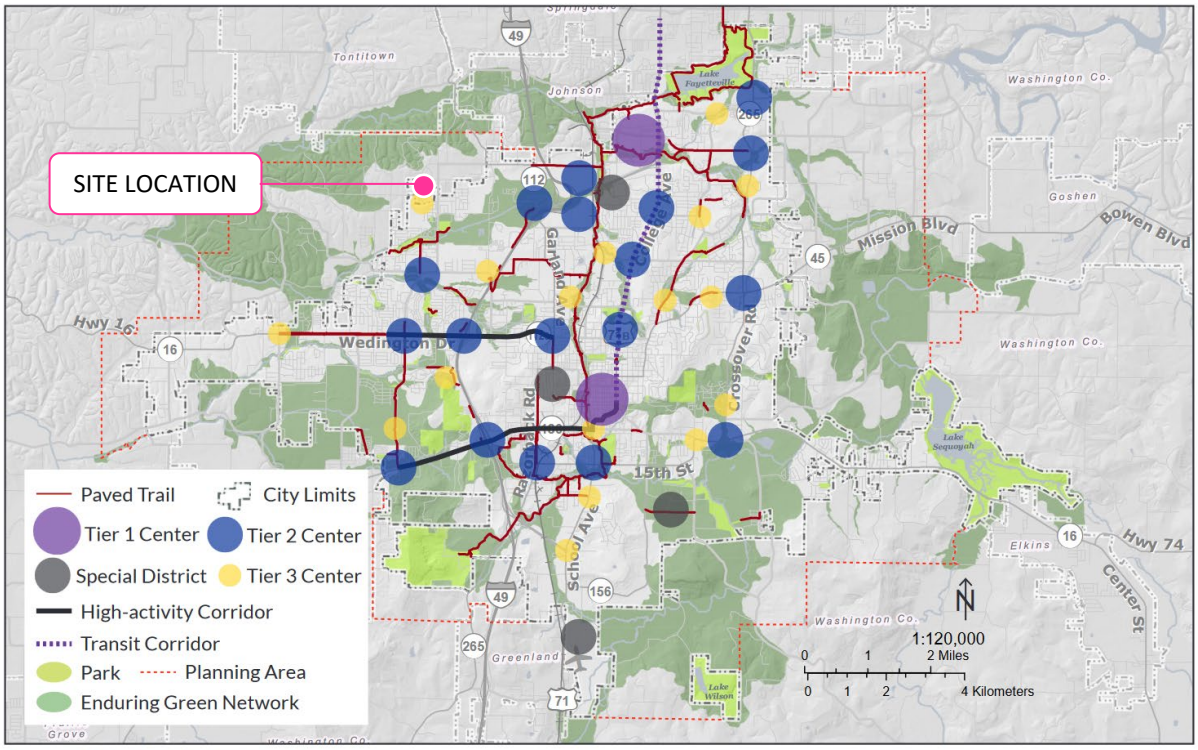


Figure 2.0 - Growth Concept Map

The project site is part of a planned Tier 3 Center at N Rupple Road and W Weir Road. Tier Three Centers are intended to serve the immediately surrounding residential areas and will cater to the specific needs of a small market. As a result, no two will be the same. Some may be characterized by one or two commercial and/or multi-family buildings located on a single intersection while others develop into a mixed-use core extending over multiple blocks and serving a broad mix of housing. The nodal nature of Tier Three Centers are important for providing a unique sense of place to a neighborhood. Tier Three Centers shown on The Growth Concept Map are not intended to be inclusive of all non-residential services that may be identified at a neighborhood-scale analysis. Neighborhood-scale and micro-retail locations are embedded within the general land use policies discussed throughout City Plan, not on the Growth Concept Map. The project site is also located with frontage on a Regional Link along Rupple Road.

The proposed development is wholly in line with the City Plan 2040's primary goals of compact, complete, and connected growth which is intentional, sustainable, and mixed use. Transit ready and commercial supportive densities are provided, and housing is centered on low impact development stormwater features and attainable age-in-place homes. The retention of green space and the compact walkable neighborhood design promotes this area as a peaceful community on the shoulder of the City Neighborhood Tier 3 hub.

Figure 3.4 - Rural

Figure 3.5 - Suburban Sprawl

Figure 3.6 - Traditional Development

Goal 3 Objectives

3.3.1 *Require new growth that results in neighborhoods, districts and corridors that are:*

- **Compact** – via denser housing; meaningful open spaces and preserves; small blocks
- **Complete** – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
- **Connected** – via street-oriented buildings; interconnected streets; interconnected greenways and trails

3.3.2 *Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes.*

The 71B College Avenue Corridor Plan provides a framework for incrementally re-developing this major thoroughfare into a series of inter-connected and livable mixed-use districts. The City can provide redevelopment catalyst by making capital investments in increased street, sidewalk and trail connectivity.

3.3.3 *Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.*

The Razorback Regional Greenway illustrates the ability of the City to leverage capital investments in trail infrastructure to drive economic development. The City created the Fayetteville Alternative Transportation and Trail Plan in 2003 and began building the Scull Creek Trail with $2.1 million in funding provided by a bond issue passage. Additional yearly Capital Improvement Project funding of $1.3 million annually was used to build-out the remainder of the trail. The economic development catalyst that the trail provided is evidenced by the residential and commercial development occurring in nodes along the trail spine in south Fayetteville, throughout downtown/Dickson Street, in mid-town around Poplar Street, and throughout the uptown district along Mud Creek.

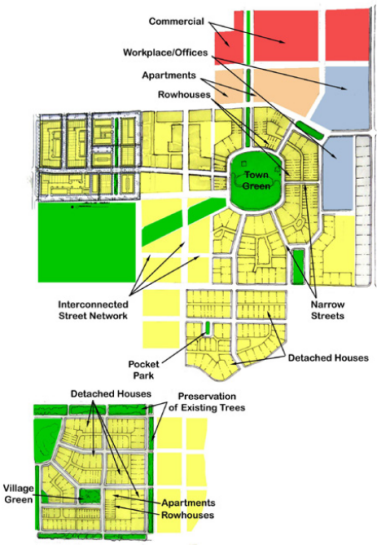
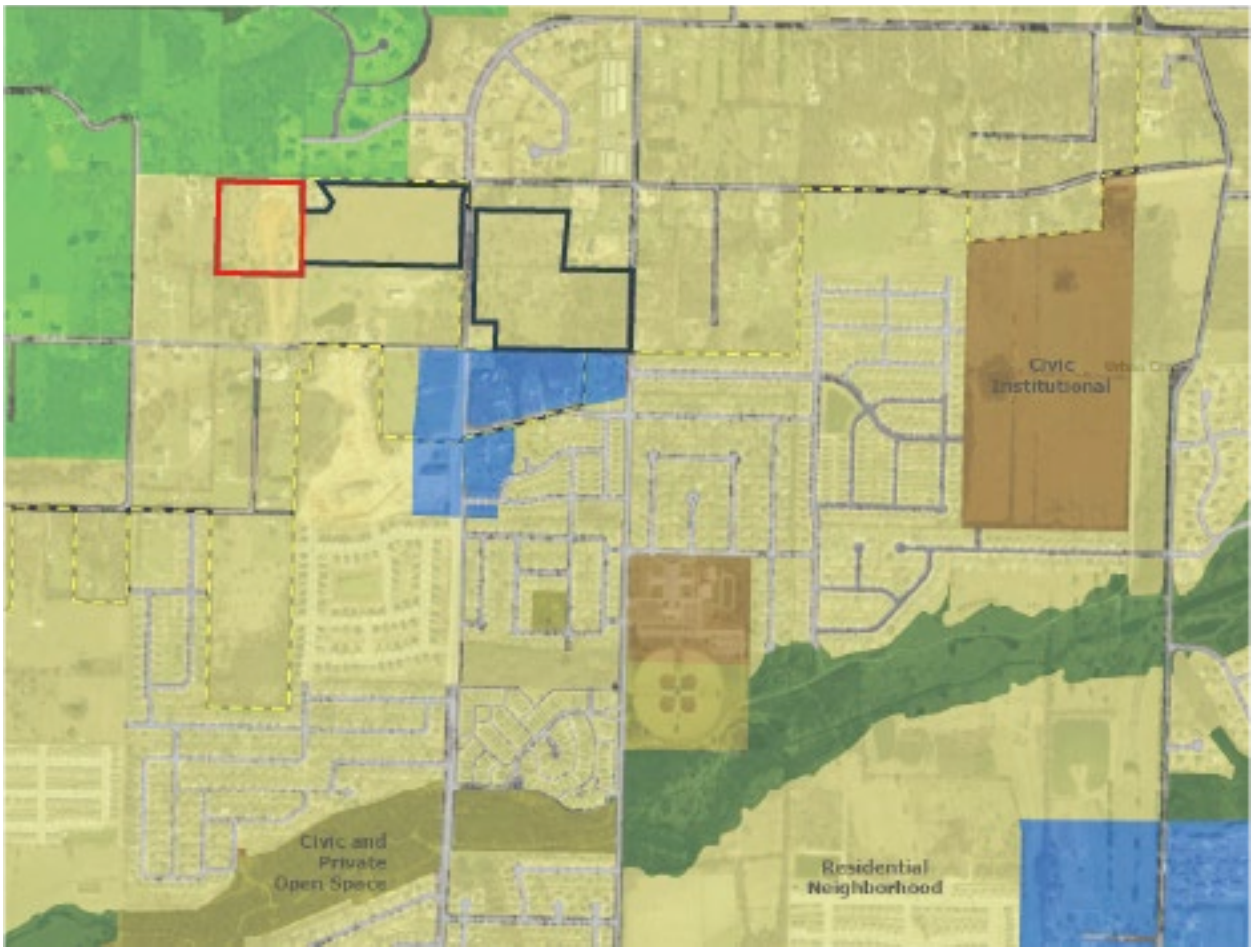


Figure 3.10 - Example Development Layout

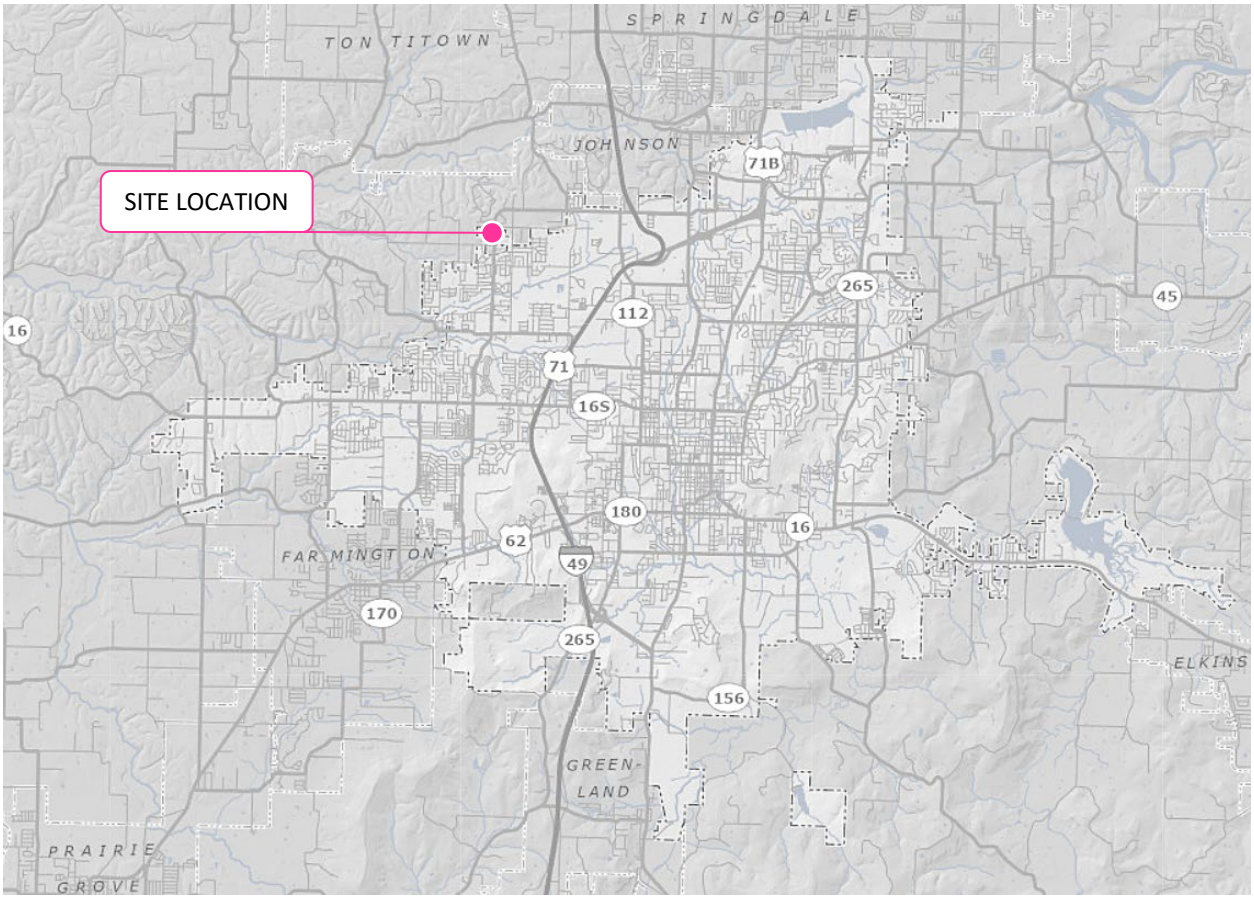
Figure 3.11 - Example Development Layout



The Proposed development's location in a Residential Neighborhood Area and directly adjacent a City Neighborhood Area reflects the creatively gathered density and emphasis on walkability that is required to support the Tier Center and Transit Readiness Goals of the City. Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, 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 of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood. The following guiding policies are designed to encourage future and existing residential neighborhoods to be or become more complete, compact and connected:

- Encourage a block and street layout that promotes walkable and bicycle friendly road designs with slow vehicular design speeds.
- Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- Eliminate designs elements that prohibit complete, compact and connected neighborhoods.
- Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.

- Encourage the scale of new development to be compatible in use and proportionality between a variety of residential and non-residential uses.
- Site new residential areas accessible to roadways, sidewalks, trails, transit, parklands, schools, existing utilities, and retail commercial goods and services.
- Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.
- Continue to encourage context-sensitive streets, allowing for efficient access to commercial residential areas for vehicles, pedestrians and cyclists.



Two parcels (001-16771-000, 001-16771-002) will be concurrently partially annexed for this proposed development as they rest just outside current City limits.

L

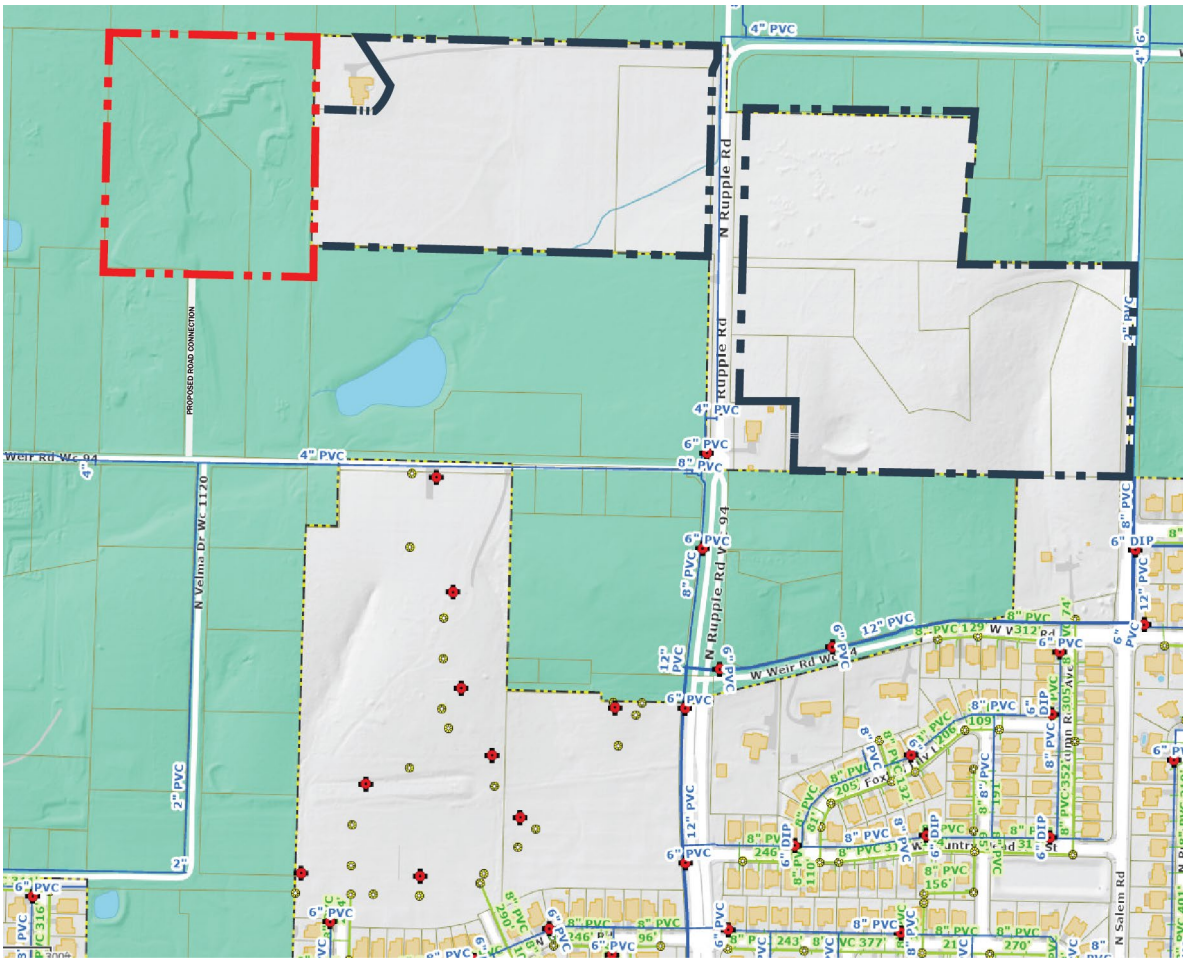
Traffic Study

A traffic study has not been deemed necessary at this time. Off Site Improvements will be determined at the time of development review. We would like to note that the age-restricted use of the property west of Rupple Road is likely to decrease traffic incident with the development significantly.

M

Impacts on City Services

The development in question would add public water, sewer and street improvements to the city as well as add to the sidewalk connectivity to the city's network. The project would also require trash service, fire department services, and police services. The City has stated it cannot provide a letter guaranteeing any project service until that project has been approved, yet extensive coordination with water and sewer capacity has been completed in advance of the PZD. The developer understands the required water and sewer upgrades that will be required to serve the project. Existing utility connections are shown below.



N

Development Standards, Conditions, and Review Guidelines

Screening and Landscaping, Traffic and Circulation, Parking Standards, Perimeter Treatment, Sidewalks, Streetlights, Water, Sewer, Streets and Drainage, Construction of Non-Residential Facilities, Tree Preservation, Architectural Design Standards, Proposed Signage, and View Protection will follow City of Fayetteville Unified Development Code Standards, except as differentiated below.

Proposed Architectural Design Standards

Building Elevations will be submitted at the time of development and will meet the following requirements.

(A) *Purpose.* The intent of this ordinance is to encourage timeless architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space.

(B) *Applicability.* The Architectural Design Standards are applicable in the following instances:

(1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District and College Avenue Overlay District.

(2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.

(3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.

(4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.

(5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.

(D) *Porches and Stoops.* If a building has a porch or stoop then it shall comply with the following regulations:

(1) *Front Porches.*

(a) *Standard.*

(i) *Depth.* 6 feet minimum from the principal façade to the inside of the column face.

(ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.

(b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.

(2) *Stoops.*

(a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.

(i) *Depth.* 4 feet minimum from the principal façade to the inside of the column face for stoops with a covered landing.

(ii) *Height.* 96 inches maximum.

(iii) *Length.* Maximum 12-foot width for each individual building entrance or group of connected entrances. The pedestrian connection from the stoop to the public sidewalk shall be allowed to run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.

(b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade and may extend into the right-of-way in accordance with the building code adopted by the City of Fayetteville.

(c) *Placement.* Sidewalks shall have a minimum 5 feet clear access for pedestrian movements. Stoops shall not be built within 18 inches of the side property line on attached unit types.

(3) *Projected Bay.*

(a) *Standard.* Bays shall consist of habitable space.

(i) *Depth.* 4 feet maximum from the principal facade.

(ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 feet clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 feet clear.

(iii) *Length.* 50% maximum of the principal façade length.

(b) *Second Story Right-of-Way Encroachment.* Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Projected bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.

(E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.

(1) *Rear Yards Only.* The following shall only be located in the rear yard unless screened in a side yard by a durable and attractive screen or fence enclosure:

(a) Trash dumpsters.

(b) Trash and recycling carts and bins.

(2) *Exterior Prohibited Materials.* The following shall be prohibited:

(a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.

(b) *Shutters made of plastic*.

(c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).

(d) *Plastic or PVC roof tiles*.

(e) *Aluminum siding.*

(f) *Vinyl siding.*

(g) *Wood fiber board*.

(h) *Unfinished pressure-treated wood.*

(i) *EIFS* (Exterior Insulation Finish System) located on the first or ground floor.

(3) *Columns, Arches, Pedestals, Railings and Balustrades.*

(a) *Permitted Configurations*.

(i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.

(ii) Round columns shall have a minimum 6-inch outer diameter with or without capitals and bases.

(iii) Pedestals shall have a minimum width of 8 inches.

(b) *Permitted Materials*.

(i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(ii) *Arches and Lintels.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(iii) *Railings and Balusters.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.

(4) *Windows, Skylights, and Doors.*

(a) *General Requirements.*

(i) Visible sills on the exterior of the building are required for all windows.

(ii) Windows shall have trim on the sides and top when the exterior of the building is fiber cement siding. Window trim shall have a minimum dimension of 0.75 inches × 3.5 inches (a normal 1×4).

(iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

(b) *Permitted Configurations*.

(i) All window configurations are allowed.

(c) *Permitted Finish Materials*

(i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).

(ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)

(iii) *Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(5) *Roofs and Gutters.*

(a) *General Requirements.*

(i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.

(ii) Applied mansard roofs are not permitted.

(iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.

(b) *Permitted Configurations*.

(i) Gutters may be rectangular, square, half-round, or Ogee sections.

(c) *Permitted Finish Materials*

(i) *Metal Roofs.* Metal roofs may be made of galvanized steel, aluminum-zinc coated steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.

(ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.

(iii) *Gutters and Downspouts.* Gutters and downspouts shall be made of copper, aluminum, galvanized steel, aluminum-zinc coated steel, lead coated copper, terne, or powder coated steel.

(6) *Garden Walls, Fences and Hedges.*

(a) *General Requirements.*

(i) Fences, garden walls, or hedges are permitted along side yards, rear yards, and all property lines which abut public streets or alleys.

(ii) Fences in the front yard shall be not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard, at least 6 feet behind the principal façade of the primary structure, may be at a maximum 100% opaque.

(b) *Height*.

(i) Front yard (in front of the primary structure) maximum height of 42 inches.

(ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 8 feet.

(c) *Permitted Configurations.*

(i) *Wood Fences.* Vertical picket fences or horizontal slat fences with corner posts, and split rail fences; privacy fences are permitted in the rear and side yard only, behind the principal façade of the primary structure.

(ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum ⅝-inch diameter, and 4-inch maximum clear space between the pickets.

(iii) *Brick and Stone*.

(d) *Permitted Finish Materials*

(i) Wood.

(ii) Wrought iron, steel and cast iron.

(iii) Brick and stone.

(iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.

(v) Reinforced concrete with or without stucco as long as the primary structure corresponds.

(7) *Opacity and Facades.*

(a) *General Requirements.*

(i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal façade area.

(ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum stepback of 15 feet from the principal façade.

(iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

(iv) All glass shall have a Low-E coating.

(v) Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.

(b) *First or Ground Floor Requirements of Any Principal Façade*.

(i) Glass on the first or ground floor shall have a visible transmittance rating of 0.6 or higher.

(ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor.

(iii) Office, institutional, and other non-residential space shall have a minimum of 50% glass on the first or ground floor.

(iv) Multi-family residential space shall have a minimum of 40% glass on the first or ground floor.

(v) Single family and two (2) family residential space shall have a minimum of 5% glass on the first or ground floor.

(vi) The measurement for glass percentage on the first or ground floor shall be calculated at the pedestrian level between 2—12 feet above the sidewalk. For a building façade located outside of a build-to zone the measurement for glass percentage on the first or ground floor shall be at the pedestrian level between 2 and 12 feet above the finished floor elevation (FFE).

(vii) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

Proposed Landscape Standards

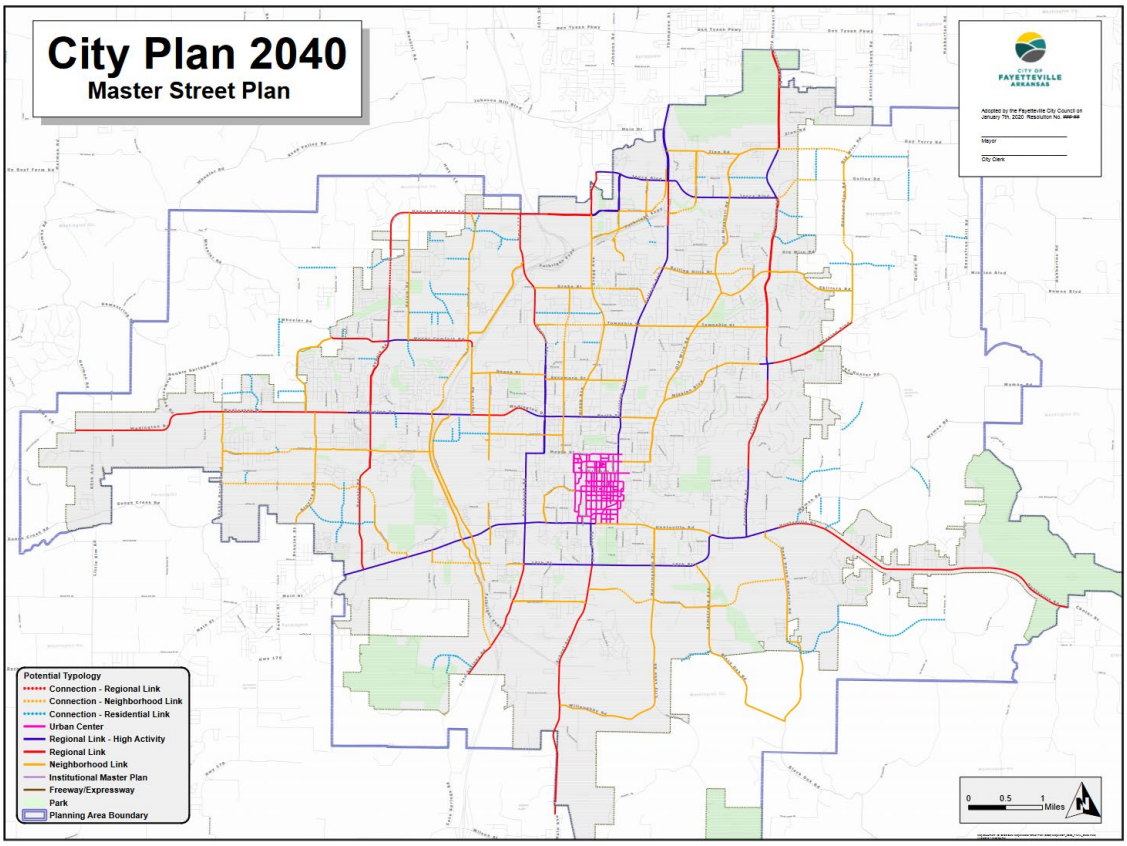
The project will comply with the standard Landscape Standards of the City of Fayetteville. Where lots front onto an alley, public or private open space, or pedestrian access, either one (1) tree per lot or one (1) tree for every 30' of alley or street frontage only, whichever is fewer, shall be provided. These trees shall be placed in the proximity of the lot yet shall not be required to be placed on the lot; they may be clustered or arranged to the benefit of the alley, open space, or pedestrian access in an overall quantity to meet the spirit of UDC 177.05(B). Additionally, this is not the maximum number of trees permitted on a lot; to ensure any required mitigation or desired landscape, additional trees could be planted along lots and alleys.

O

Planned Zoning District Intent Fulfillment

Flexibility	While this project's design and philosophy is wholly in line with the City of Fayetteville's City Plan 2040 goals, the project requires the flexibility of a Planned Zoning District to achieve two elements: townhouses in sets of more than 4 contiguous units and alley-loaded units facing a park rather than a street right of way. In all other ways, the project could be developed under typical existing form-based zones. The flexibility of a PZD provides the project with the opportunity to provide more traditional townhouse blocks of 5 and 6 contiguous units and platted fee simple lots facing green space. This arrangement allows for density more in line with the city's goals, demographic and housing cost needs of citizens, and provides the opportunity for additional common natural space. Units with front porches that face directly onto a park allow young children to safely play together in park space right outside the front door, without the danger of crossing the street, and within the safe view of parents sitting on front porches and stoops. The public "right of way" as park maintains all the pedestrian connectivity and social connection of a neighborhood street, but replaces the large space typically dedicated to cars in the right of way to playing children and low impact development stormwater storage.
Compatibility	The surrounding properties to the north and west outside City limits are larger lot single family residences and estate residential strips tucked into the forested hills. Patterned southeast towards Holcomb Elementary are RSF-8 and RSF-4 neighborhoods with minimal to no green space. Catty-corner to the southwest down Rupple is a +/- 4.7 acre Neighborhood Services – General site that may soon provide some of the commercial services and feel desired by its City Neighborhood designation in the Future Land Use plan. This proposed neighborhood development compatibly blends the compact footprints of attainable and age-in-place neighborhoods with the more rural natural setting of the County properties to the northwest through its intentional preservation of a large percentage of the site's most sensitive ecological areas and provides a natural variety of housing product and price points with a walkable community structure.
Harmony	The PZD allows for an orderly and creative provision of housing in a walkable format with densities appropriate to the area and the supporting infrastructure in the neighborhood.
Variety	The proposed neighborhood provides a variety of unit types, uses, and price points for residents not typically found in an exclusionary single-family neighborhood. The age-restricted western portion of the development provides 2-3 bedroom units that address a critical market need for attainable age-in-place residences. The inclusion of multi-family housing by right in this PZD is purely a result of desiring to provide more traditional runs of townhouses with 5-9 contiguous buildings.
No Negative Impacts	The development provides no negative effect upon the future development of the area, providing a complete, compact, and connected street network and a flexible, traditional block structure that allows future flexibility and redevelopment within the neighborhood.
Coordination	The land surrounding the property to the south is largely already developed. Connections and rational edge to the development have been provided to the future development to the west, the large single-family parcels to the northeast, and potential future connectivity to the east. These measures plan for future development and urbanization so they may occur in a coordinated and coherent manner.
Open Space	One of the primary benefits of the PZD approach for the development of this site is allowing the

	provision of more usable and suitably located open space for recreation than would otherwise be possible under typical zoning regulations.
Natural Features	The plan for the proposed development exemplifies the aims of PZDs to provide "maximum enhancement and minimal disruption of existing natural features and amenities." The existing landforms and drainage patterns are respected and celebrated through their integration into functional stormwater management and open green space amenity. The steep, wooded ravines on the eastern portion of the proposed development are intentionally preserved to minimize siltation and runoff for better water quality as well as to retain canopy coverage and natural habitat that can be sensitively enjoyed for passive recreation.
Future Land Use Plan	The PZD's careful layout of planning areas secures considerately gathered density as a means to nurture the postcard aspiration of traditional communities with neighbors chatting from porch to porch and preservation of natural areas that are harmoniously consistent with the guiding policies of the Future Land Use Plan.
Special Features	The site's topography and drainage patterns present challenges to providing dense enough development without significant earthwork and engineered stormwater management. The geometry and dimensions of the site makes efficient, rear loaded units a challenge. The PZD's innovative approach to frontages and careful attendance to planning area layout allow for a reasonable density and unit mix that would be challenging under typical zoning regulations.
Recognized Zoning Consideration	The proposed zoning approach is novel and allows a degree of flexible use designed to reduce car trips and increase the walkability and resilience of the neighborhood. It does allow several things not currently typical to the city's zoning regulations, as is appropriate and intentional to the concept of PZD's within the city.


City Plan 2040
Master Street Plan
CITY OF FAYETTEVILLE ARKANSAS
Mayor
City Clerk
Potential Typology
Connection - Regional Link
Connection - Neighborhood Link
Connection - Residential Link
Urban Center
Regional Link - High Activity
Regional Link
Neighborhood Link
Institutional Master Plan
Freeway/Expressway
Park
Planning Area Boundary
0 0.5 1 Miles
N

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: July 13, 2026 (UPDATED WITH MEETING RESULTS)

SUBJECT: **PZD-2025-0006: Planned Zoning District (NORTHEAST OF 4110 W. WEIR RD./DRP HOLDINGS LLC, 205):** Submitted by FLINTLOCK LTD for property located NORTHEAST OF 4110 W. WEIR RD. The property is currently split between city limits and Washington County and contains approximately 85.63 acres. The request is to rezone the property from R-A, RESIDENTIAL AGRICULTURAL AND RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO RPZD, RESIDENTIAL PLANNED ZONING DISTRICT.

RECOMMENDATION:
Staff recommends forwarding **PZD-2025-0006** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **PZD-2025-0006** to City Council with a recommendation of approval and with conditions as recommended by staff."*

JUNE 22, 2026, PLANNING COMMISSION MEETING
At the July 13, 2026, Planning Commission meeting, the item was tabled to provide additional time for the applicant to provide information on the proposed connection to Weir Rd. including whether it would be public or private and which standards it would be constructed to. There was discussion about overall street improvement considerations, how the annexation and mixed jurisdictions could impact development, and whether there would be requests for additional annexations in the future. Multiple members of the public spoke at the meeting, and their comments are further discussed in the public comments section of the report. In the interim, no additional information has been provided to staff.

BACKGROUND:
The subject property is located in northwest Fayetteville just north of the intersection of Rupple Road and Weir Road. The property contains a total of twelve parcels. Nine were previously annexed in 2006 and one was annexed in 2024, with all ten of these rezoned to R-PZD, Residential Planned Zoning District in 2025 (PZD-2024-0005). The existing R-PZD is substantially similar to the current request and a table has been provided comparing existing and proposed regulations within the attachments. A request to annex the remaining two parcels currently in Washington County has been submitted concurrently with this request for portions of the two westernmost parcels (ANX-2025-0002). All parcels included in the project boundary are current undeveloped and those on the east side of Rupple Road are largely covered by mature tree canopy. A protected stream is present on the west side of the site, though no portions of the

property lie within a floodplain, or the Hillside/Hilltop Overlay District and no hydric soils are present. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)
South	Rural Residential	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre) RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)
West	Rural Residential Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 Unit per Acre)

Proposal: The applicant requests to rezone the property to a Residential Planned Zoning District with three planning areas, as described below. The total number of residential lots proposed is 206.

- **Planning Area A: 16.0 acres:** The intention of this area is to provide single- and two-family dwellings with no density limitation. The allowable uses are similar to those allowed in other single-family and intermediate residential zoning districts. Three- and four-family dwellings were also added as by right uses.
- **Planning Area B: 16.0 acres:** This planning area is intended to be a residential area that accommodates a wider range of building types, ranging from single- to multi-family dwellings. No density limitation is proposed in this planning area.
- **Planning Area C: 19.4 acres:** This planning area is intended to protect natural areas and open space and has regulations that are nearly identical to the City's CCR, Conservation, Cultural, and Recreation zoning district. No requirement to provide a permanent protection element is proposed.

Public Comment: Three members of the public commented on the request, all opposed. Two spoke at the June 22, 2026, Planning Commission meeting. Concerns expressed included inadequate road and utility infrastructure, incompatibility with adjacent properties, decreased property values, construction of smaller or rental residential units, and a lack of clarity regarding the intent for the portion of the lots to remain within the county.

INFRASTRUCTURE:

Streets: The subject property has access to two public streets: Rupple Road and Salem Road. Both streets are unimproved with no curb and gutter or sidewalk. Any street improvements required in the area would be determined at the time of development proposal.

Water: Public water is available to the site. There are existing lines differing in size along Rupple and Salem. A water main extension along West Howard Nickell Road from the intersection with Highway 112 will be required.

Sewer: Sanitary sewer is not available to the site. Main extensions will be required to provide sewer to future development. A downstream capacity study for sewer must be provided to determine if there are sewer capacity issues. Any capacity issues will have to be addressed prior to occupancy or final plat of a development.

Drainage: No portion of the subject property lies within a FEMA floodplain or the Hillside/Hilltop Overlay District and there are no hydric soils on site. However, a protected stream is present. Streamside protection zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50 feet wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Station 7, located at 835 N. Rupple Road, protects this site. The property is located approximately 3 miles from the fire station with an anticipated drive time of approximately six minutes using existing streets. The anticipated response time would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:
The proposed PZD and the existing R-A zoning require **25% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **1-5** for this site with a weighted score of **5.5** at the highest level. Elements contributing to the highest score include the following:

- Near Sewer Main (8" main, Ika Lane)
- New Water Main (various mains, Rupple Road and Salem Road)
- Near Public School (Holcomb Elementary School)
- Near City Park (Gary Hampton Softball Complex)
- Near Paved Trail (Rupple Road, Clabber Creek Trail)

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:*** **On the balance of considerations, staff finds the applicant's request to be compatible with the surrounding area. As proposed, the planned zoning district would allow for a compact and complete residential development in close proximity to low-density subdivisions. While no density maximums are proposed in the residential planning areas, the subsequent development associated with this PZD is proposed to have a density of 3.6 units per acre based on the information provided in the PZD booklet. Staff finds that the applicant's request would allow for development that promotes a wide range of housing types, encourages pedestrian-oriented design, and preserves natural features on site. The previous development was proposed prior to the creation of the city's CCR, Conservation cultural and recreation zoning district so the applicant utilized the Residential Agricultural, R-A zoning which was the zoning district the city previously utilized for preservation of land. With the modified PZD, the applicant changed planning area C to largely follow the requirements of the CCR district with the exception of the legal instrument for permanent protection. Staff still finds that these protections are adequate even without the instrument for permanent protection since City Council action would be required to amend the PZD to permit other uses.**

Small scale commercial uses are also permitted by conditional use permit which would allow the Planning Commission to evaluate their compatibility and impact with their surroundings at the time of permitting. Necessary street improvements and extensions and upgrades of water and sewer mains would be determined and required at the time of development.

Land Use Plan Analysis: **Staff finds that the proposed planned zoning district is somewhat consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates this property as Residential Neighborhood Area and those areas are intended to encourage a wide range of housing types which this PZD would allow. While the site has a low infill score range of 1-5, is located just within city limits, and has limited access to utilities, staff finds that it would not be encouraging suburban sprawl. Staff finds that the proposed PZD is aligned with several goals of City Plan 2040 including Goal 2 (discouraging suburban sprawl) by allowing for a compact residential development with urban zoning standards that is compatible with the surrounding area, Goal 3 (making compact, complete, and connected development the standard), and Goal 6 (creating opportunities for housing).**

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 rezoning is justified at this time. A majority of the subject area is currently zoned with a nearly identical PZD. The proposal would expand a modified planned zoning district onto an additional approximately 11 acres to be annexed to the west. While staff has concerns about that annexation's overall appropriateness, staff finds that the PZD would ultimately be a more appropriate zoning district than RA should the council approve the annexation since it would allow the land to be developed in a more sustainable manner.**

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

Finding: **The planned zoning district has the potential to impact traffic danger and/or congestion in this area, though staff finds that the increase is minimal given the existing PZD allowances. An additional 54 homes are shown on the expanded area with no significant modifications shown within the bounds of the previous PZD. Traffic impacts would be comparable to those generated by development under the current zoning. Two traffic crashes between 2019 and 2025 have been reported along the property's frontage with one at the intersection of Weir Road and Rupple Road and one along Salem to the east.**

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

Finding: **The proposed PZD has the potential to undesirably increase the load on public services when considering that the property has limited access to water and sewer at this time, and several upgrades and extensions to water and sewer mains would be required. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

§ 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.
   (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
   (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
   (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
   (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;
(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: **Staff finds that the proposed PZD would provide flexibility with regard to the variety of housing types, the size of lots, and the density of development permitted on site. Staff also finds it to be compatible with surrounding land uses, which are largely residential. The applicant is coordinating with city staff on required improvements tied to the associated development.**

More usable and suitably located open space and other common facilities are proposed that would not otherwise be required under the RA zoning that all properties annexed into the city are automatically designated. Staff also finds that modifying the existing conservation planning area within the current PZD to more fully align with the city's conservation zoning district better aligns with its stated intent.

Other modifications are minor and generally in line with the goals of the PZD ordinance to promote flexibility of land uses and housing types. Staff finds that the proposed PZD would allow for minimal disruption of existing natural features and be compatible with the goals of the City's future land use plans regarding providing opportunities for housing, discouraging sprawl, and promoting complete and compact development.

RECOMMENDATION: Staff recommends forwarding **PZD-2025-0006** to City Council with a recommendation of approval and with the following conditions:

Conditions of Approval:

1. Any proposed lots without street frontage shall provide adequate access for water, sewer, solid waste, and emergency services;

Planning Commission Action:	❒ **Forwarded**	❒ **Tabled**	☒ **Denied**

Meeting Date: **July 13, 2026**

"I move to forward PZD-2025-0006 to City Council with a recommendation of approval and with conditions as recommended by staff."

Motion: GULLEY

Second: CASTIN

Vote: 3-5-0 (CABE, BREWER, GULLEY, BRINK, WERNER OPPOSED)

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

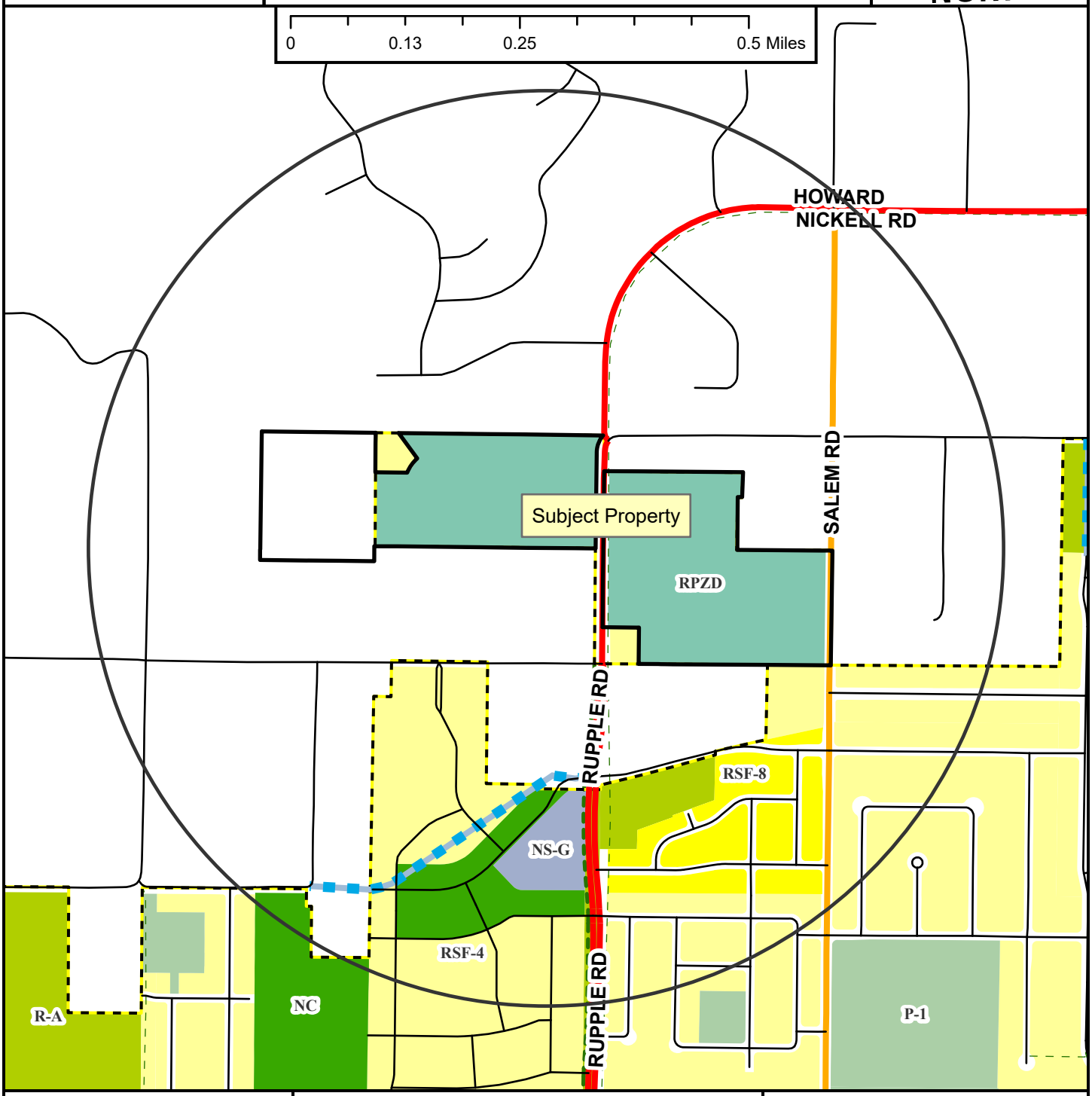
- Project Maps
  - One Mile Map
  - Close Up Map
  - Current Land Use Map
  - Future Land Use Map
- Long Range Planning Memo
- Applicant Exhibits
  - Applicant Request Letter
  - PZD Booklet
- Public Comment

PZD-2025-0006

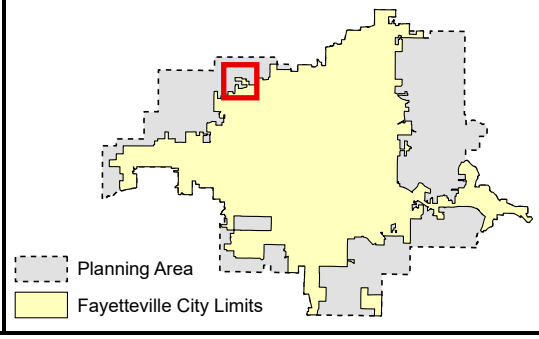
One Mile View

NORTHEAST OF 4110 W. WEIR RD

NORTH



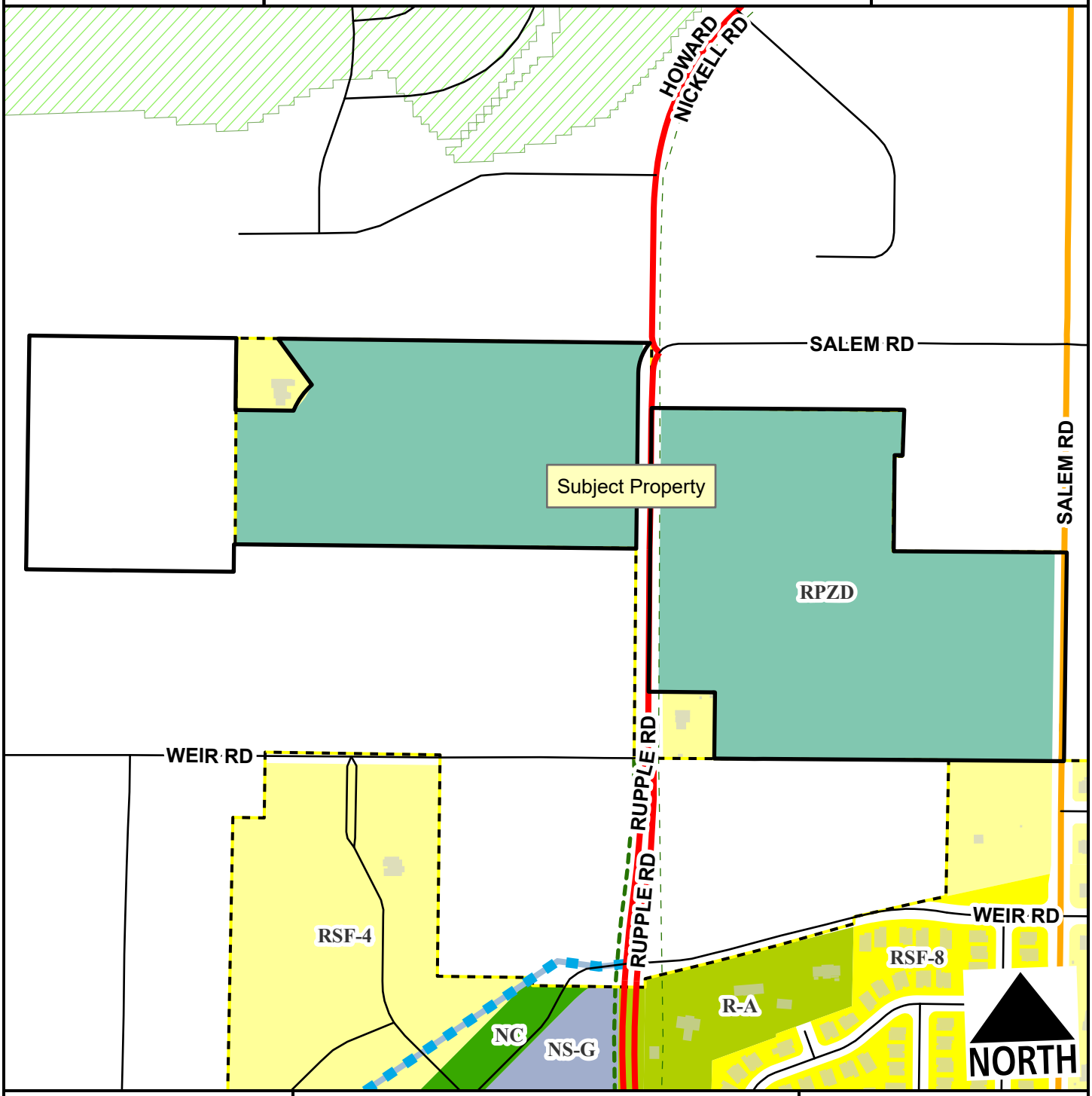
- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



PZD-2025-0006

Close Up View

NORTHEAST OF 4110 W. WEIR RD



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)

Feet

0 165 330 660 990 1,320

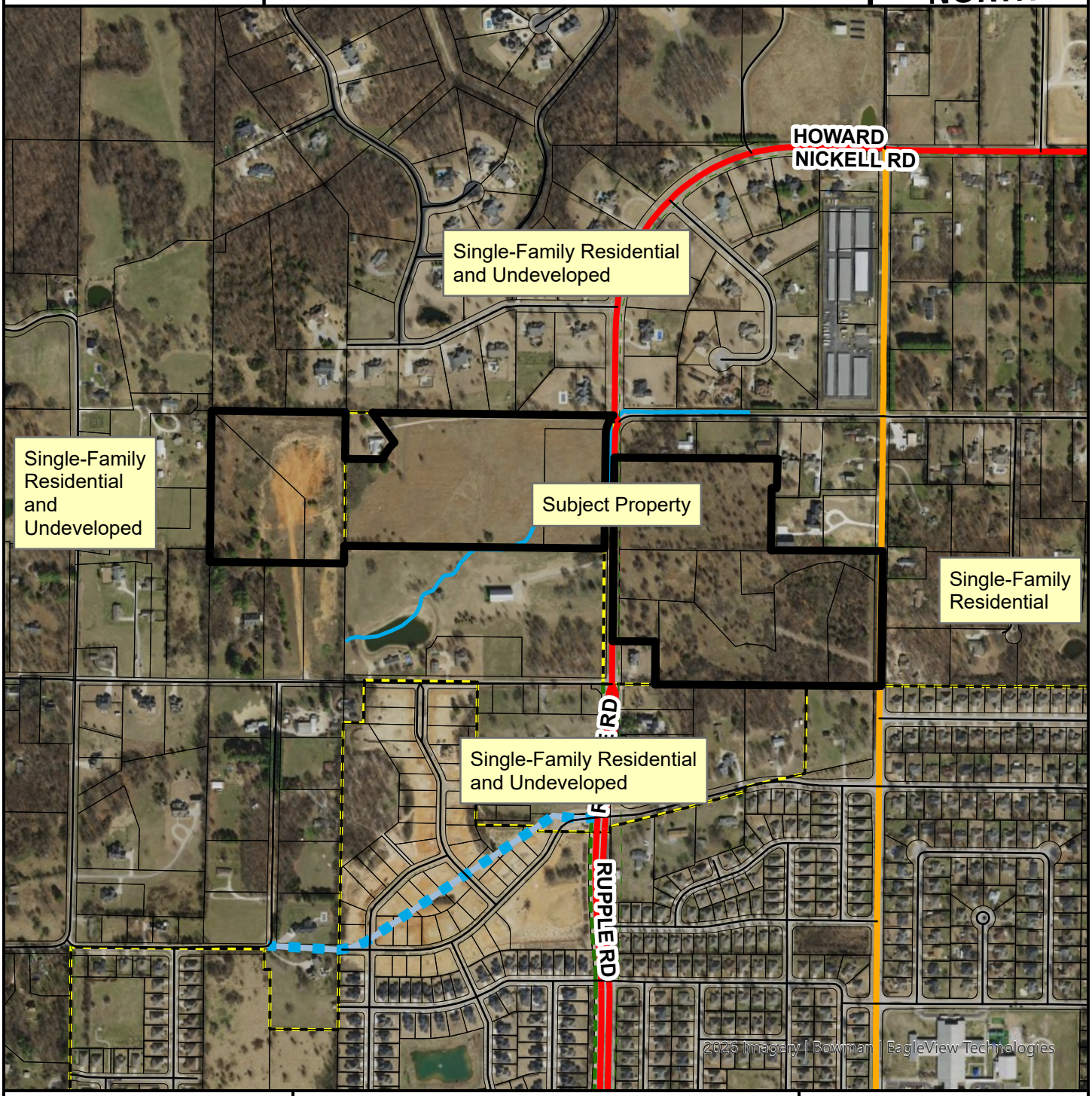
1:5,500

PZD-2025-0006

Current Land Use

NORTHEAST OF 4110 W. WEIR RD

NORTH



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 260 520 1,040 1,560 2,080

1:8,500

FEMA Flood Hazard Data

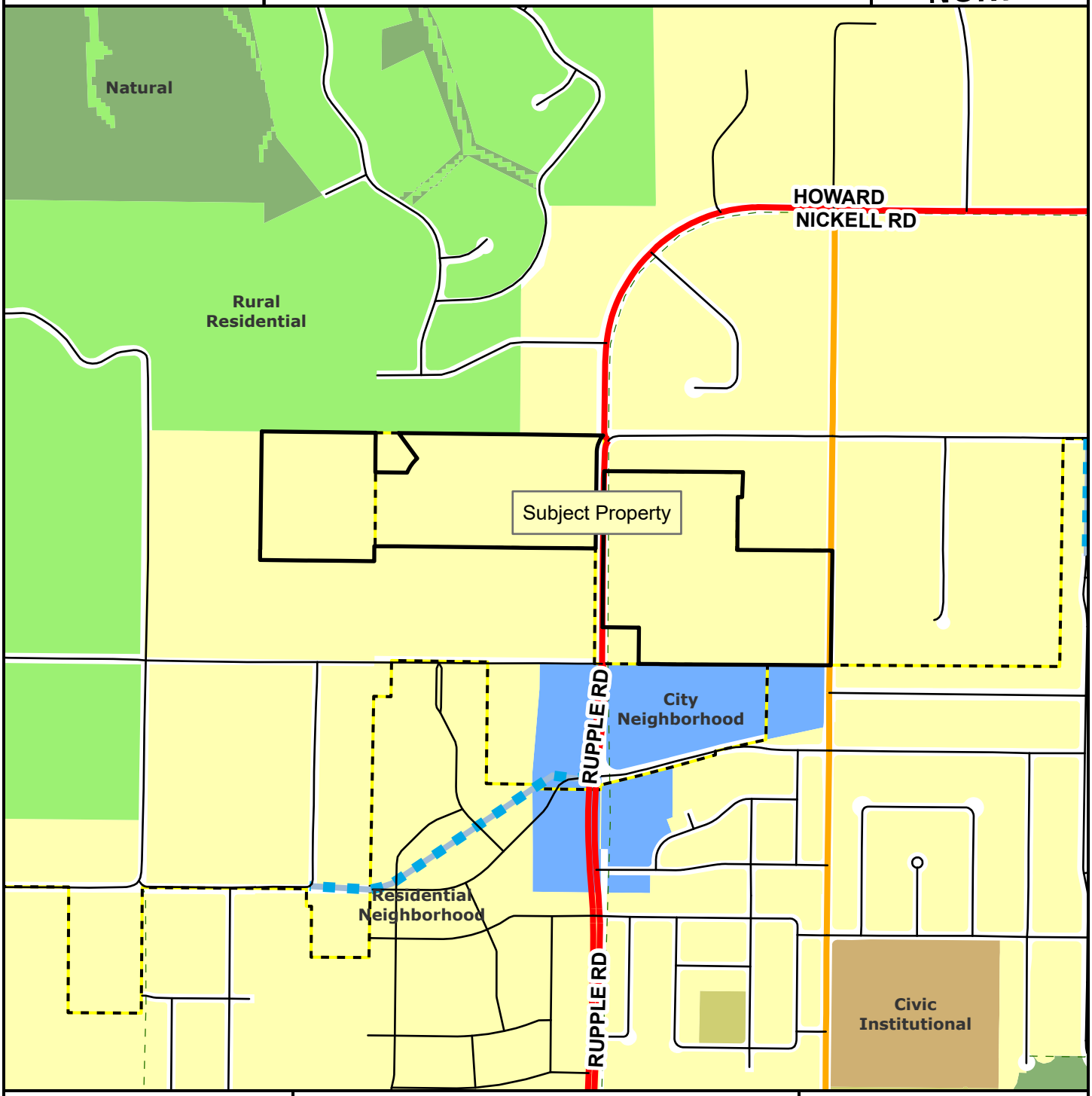
- 100-Year Floodplain
- Floodway

PZD-2025-0006

Future Land Use

NORTHEAST OF 4110 W. WEIR RD

NORTH



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: June 22, 2026

SUBJECT: **Long Range Planning Comments Regarding ANX-2025-0002 & PZD-2025-0006**

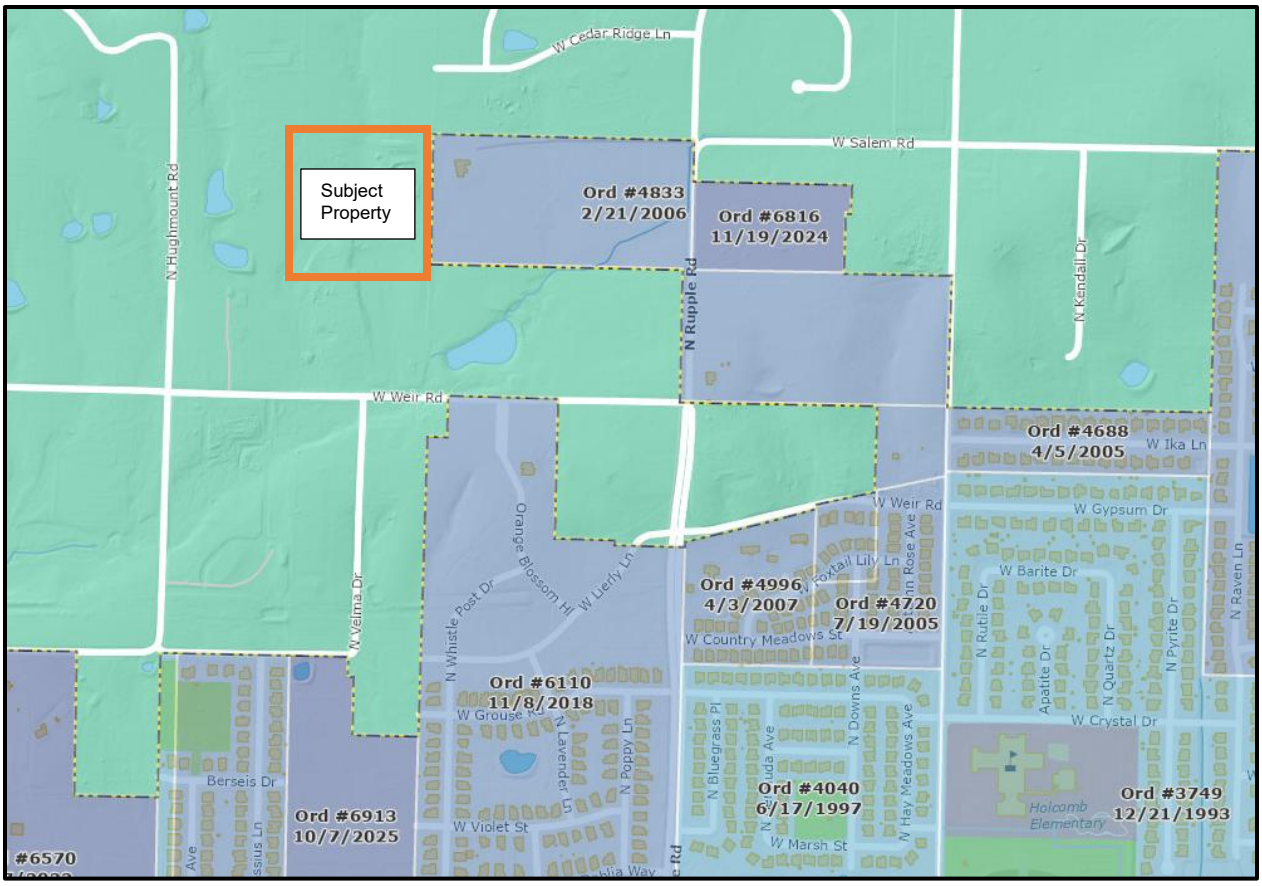
BACKGROUND:
The applicant requests to annex approximately 11.17 acres of property into the City and incorporate it into the Foxtail Meadows Planned Zoning District (PZD). One long range planning document is relevant when evaluating this request: *City Plan 2040.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

DISCUSSION:
Zoning History:
This land immediately adjacent to the subject property was annexed in 2006. An annexation in 2024, extended City limits east and north of existing boundaries to encompass the remainder of the site under consideration with the associated PZD. Approximately 0.11 miles to the southeast of the subject property, south of W. Weir Rd., 68.5 acres were annexed in 2018.



City Plan 2040 and Future Land Use Plan:
As with all land outside of the City, this area is designated as a Rural Residential Area, which are "identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled." The site's recent use as a red dirt source indicate the area may not be ideal for natural/environmental conservation or preservation efforts. Rural Residential areas may not have "adequate water infrastructure or public services, such as police and fire protection to support urban or suburban densities and development patterns." [1] Further, the proposal doesn't align with the guiding principles outlining when the expansion of city services to accommodate further growth is appropriate. As proposed, this will not allow historical agricultural or related uses, use alternative development patterns, foster a culture that supports local food production, or encourage agribusiness as outlined in *City Plan 2040.*

In arguendo, if the site's recent use has stripped its value for conservation/preservation, it could be considered more akin to a City Neighborhood area like other areas to the south and east, although this has *not* been formally adopted by the FLUM. When considered this way, the proposed annexation and PZD are in better alignment. The PZD allows a variety of housing types, advancing goal 6 of *City Plan 2040*.

The proposed annexation and development plan falls short of other *City Plan 2040* goals, more clearly it runs *counter* to goals 1, 2, and 3. This does not advance infill goals (Goal 1), but would push residential development to the far northeastern portion of the city, and could reasonably be considered sprawl, which runs counter to Goal 2. The PZD does not allow for the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail

[1] City Plan 2040, 127.

or offices,[2] an important component of a complete neighborhood and a feature lacking in the overall area, which moves us further from Goal 3.

City's Annexation Guiding Policies

a. *Annex existing island and peninsulas and do not annex areas that would create an island or peninsula.*
    a. While the proposal does not create an island or peninsula, it exacerbates an existing peninsula by expanding westward. While the applicant's request letter notes that the annexation would provide "an additional connection for the development along W Weir Rd, allowing for continuity and integration into the city," the 5 acre portion directly adjacent to W. Weir Rd. is not proposed for annexation as its inclusion would create an island of county property. As such, this proposal worsens an existing peninsula without providing a clear public benefit.
b. *Proposed annexation area must be adjacent, or contiguous, to city limits.*
    a. While the proposed annexation is adjacent to city limits along one (eastern) boundary, it would make an existing peninsula worse.
c. *Areas should either include or exclude entire subdivisions or neighborhoods, not divide.*
    a. It is unclear how the proposed addition wouldn't split the neighborhood as a portion of the property immediately adjacent to W. Weir Rd. is not proposed for incorporation but is serving as "an additional connection for the development" effectively splitting the neighborhood between City and county.
d. *Boundaries for annexed areas should follow natural corridors.*
    a. The proposal appears to follow mostly consistent topography.
e. *Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.*
    a. Annexation would provide for tree preservation requirements that are not required in the county. However, much of the site contains exposed soil from its use as a red dirt source and lacks vegetation except around the western and northern property lines.
f. *Public services (including emergency response) must be able to be provided efficiently in newly annexed areas.*
    a. The applicant's letter cites the extension of an off-site water line that "strengthens the City's infrastructure beyond the needs of the development alone, and this additional annexation makes that investment possible." It is not immediately clear how an offsite investment for development reviewed earlier equates to a justification for even more strain on infrastructure. Fire response times are on the upper end of target goals for response within the city limits, (8.2 minutes anticipated drive time) where the goal is 6 minutes for an engine and 8 minutes for a ladder truck. This indicates that at this time fire response time is nearing the threshold and annexation in this area may result in a strain on resources and risk to life and safety.
g. *Areas currently served by utilities and other public services should be annexed.*
    a. While water service is extended in the area generally, this parcel is not yet serviced by water. Sewer service is not located nearby and the extension of this infrastructure can reasonably be considered sprawl.
h. *Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.*
    a. The applicant's letter cites the extension of an off-site water line that "strengthens the City's infrastructure beyond the needs of the development alone, and this additional annexation makes that investment possible." It is not immediately clear

[2] City Plan 2040, 128.

how an offsite investment for development reviewed earlier equates to a justification for even more strain on infrastructure.

In summary, this proposal runs counter to several adopted *City Plan 2040* goals and does not wholly align with *Annexation Guiding Policies*. In the absence of an adopted annexation plan, further annexing land in areas that to not advance goals and align with policies is not in the best interest of the public as it strains infrastructure and contributes to sprawl.

Proposed Planned Zoning District

Foxtail Meadows PZD for City of Fayetteville, Arkansas

December 5, 2025

Dear Commissioners and Staff,

Range, on behalf of DRP Holdings, LLC, respectfully submits this Planned Zoning District (PZD) application for your consideration. This request is intended to function as a direct extension of, and replacement for, the previously approved Foxtail Meadows PZD standards on the adjacent ±36 acres. The 2025 proposal adds a portion of two county parcels, 001-16771-000 and 001-16771-002, totaling ±11 acres, for a unified project area of approximately ±56 acres, and a development program of approximately ±206 residential lots.

This PZD application is being processed concurrently with an annexation request for the ±11.17-acre expansion area. Because the expansion parcels are currently outside City limits, the annexation must be approved prior to the City Council considering the PZD rezoning action. If annexed, the proposed PZD will replace the former PZD and unify the full development area under a single zoning document, simplifying long-term administration and ensuring one cohesive set of development standards rather than two side-by-side identical PZDs.

Project Summary and City Plan Alignment

Foxtail Meadows is designed to provide achievable housing options that respond to Fayetteville's demographic needs, using a compact, walkable neighborhood framework organized around storm parks lined by homes. The plan preserves over one-third of the site as open green space, including a preserved forested ravine, linear storm parks, and continuous buffers that respect natural drainages and reduce long-term infrastructure costs. Smaller lot sizes and one-story, mobility-friendly cottages, including deed-restricted age-in-place housing in the western portion, support the City's need for appropriately sized housing for 1–2 person households and residents seeking to age in place.

The proposed development is wholly in line with the City Plan 2040's primary goals of compact, complete, and connected growth, with transit-ready and commercial-supportive densities adjacent to the planned Tier 3 Center at N Rupple Road and W Weir Road. The PZD zoning approach allows the project to implement street and lot patterns, open space frontages, and townhouse block configurations that are consistent with City Plan recommendations, while also preserving meaningful natural areas and creating a connected public realm.

Extenuating Circumstances and Unusual Infrastructure Investment

A central extenuating circumstance for this request is the need to resolve water service to the site in a manner that protects the integrity of the City's planned low-pressure zone to the south. While adequately sized city water lines exist adjacent to the property, those lines connect into a substandard polyethylene water system installed in the 1990s that cannot reliably handle Fayetteville's topography-driven water pressures. Exercising a standard connection through that system would risk additional pressure-related leaks and long-term maintenance burden.

Instead, the developer is proposing and coordinating a substantial off-site improvement, including extending approximately **4,000 linear feet of off-site water line** and acquiring necessary right-of-way from the county. This approach is being undertaken to provide adequate fire flows to the site while respecting the City's planned low-pressure water zone and reducing long-term maintenance risk for the City. This is an unusually significant infrastructure investment for a development of this scale, and it is being made intentionally for the benefit of the overall system and surrounding neighborhoods, not solely the project.

In summary, the annexation and PZD enable a coordinated development pattern that supports the financing of city-benefiting infrastructure improvements, while delivering attainable and age-in-place housing and preserving the site's green network.

Submittal Materials and Coordination

This submittal includes the required PZD booklet and master plan materials addressing the City's PZD requirements, including planning areas and zoning standards, a comparison to existing zoning, analysis of site characteristics, recreational facilities, project compliance with the Comprehensive Land Use Plan, and impacts to City services, including the availability of water and sewer and associated line sizing. We understand the applicant is responsible for meeting public notification requirements and will coordinate with staff to ensure the required parcel map and noticing procedures are met in accordance with the Unified Development Code.

We appreciate staff's time and coordination, particularly given the concurrent annexation and the complexity of the off-site infrastructure planning. We believe, and hope you agree, that this proposed PZD represents the kind of compact, complete, and connected neighborhood development envisioned by City Plan 2040. It provides a responsible approach to infrastructure expansion, supports long-term utility resiliency, preserves significant open space, and contributes to Fayetteville's ability to house its growing population in livable neighborhoods.

Respectfully,

Allison Thurmond Quinlan, AIA RLA LEED AP
Range Co.

Robert Sharp, AIA
Range Co.

January 19, 2026

Foxtail Meadows PZD annexation legal description

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND RUNNING THENCE ALONG THE WEST LINE THEREOF S02°39'23"W 227.95', THENCE LEAVING SAID WEST LINE S87°23'45"E 184.05', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 221.00' FOR A CHORD BEARING AND DISTANCE OF N37°14'48"E 100.32', THENCE N34°18'09"W 181.66' TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE ALONG SAID NORTH LINE S87°19'40"E 1179.18' TO THE WEST RIGHT-OF-WAY OF NORTH RUPPLE ROAD, THENCE LEAVING SAID NORTH LINE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 151.27' FOR A CHORD BEARING AND DISTANCE OF S22°47'08"W 104.09', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S02°39'46"W 554.27', THENCE LEAVING SAID RIGHT-OF-WAY N87°23'59"W 1275.08', THENCE S02°39'23"W 86.80', THENCE N87°20'37"W 658.19', THENCE N02°49'03"E 741.08', THENCE S87°17'05"E 656.10' TO THE POINT OF BEGINNING, CONTAINING 29.29 ACRES, MORE OR LESS.

AND ALSO

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°19'40"E 1318.83' AND S02°36'38"W 205.99' FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30 IN SAID TOWNSHIP AND RANGE AND RUNNING THENCE S87°36'01"E 800.32', THENCE S04°03'41"W 144.16' TO A POINT ON THE NORTH LINE OF A QUITCLAIM DEED FILED IN BOOK 2021 AT PAGE 48724, THENCE ALONG SAID NORTH DEED LINE N87°15'26"W 25.00' TO THE WEST LINE OF SAID QUITCLAIM DEED 2021-48724, THENCE ALONG SAID WEST DEED LINE S02°33'56"W 304.75', THENCE LEAVING SAID WEST DEED LINE S87°36'36"E 548.63', THENCE S02°47'48"W 661.43' TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE ALONG SAID SOUTH LINE N87°34'30"W 1108.12', THENCE LEAVING SAID SOUTH LINE N02°33'47"E 209.95', THENCE N87°27'50"W 210.09', THENCE N02°36'38"E 899.08' TO THE POINT OF BEGINNING, CONTAINING 27.05 ACRES, MORE OR LESS. THE ABOVE DESCRIBED TRACT CONTAINING IN AGGREGATE 56.34 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Foxtail Meadows Planned Zoning District Expansion

JUNE 05, 2026

A

Ownership

DRP Holdings, LLC
18836 Heads Ford Rd, Springdale AR 72764

PREPARED BY RANGE CO

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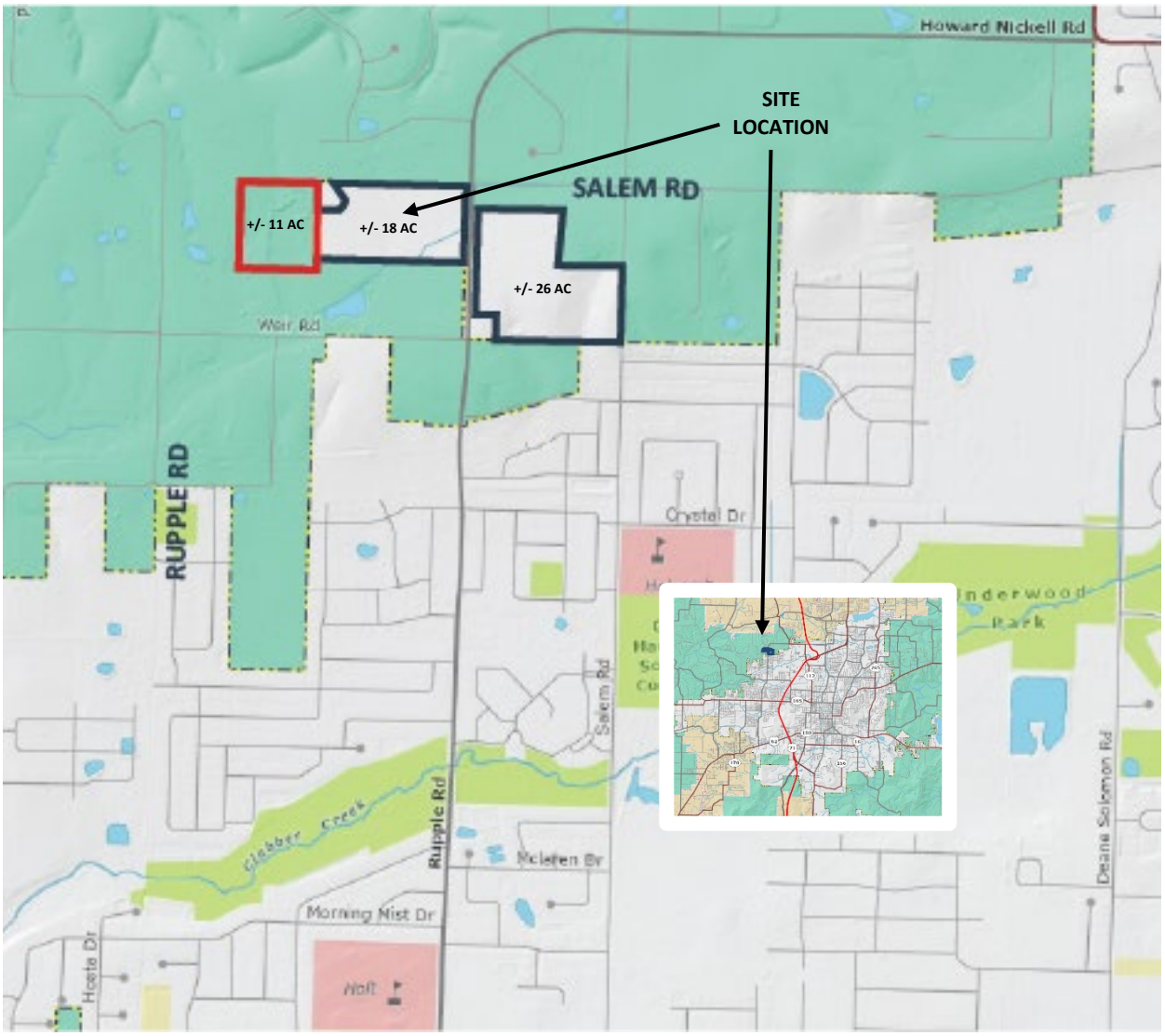
B

Project Summary

The proposed +/- 206 lot residential development aims to provide achievable housing options for our city's demographic needs structured in a walkable neighborhood format, with a series of storm parks lined by homes. The RPZD includes eleven parcels (765-21244-100, 765-21244-200, 765-21244-300, 765-21244-400, 765-21244-500, 765-21244-600, 765-21244-700, 765-21244-800, 765-21244-900, 001-16771-000, 001-16771-002) which will sensitively preserve over one-third of the planning area as open green space. Nine of the included parcels (765-21244-100, 765-21244-200, 765-21244-300, 765-21244-400, 765-21244-500, 765-21244-600, 765-21244-700, 765-21244-800, 765-21244-900) totaling +/- 44 acres were entitled under identical standards in 2024. This 2025 proposal adds two more county parcels (001-16771-000, 001-16771-002) totaling +/- 11 acres, for a total of +/- 55 acres, and aims to extend the goals of the already-adopted PZD. At +/- 3.6 units per acre, the overall unit density of the proposed development falls below the current allowable four units per acre, yet this zoning district will allow that density to be gathered together in a pattern that promotes walkable community and utilizes natural drainages as green stormwater amenities. This proposed development patterns supports City goals in the housing it offers, the green space it preserves, and its development pattern that exemplifies City recommendations.



Site Location Approximate location as seen aerially from the southeast.

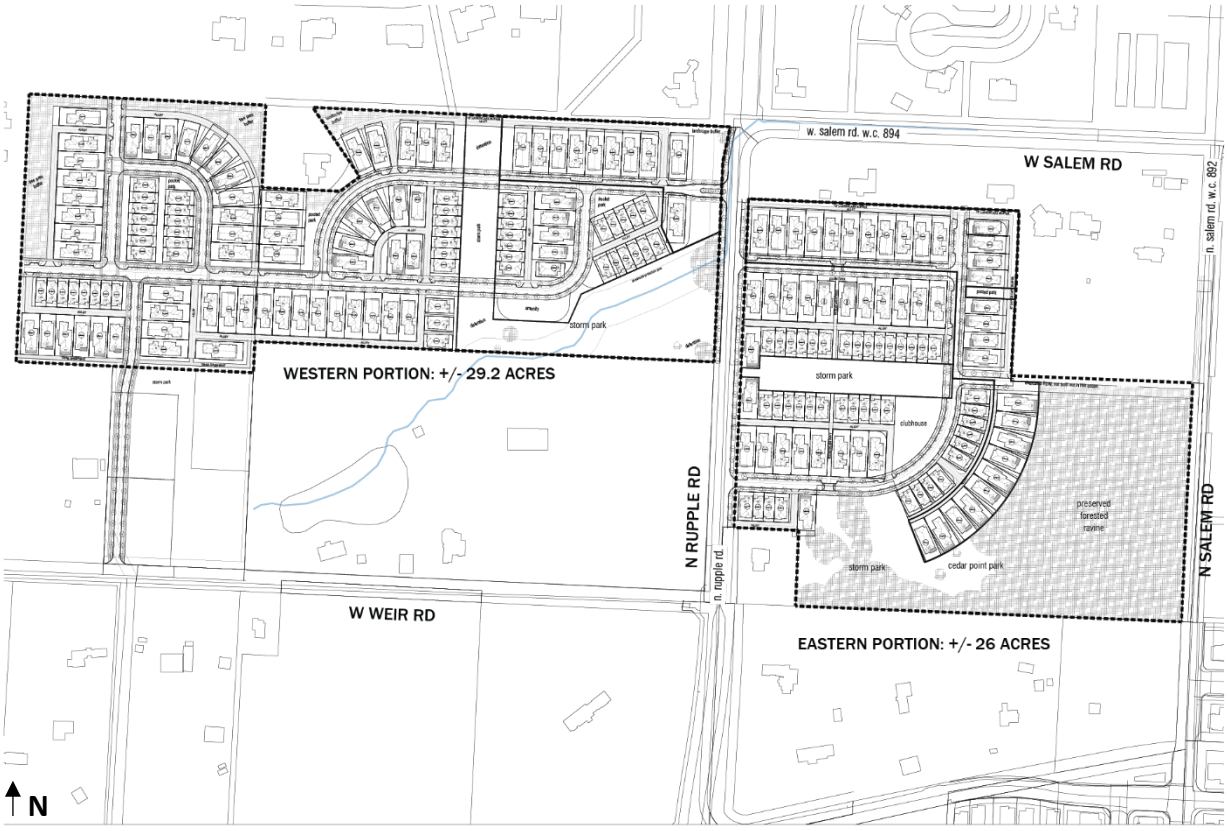
C

General Project Concept

Street and Lot Layout

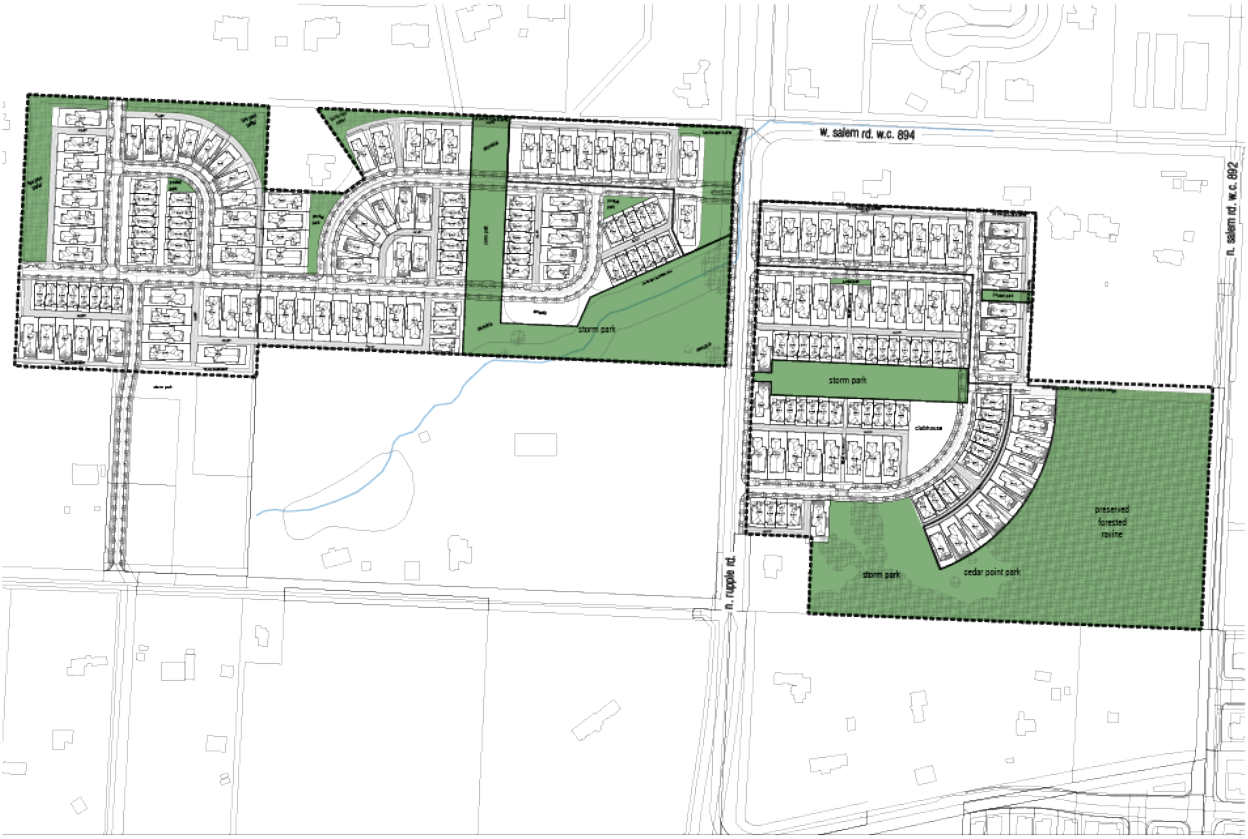
The project aims to continue the addition of single-family home neighborhoods on the northwest edge of the City yet with a pattern of streets and lots that preserves more green space, respects natural drainages and their stormwater management performance and reduces the City's long term infrastructure management costs. Smaller lot sizes will provide much needed smaller-footprint homes for our dominantly 1-2 person household demographics and walkable age-in-place homes that are deed restricted for buyers aged 55 and over. The lots and their street connections work with the existing topography to direct stormwater downhill towards places reserved for tree preservation, landscape buffer, streamside protection, and green amenity space. The proposed streets plan for and provide future interconnectivity with stub outs to potential developments in all directions, including a connection on W Weir Rd with the expanded parcels. The layout also incorporates an existing home into the new neighborhood, on the north side of the western portion. Because of the restricted geometry of the site, alleys are utilized throughout to provide rear-loaded access to units. This allows homes to more attractively face the street and reduces the higher costs of additional fully built out public streets. The resulting street layout is compliant with block length standards and ensures accessible greenspaces and enjoyable and safe pedestrian avenues for all future residents. Smaller lots with less street frontage allow for lower overall street lengths than conventional neighborhood development, thereby requiring lower long-term costs to maintain paving, sewer, and water infrastructure.

Site Plan



Buffer Areas

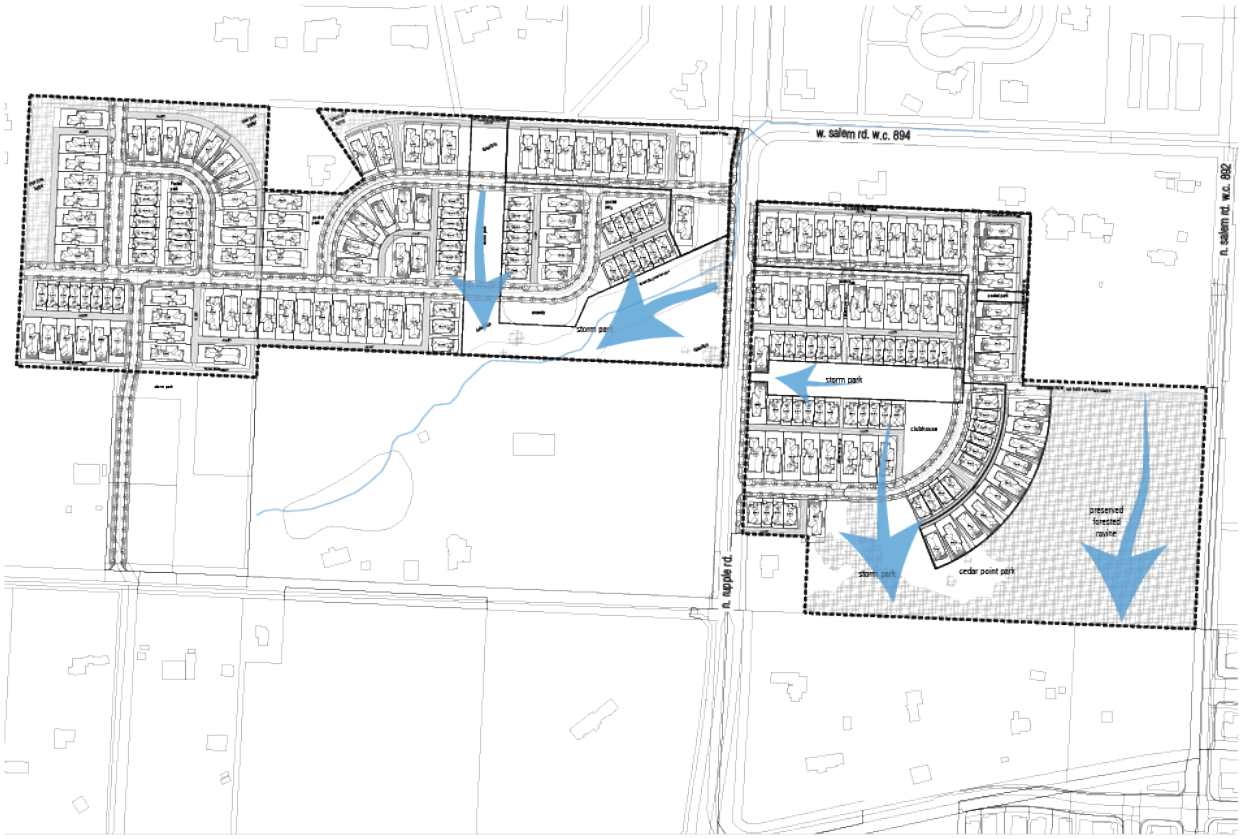
The proposed development provides a consistent landscape buffer along Rupple across the central portion of the planned development, including retention of a large natural draw for stormwater management. In the eastern portion of the proposed development, a large, forested ravine is preserved along with a continuous strip of existing tree canopy along the southern edge. Single family homes otherwise line the edge of the planned zoning district and abut other single-family homes on adjacent lots. In the center of the development on either side of N Rupple Rd, east-west linear storm parks catch off-site drainage onto the development while acting as landscape buffers to existing adjacent single-family homes. The western portion is also lined by landscape buffers along the northern and western portions of the site, preserving existing tree lines.



PRESERVE + GREEN AREAS

Tree Preservation Areas

The bulk of the property has long been dominantly pastureland or unshaded meadow, but in the past thirty years the patches of trees in the southeast-most portion have spread slowly into broader coverage through the central portion of the planned development. The masterplan and planning areas preserve the largest portion of this vegetation (a +/- 10-acre area). Initial estimates promise retention of up to 43% of existing tree canopy. This figure does not include the central linear storm parks running east-west on the eastern portion of the site, which are likely to require regrading. The westernmost portion of the site, consisting of the second annexation, has been mostly clear-cut exposed dirt for at least thirty years but does have mature oaks along its upper boundaries that will be preserved.



STORM WATER FLOW LINES

Storm Water and Detention Areas	The masterplan responds to the existing landform and drainage patterns and reserves those areas to manage stormwater. Across the central portion of the site, these patterns form a "V" down through the middle of the site and continue up to the northeast. On the eastern portion of the site, a large "M" of ridges along the south and southeastern property line is reserved for stormwater management, and the east-west linear storm parks capture additional stormwater across a more consistently sloped table in the central section. Those vegetated areas double as green amenity spaces.
Undisturbed Natural Areas	The southeastern portion of the site is a forested ravine. This approximately 7-acre portion of the property will be left undeveloped as natural amenity space, hopefully as a public recreational area. The existing topography suggests that most of site's stormwater will efficiently run to the proposed storm park on the central portion of the site, allowing minimal impact to the more vegetated southeastern portion of the overall site.
Existing and Proposed Utility Connections and Extensions	A waterline is proposed to be extended along Howard Nickell Road to the intersection of Hwy 112, to provide adequate fire flows to the site while respecting the city's planned low pressure zone to the south of the property. Sewer access is planned to be provided directly south via easement through to Magnolia Crossings property. Existing utilities are further discussed in Section M: Impacts to City Services

D

Proposed Planning Areas

The proposed Neighborhood Zones would extend the existing PZD onto the entire +/- 55.0 acres of the site**.** Neighborhood Zone A and Neighborhood Zone B each account for approximately +/- 16.0 acres of the site, and Conservation, Culture and Recreation Zone makes up the remaining and largest portion with +/- 19.4 acres. A portion of Area B is planned to be age-in-place single-story cottages that are deed restricted for owners 55+. The average unit sizes range from +/-1,220 sf to +/-2,050 sf.

LEGEND

A (NEIGHBORHOOD) +/- 16 ACRES

B (MISSING MIDDLE) +/- 16 ACRES

C (CONSERVATION ZONE) +/- 19.4 ACRES

E

Proposed Zoning Standards

Planning Area A: Neighborhood Zone

(A) *Purpose.*

- Provide an appropriately flexible neighborhood buffer to commercial, institutional, and single family residential uses
- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone A:

(1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;

(2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;

(3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;

(4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;

(5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage

(6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;

(7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

(8) Lots which have access to an alley shall be required to utilize said alley for driveway access;

Proposed Zoning Standards

(C) *Uses.*

(1) *Permitted Uses*

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

Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 12b	General business
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 45	Small scale production

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum. 24 feet*

** Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.*

(2) *Lot Area Minimum.* None.

(F) *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

(G) *Building Height Maximum. 3 stories*

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

Planning Area B: Missing Middle Zone

(A) *Purpose.*

- Create a flexible neighborhood pattern with a variety of adaptable building types limited by mass and height rather than use or unit numbers;
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

(B) *Intent.* Planning staff shall evaluate the following criteria for suitability of uses in the Neighborhood Zone B:

(1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;

(2) The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;

(3) Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;

(4) Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;

(5) Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage

(6) Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;

(7) Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

(8) Lots which have access to an alley shall be required to utilize said alley for driveway access;

Proposed Zoning Standards

(C) *Uses.*

(1) *Permitted Uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development

Unit 46	Short-term rentals

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 5	Government facilities
Unit 12a	Limited business
Unit 12b	General business
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 45	Small scale production

(D) *Density.* None.

(E) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	24 feet
All other uses	None

** Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.*

(2) *Lot Area Minimum.* None.

(F) *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

(G) *Building Height Maximum. 3 stories*

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

Planning Area C: Conservation

Planning Area C rezones existing RSF-4 area within the PZD extent to an area with regulations identical to CCR Conservation, Cultural and Recreation for the purpose of protecting natural areas and open space while minimizing the administrative burden on the City's staff to administrate an additional PZD zone when unnecessary to planning use.

(A) *Purpose. The Conservation, Cultural, and Recreation District is a designation requested by the owner of property that the city and the owner have determined beneficial and desirable to conserve, preserve, protect, or enhance natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of improving and restoring such property's ecosystem services. Further, this district serves to permit certain limited uses and activities which are not detrimental to the land and consistent with these purposes*.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right

(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

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) At least 80% of the zoned area shall be left undeveloped as green space.

(2) No more than 10% of the conservation, cultural, and recreation zoned area may be dedicated to open space that also contains hard surface areas such as parking, paved trail, or other impervious ground cover.

(E) *Setback Requirements.*

(1) Minimum setback from the front property line shall be 20 feet.

(2) Minimum setbacks from all other property lines shall be 50 feet.

(3) A minimum setback of 50 feet shall be established parallel to all floodplain lines shown on currently adopted FIRM panels.

(4) A minimum setback of 100 feet shall be established parallel to the top of bank along all streams protected within the Streamside Protection Zones of §168.12.

(5) A minimum setback of 100 feet shall be established parallel to the edge of open bodies of water.

(F) *Height Requirements.*

Building Height Maximum	2 stories

(G) *Building area*. Maximum lot coverage shall be 5% of the zoned area.

F

Existing Property Zoning Standards of the New Annexation

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
Unit 46	Short-term rentals

(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.*

Unit per Acre	One-half (1/2)

(D) *Bulk and Area Regulations.*

Lot Width minimum	200 feet
Lot Area Minimum	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	35 feet
Side	20 feet
Rear	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Buildable area.* None.

Zoning Comparison Chart of the PZD

	PZD: CURRENT			PZD: PROPOSED		
	Planning Area A: Neighborhood Zone	Planning Area B: Missing Middle Zone	Planning Area C: R-A: Residential Agriculture	Planning Area A: Neighborhood Zone	Planning Area B: Missing Middle Zone	Planning Area C: Conservation, Cultural and Recreation
PERMITTED USES	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 4. Cultural and recreational facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 3. Public protection and utility facilities 6. Agriculture 7. Animal husbandry 8. Single-family dwellings 9. Two-family dwellings 37. Manufactured homes 41. Accessory dwellings 43. Animal boarding and training 46. Short-term rentals	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 4. Cultural and recreational facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right
CONDITIONAL USES	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 10. Thre (3) and four (4) family dwellings 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 4. Cultural and recreational facilities 5. Government facilities 20. Commercial recreation, large sites 24. Home occupations 35. Outdoor Music Establishments 36. Wireless communications facilities 42. Clean technologies	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities
DENSITY	None	None	One-half (1/2)	None	None	None
LOT WIDTH MIN. (FT)	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	200	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	None
LOT AREA MIN. (SF)	None	None	2 acres	None	None	None
FRONT SETBACK (FT)	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	35	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	20
SIDE SETBACK (FT)	5	None	20	5	None	50
REAR SETBACK (FT)	5 12 (from center line of an alley)	5 12 (from center line of an alley)	35	5 12 (from center line of an alley)	5 12 (from center line of an alley)	50
BUILDING HEIGHT	3 Stories	3 Stories	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	3 Stories	3 Stories	2 stories
MAX. BUILDING AREA (%)	50% of lot width	50% of lot width	None	50% of lot width	50% of lot width	5% of the zoned area

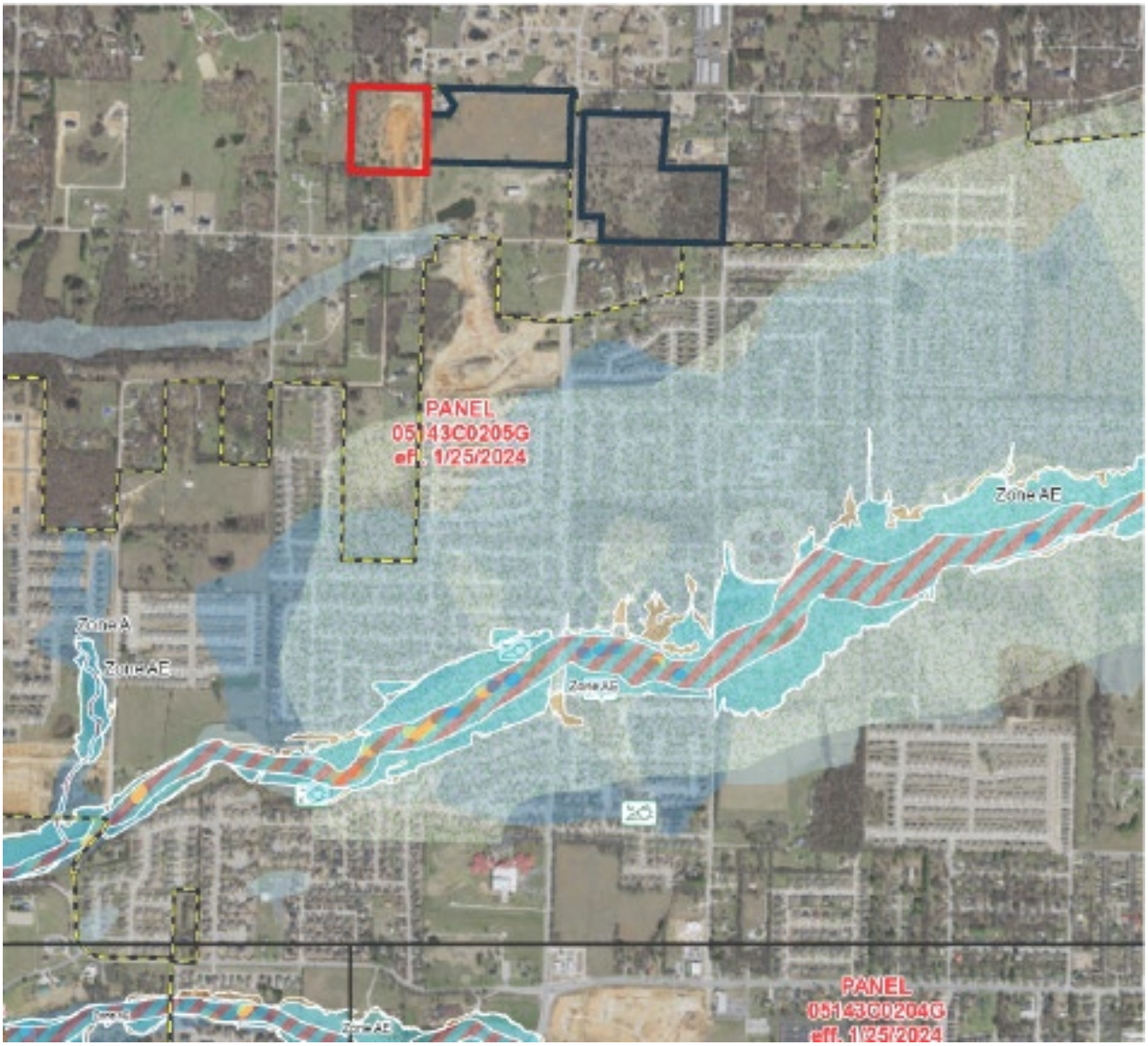
Zoning Comparison Chart of the New Annexation

	NEW ANNEXATION: CURRENT	NEW ANNEXATION: PROPOSED		
	R-A	Planning Area A: Neighborhood Zone	Planning Area B: Missing Middle Zone	Planning Area C: Conservation, Cultural and Recreation
PERMITTED USES	1. City-wide uses by right 3. Public protection and utility facilities 6. Agriculture 7. Animal husbandry 8. Single-family dwellings 9. Two-family dwellings 37. Manufactured homes 41. Accessory dwellings 43. Animal boarding and training 46. Short-term rentals	1. City-wide uses by right 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right 4. Cultural and recreational facilities 8. Single-family dwellings 9. Two-family dwellings 10. Three (3) and four (4) family dwellings 24. Home occupations 26. Multi-family dwellings 41. Accessory dwelling units 44. Cluster housing development	1. City-wide uses by right
CONDITIONAL USES	2. City-wide uses by conditional use permit 4. Cultural and recreational facilities 5. Government facilities 20. Commercial recreation, large sites 24. Home occupations 35. Outdoor Music Establishments 36. Wireless communications facilities 42. Clean technologies	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 26. Multi-family dwellings 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 5. Government facilities 12a. Limited business 12b. General business 13. Eating places 16. Shopping goods 19. Commercial recreation, small sites 25. Offices, studios and related services 45. Small scale production 46. Short-term rentals	2. City-wide uses by conditional use permit 3. Public protection and utility facilities 4. Cultural and recreational facilities
DENSITY	1/2 units per acre	None	None	None
LOT WIDTH MIN. (FT)	200	24 (Single-family) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	24 (Single-family) None (all others) * Legal lots may meet their minimum lot width with frontage onto a private or public right of way, public or private open space, or pedestrian access (sidewalk or trail) as long as adequate utility easements and access and safe and convenient access for fire protection and sanitation vehicles exists.	None
LOT AREA MIN. (SF)	Residential: 2 acres Nonresidential: 2 acres	None	None	None
FRONT SETBACK (FT)	35	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	A build-to zone that is located between the front property line and a line 25 feet from the front property line.	20
SIDE SETBACK (FT)	25	5	None	50
REAR SETBACK (FT)	35	5 12 (from center line of an alley)	5 12 (from center line of an alley)	50
BUILDING HEIGHT	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	3 Stories	3 Stories	2 stories
MAX. BUILDING AREA (%)	None	50% of lot width	50% of lot width	5% of the zoned area

G

Analysis of Site Characteristics

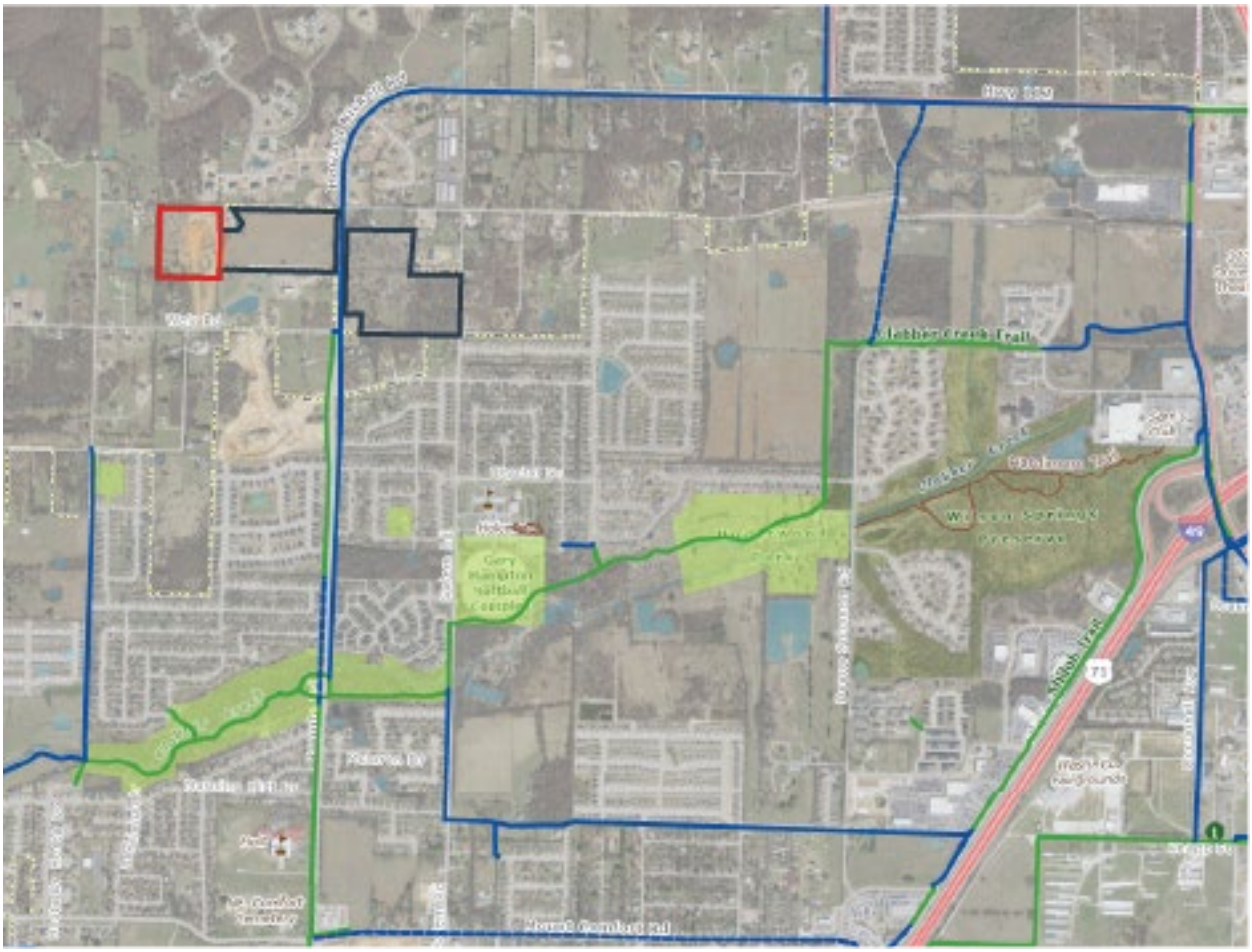
The existing site comprises of large gentle ridges with mild to significant slopes into four valleys. The two southeastern valleys drain south to Clabber Creek, while the northern and western portions meander to the southwest, eventually draining west-northwest into Clear Creek. Based on historic aerial imagery, since 1965 the bulk of the property has been and remains clear of woody vegetation, excepting the southeasternmost portion of the site, from which pioneer woody species have spread north over the past two decades. The westernmost portion of the site has been mostly clear-cut exposed red dirt for the last thirty years or more. The site does not include hydric soils, historic wet prairie, or other sensitive ecologies. It is also outside the floodway of Clabber Creek to the south.



H

Recreational Facilities

The proposed development includes considerate preserve areas along drainage lines, three linear storm parks for passive recreation, a +/- 7 acre preserved forested ravine, one neighborhood clubhouse and another smaller amenity space, and three small parks interspersed with single family lots. The site is walkable via existing sidewalks to the extensive Clabber Creek park and the future Underwood Park facilities, to Holcomb Elementary ½ mile to the south-southeast and to Holt Middle School 1 mile to the south. The proposed development also sits on a main artery of the future planned trail extension up Rupple and curving around Howard Nickell to connect to the NWA Greenway and Mall area.



I

Reasons a Zoning Change is Required

The original PZD area re-zoned the site from RSF-4 to these PZD standards. With the annexation of the enlarged site, matching zoning is desired for orderly development and administration. This allows the development to assist in meeting the City's need to house its rapidly increasing population, while creating and protecting an enduring green network. It also facilitates the compact, complete, and connected development of attainable and appropriately sized housing to which the City aspires, especially adjacent the Tier 3 center directly to the south on Fayetteville's Growth Concept Map. The new PZD area will, if approved, be annexed into the city as Residential-Agriculture zoning and will require re-zoning to able to be developed at attainable price points.

The development of this site requires extensive off-site improvement cost to extend approximately 5,000 linear feet of off-site waterline and acquire necessary right-of-way from the county. While adequately sized city water lines exist adjacent to the site, they connect into a substandard polyethylene water system that was allowed in the 1990s. The system cannot handle normal City of Fayetteville topography-driven water pressure, risking additional pressure-related leaks if this development were to exercise their right to access water via that system.

Instead, significant additional off-site development costs are being incurred, saving the City of Fayetteville significant long-term maintenance cost. The cost of this infrastructure improvement to the city can be financially offset by increasing the density of the developable land to take advantage of, and pay taxes toward, the long-term maintenance and replacement costs of that infrastructure. Thus, a zoning change to allow for higher density is the only financially viable option to develop a compact, walkable, and deliberate development like the one proposed here.

This is the kind of development described in the City Plan 2040 that creates livable communities that also will require less investment in infrastructure by the City. Refer to Sections J and K following this section for more discussion of these elements.

J

Relation to Existing and Surrounding Properties

The surrounding properties to the north outside City limits are larger lot single family residences and estate residential strips tucked into the forested hills. Patterned southeast towards Holcomb Elementary are RSF-8 and RSF-4 neighborhoods with minimal to no green space. Catty-corner to the southwest down Rupple is a +/- 4.7 acre Neighborhood Services – General site that may soon provide some of the commercial services and feel desired by its City Neighborhood designation in the Future Land Use plan. This proposed neighborhood development compatibly blends the compact footprints of attainable and age-in-place neighborhoods with the more rural natural setting of the County properties to the northwest through its intentional preservation of green space and provides a natural variety of housing product and price points with a walkable community structure.

K

Project Compliance with Fayetteville Comprehensive Land Use Plan + City Plan 2040

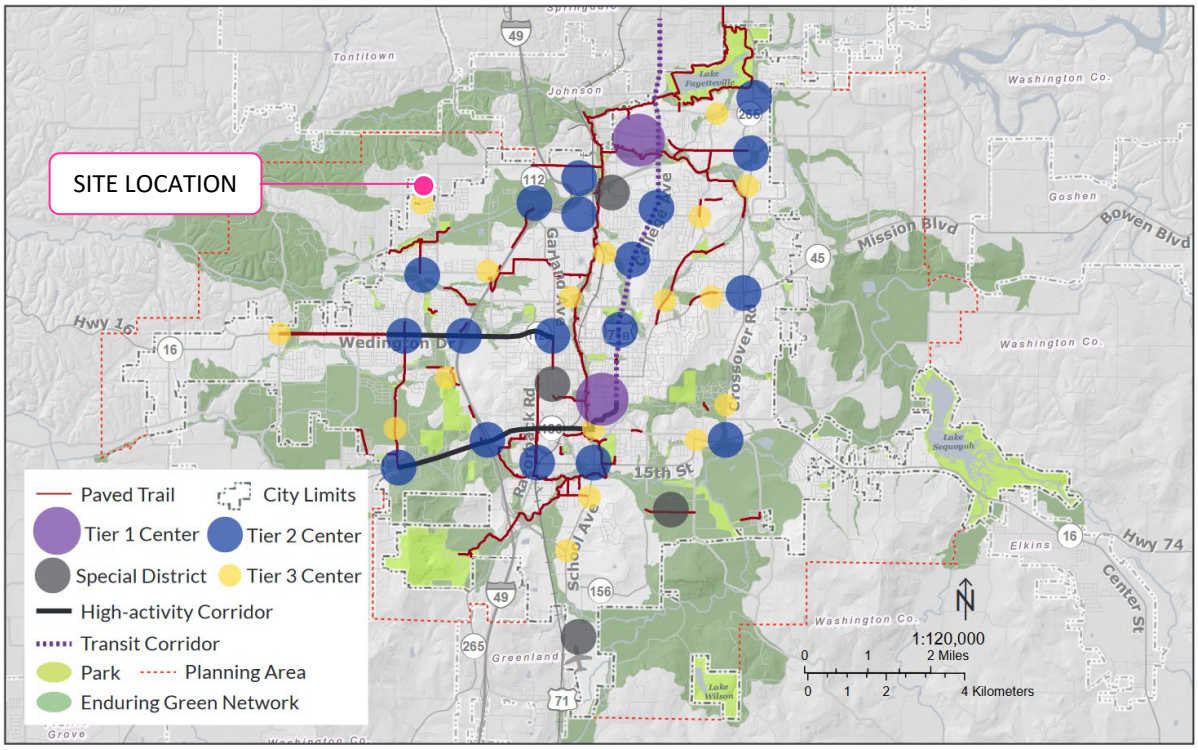


Figure 2.0 - Growth Concept Map

The project site is part of a planned Tier 3 Center at N Rupple Road and W Weir Road. Tier Three Centers are intended to serve the immediately surrounding residential areas and will cater to the specific needs of a small market. As a result, no two will be the same. Some may be characterized by one or two commercial and/or multi-family buildings located on a single intersection while others develop into a mixed-use core extending over multiple blocks and serving a broad mix of housing. The nodal nature of Tier Three Centers are important for providing a unique sense of place to a neighborhood. Tier Three Centers shown on The Growth Concept Map are not intended to be inclusive of all non-residential services that may be identified at a neighborhood-scale analysis. Neighborhood-scale and micro-retail locations are embedded within the general land use policies discussed throughout City Plan, not on the Growth Concept Map. The project site is also located with frontage on a Regional Link along Rupple Road.

The proposed development is wholly in line with the City Plan 2040's primary goals of compact, complete, and connected growth which is intentional, sustainable, and mixed use. Transit ready and commercial supportive densities are provided, and housing is centered on low impact development stormwater features and attainable age-in-place homes. The retention of green space and the compact walkable neighborhood design promotes this area as a peaceful community on the shoulder of the City Neighborhood Tier 3 hub.

Figure 3.4 - Rural

Figure 3.5 - Suburban Sprawl

Figure 3.6 - Traditional Development

Goal 3 Objectives

3.3.1 *Require new growth that results in neighborhoods, districts and corridors that are:*

- **Compact** – via denser housing; meaningful open spaces and preserves; small blocks
- **Complete** – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
- **Connected** – via street-oriented buildings; interconnected streets; interconnected greenways and trails

3.3.2 *Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes.*

The 71B College Avenue Corridor Plan provides a framework for incrementally re-developing this major thoroughfare into a series of inter-connected and livable mixed-use districts. The City can provide redevelopment catalyst by making capital investments in increased street, sidewalk and trail connectivity.

3.3.3 *Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.*

The Razorback Regional Greenway illustrates the ability of the City to leverage capital investments in trail infrastructure to drive economic development. The City created the Fayetteville Alternative Transportation and Trail Plan in 2003 and began building the Scull Creek Trail with $2.1 million in funding provided by a bond issue passage. Additional yearly Capital Improvement Project funding of $1.3 million annually was used to build-out the remainder of the trail. The economic development catalyst that the trail provided is evidenced by the residential and commercial development occurring in nodes along the trail spine in south Fayetteville, throughout downtown/Dickson Street, in mid-town around Poplar Street, and throughout the uptown district along Mud Creek.

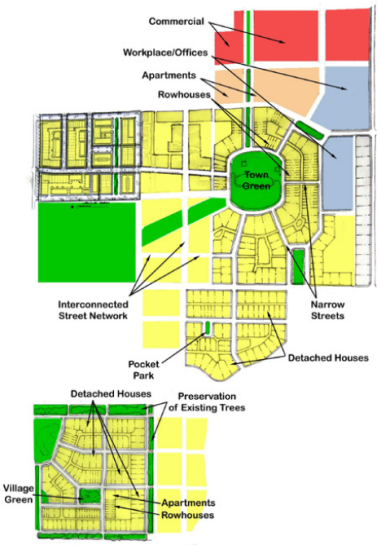
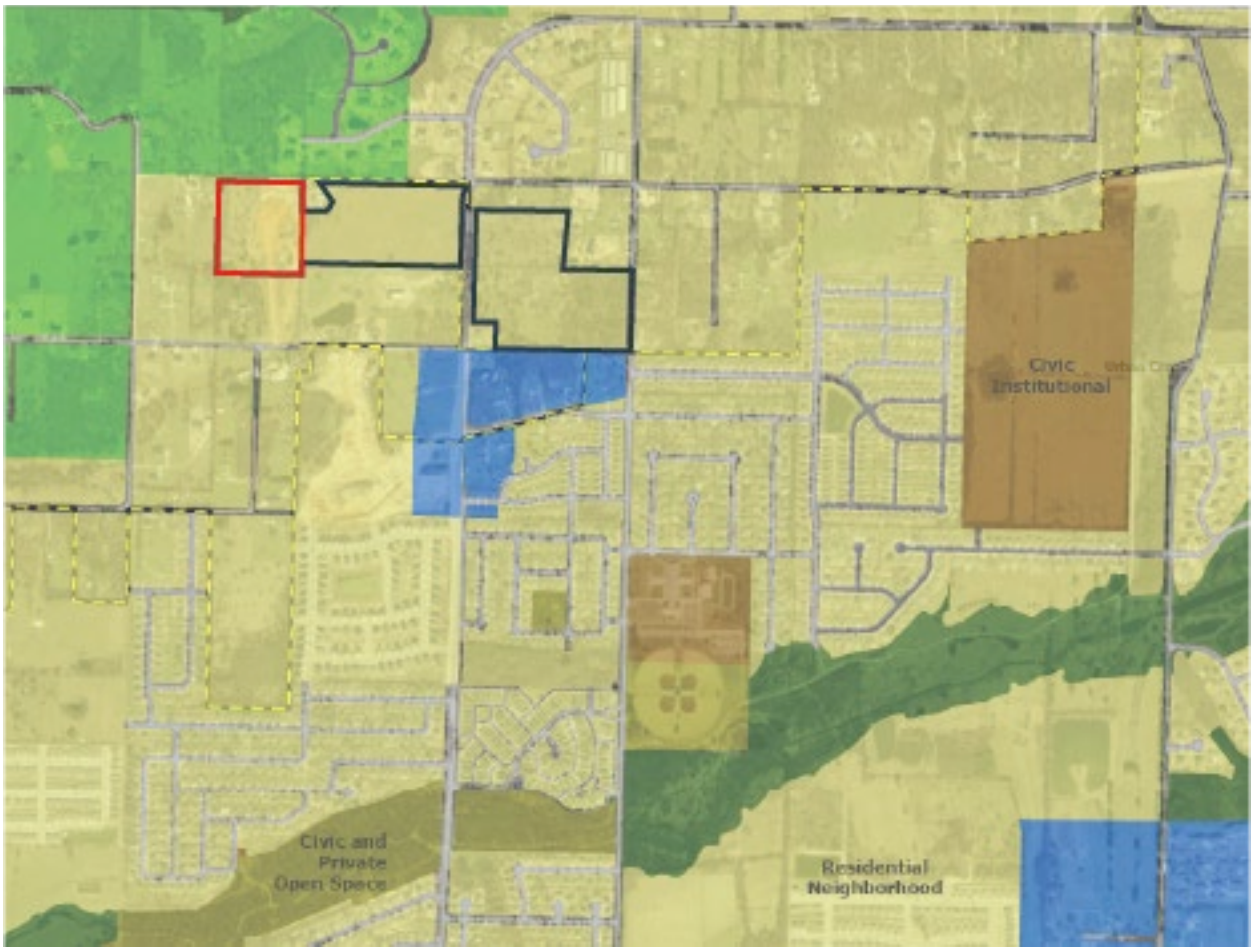


Figure 3.10 - Example Development Layout

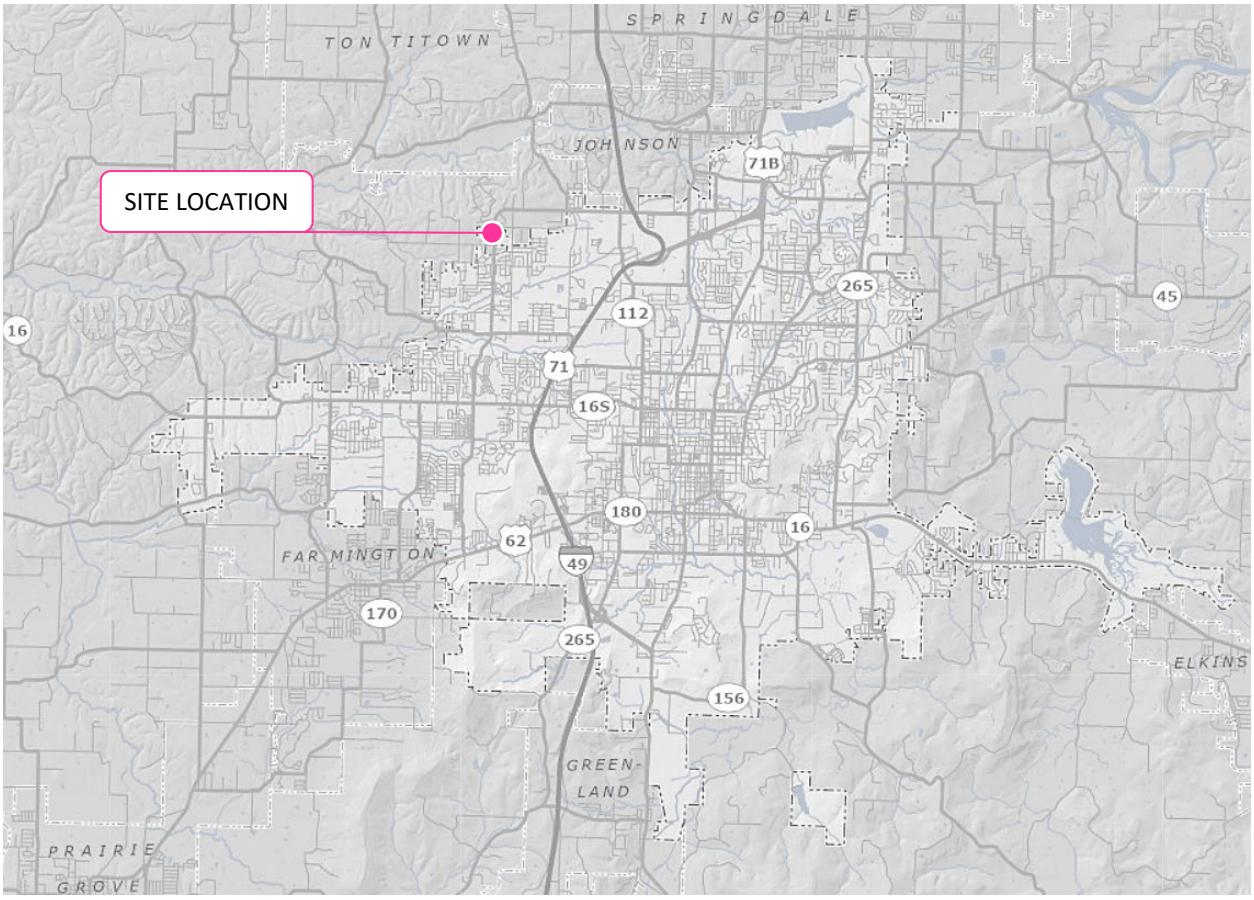
Figure 3.11 - Example Development Layout



The Proposed development's location in a Residential Neighborhood Area and directly adjacent a City Neighborhood Area reflects the creatively gathered density and emphasis on walkability that is required to support the Tier Center and Transit Readiness Goals of the City. Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, 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 of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood. The following guiding policies are designed to encourage future and existing residential neighborhoods to be or become more complete, compact and connected:

- Encourage a block and street layout that promotes walkable and bicycle friendly road designs with slow vehicular design speeds.
- Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- Eliminate designs elements that prohibit complete, compact and connected neighborhoods.
- Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.

- Encourage the scale of new development to be compatible in use and proportionality between a variety of residential and non-residential uses.
- Site new residential areas accessible to roadways, sidewalks, trails, transit, parklands, schools, existing utilities, and retail commercial goods and services.
- Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.
- Continue to encourage context-sensitive streets, allowing for efficient access to commercial residential areas for vehicles, pedestrians and cyclists.



Two parcels (001-16771-000, 001-16771-002) will be concurrently partially annexed for this proposed development as they rest just outside current City limits.

L

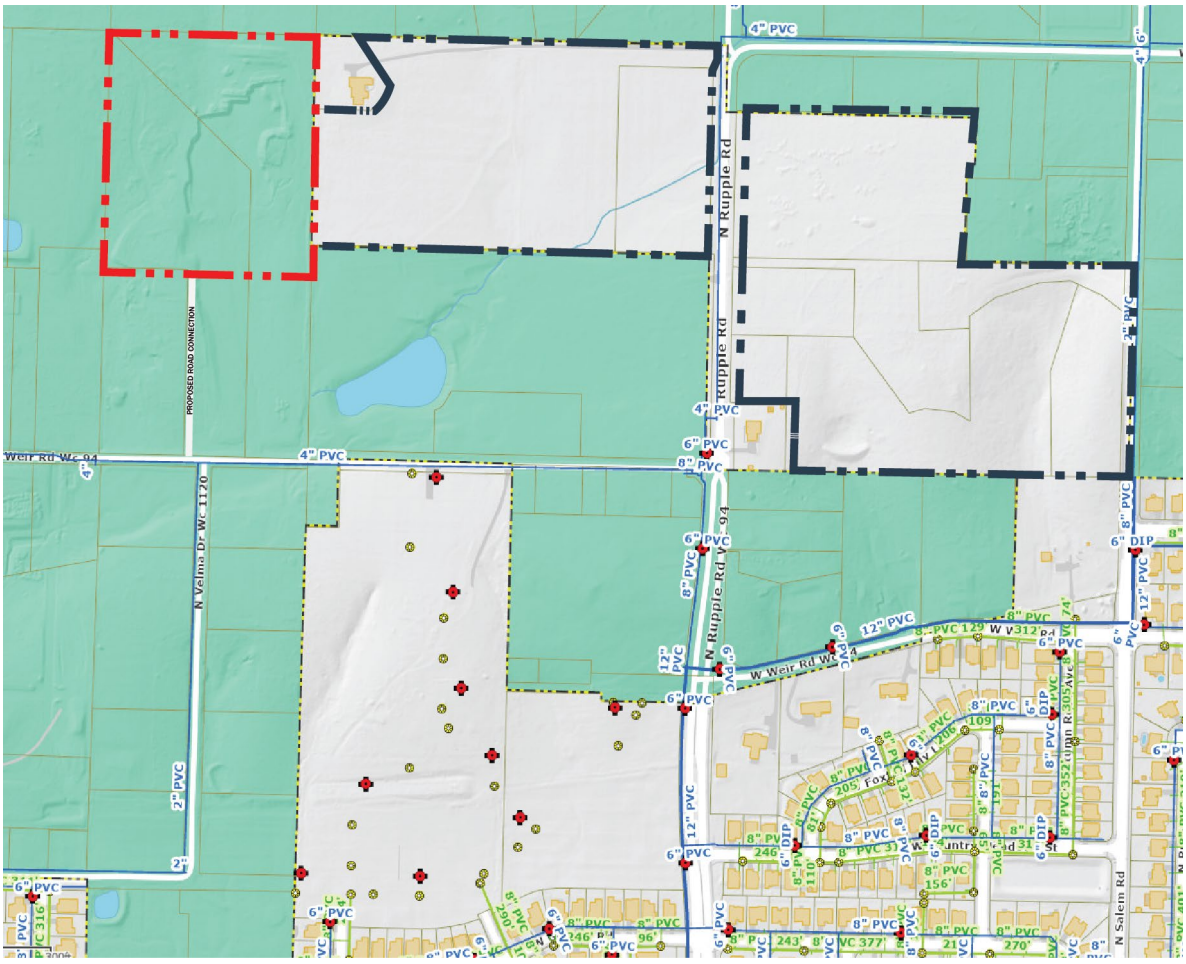
Traffic Study

A traffic study has not been deemed necessary at this time. Off Site Improvements will be determined at the time of development review. We would like to note that the age-restricted use of the property west of Rupple Road is likely to decrease traffic incident with the development significantly.

M

Impacts on City Services

The development in question would add public water, sewer and street improvements to the city as well as add to the sidewalk connectivity to the city's network. The project would also require trash service, fire department services, and police services. The City has stated it cannot provide a letter guaranteeing any project service until that project has been approved, yet extensive coordination with water and sewer capacity has been completed in advance of the PZD. The developer understands the required water and sewer upgrades that will be required to serve the project. Existing utility connections are shown below.



N

Development Standards, Conditions, and Review Guidelines

Screening and Landscaping, Traffic and Circulation, Parking Standards, Perimeter Treatment, Sidewalks, Streetlights, Water, Sewer, Streets and Drainage, Construction of Non-Residential Facilities, Tree Preservation, Architectural Design Standards, Proposed Signage, and View Protection will follow City of Fayetteville Unified Development Code Standards, except as differentiated below.

Proposed Architectural Design Standards

Building Elevations will be submitted at the time of development and will meet the following requirements.

(A) *Purpose.* The intent of this ordinance is to encourage timeless architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space.

(B) *Applicability.* The Architectural Design Standards are applicable in the following instances:

(1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District and College Avenue Overlay District.

(2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.

(3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.

(4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.

(5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.

(D) *Porches and Stoops.* If a building has a porch or stoop then it shall comply with the following regulations:

(1) *Front Porches.*

(a) *Standard.*

(i) *Depth.* 6 feet minimum from the principal façade to the inside of the column face.

(ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.

(b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.

(2) *Stoops.*

(a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.

(i) *Depth.* 4 feet minimum from the principal façade to the inside of the column face for stoops with a covered landing.

(ii) *Height.* 96 inches maximum.

(iii) *Length.* Maximum 12-foot width for each individual building entrance or group of connected entrances. The pedestrian connection from the stoop to the public sidewalk shall be allowed to run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.

(b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade and may extend into the right-of-way in accordance with the building code adopted by the City of Fayetteville.

(c) *Placement.* Sidewalks shall have a minimum 5 feet clear access for pedestrian movements. Stoops shall not be built within 18 inches of the side property line on attached unit types.

(3) *Projected Bay.*

(a) *Standard.* Bays shall consist of habitable space.

(i) *Depth.* 4 feet maximum from the principal facade.

(ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 feet clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 feet clear.

(iii) *Length.* 50% maximum of the principal façade length.

(b) *Second Story Right-of-Way Encroachment.* Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Projected bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.

(E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.

(1) *Rear Yards Only.* The following shall only be located in the rear yard unless screened in a side yard by a durable and attractive screen or fence enclosure:

(a) Trash dumpsters.

(b) Trash and recycling carts and bins.

(2) *Exterior Prohibited Materials.* The following shall be prohibited:

(a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.

(b) *Shutters made of plastic*.

(c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).

(d) *Plastic or PVC roof tiles*.

(e) *Aluminum siding.*

(f) *Vinyl siding.*

(g) *Wood fiber board*.

(h) *Unfinished pressure-treated wood.*

(i) *EIFS* (Exterior Insulation Finish System) located on the first or ground floor.

(3) *Columns, Arches, Pedestals, Railings and Balustrades.*

(a) *Permitted Configurations*.

(i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.

(ii) Round columns shall have a minimum 6-inch outer diameter with or without capitals and bases.

(iii) Pedestals shall have a minimum width of 8 inches.

(b) *Permitted Materials*.

(i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(ii) *Arches and Lintels.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(iii) *Railings and Balusters.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.

(4) *Windows, Skylights, and Doors.*

(a) *General Requirements.*

(i) Visible sills on the exterior of the building are required for all windows.

(ii) Windows shall have trim on the sides and top when the exterior of the building is fiber cement siding. Window trim shall have a minimum dimension of 0.75 inches × 3.5 inches (a normal 1×4).

(iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

(b) *Permitted Configurations*.

(i) All window configurations are allowed.

(c) *Permitted Finish Materials*

(i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).

(ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)

(iii) *Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(5) *Roofs and Gutters.*

(a) *General Requirements.*

(i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.

(ii) Applied mansard roofs are not permitted.

(iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.

(b) *Permitted Configurations*.

(i) Gutters may be rectangular, square, half-round, or Ogee sections.

(c) *Permitted Finish Materials*

(i) *Metal Roofs.* Metal roofs may be made of galvanized steel, aluminum-zinc coated steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.

(ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.

(iii) *Gutters and Downspouts.* Gutters and downspouts shall be made of copper, aluminum, galvanized steel, aluminum-zinc coated steel, lead coated copper, terne, or powder coated steel.

(6) *Garden Walls, Fences and Hedges.*

(a) *General Requirements.*

(i) Fences, garden walls, or hedges are permitted along side yards, rear yards, and all property lines which abut public streets or alleys.

(ii) Fences in the front yard shall be not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard, at least 6 feet behind the principal façade of the primary structure, may be at a maximum 100% opaque.

(b) *Height*.

(i) Front yard (in front of the primary structure) maximum height of 42 inches.

(ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 8 feet.

(c) *Permitted Configurations.*

(i) *Wood Fences.* Vertical picket fences or horizontal slat fences with corner posts, and split rail fences; privacy fences are permitted in the rear and side yard only, behind the principal façade of the primary structure.

(ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum ⅝-inch diameter, and 4-inch maximum clear space between the pickets.

(iii) *Brick and Stone*.

(d) *Permitted Finish Materials*

(i) Wood.

(ii) Wrought iron, steel and cast iron.

(iii) Brick and stone.

(iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.

(v) Reinforced concrete with or without stucco as long as the primary structure corresponds.

(7) *Opacity and Facades.*

(a) *General Requirements.*

(i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal façade area.

(ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum stepback of 15 feet from the principal façade.

(iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

(iv) All glass shall have a Low-E coating.

(v) Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.

(b) *First or Ground Floor Requirements of Any Principal Façade*.

(i) Glass on the first or ground floor shall have a visible transmittance rating of 0.6 or higher.

(ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor.

(iii) Office, institutional, and other non-residential space shall have a minimum of 50% glass on the first or ground floor.

(iv) Multi-family residential space shall have a minimum of 40% glass on the first or ground floor.

(v) Single family and two (2) family residential space shall have a minimum of 5% glass on the first or ground floor.

(vi) The measurement for glass percentage on the first or ground floor shall be calculated at the pedestrian level between 2—12 feet above the sidewalk. For a building façade located outside of a build-to zone the measurement for glass percentage on the first or ground floor shall be at the pedestrian level between 2 and 12 feet above the finished floor elevation (FFE).

(vii) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

Proposed Landscape Standards

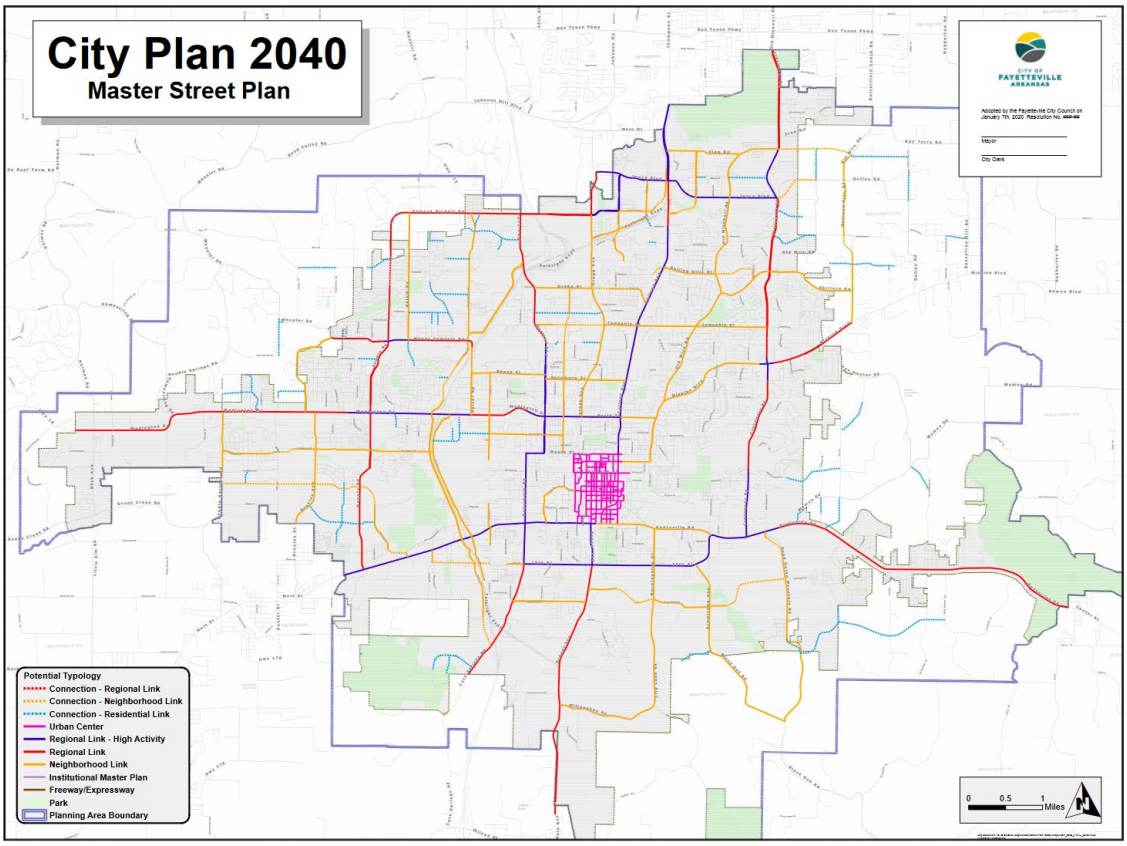
The project will comply with the standard Landscape Standards of the City of Fayetteville. Where lots front onto an alley, public or private open space, or pedestrian access, either one (1) tree per lot or one (1) tree for every 30' of alley or street frontage only, whichever is fewer, shall be provided. These trees shall be placed in the proximity of the lot yet shall not be required to be placed on the lot; they may be clustered or arranged to the benefit of the alley, open space, or pedestrian access in an overall quantity to meet the spirit of UDC 177.05(B). Additionally, this is not the maximum number of trees permitted on a lot; to ensure any required mitigation or desired landscape, additional trees could be planted along lots and alleys.

O

Planned Zoning District Intent Fulfillment

Flexibility	While this project's design and philosophy is wholly in line with the City of Fayetteville's City Plan 2040 goals, the project requires the flexibility of a Planned Zoning District to achieve two elements: townhouses in sets of more than 4 contiguous units and alley-loaded units facing a park rather than a street right of way. In all other ways, the project could be developed under typical existing form-based zones. The flexibility of a PZD provides the project with the opportunity to provide more traditional townhouse blocks of 5 and 6 contiguous units and platted fee simple lots facing green space. This arrangement allows for density more in line with the city's goals, demographic and housing cost needs of citizens, and provides the opportunity for additional common natural space. Units with front porches that face directly onto a park allow young children to safely play together in park space right outside the front door, without the danger of crossing the street, and within the safe view of parents sitting on front porches and stoops. The public "right of way" as park maintains all the pedestrian connectivity and social connection of a neighborhood street, but replaces the large space typically dedicated to cars in the right of way to playing children and low impact development stormwater storage.
Compatibility	The surrounding properties to the north and west outside City limits are larger lot single family residences and estate residential strips tucked into the forested hills. Patterned southeast towards Holcomb Elementary are RSF-8 and RSF-4 neighborhoods with minimal to no green space. Catty-corner to the southwest down Rupple is a +/- 4.7 acre Neighborhood Services – General site that may soon provide some of the commercial services and feel desired by its City Neighborhood designation in the Future Land Use plan. This proposed neighborhood development compatibly blends the compact footprints of attainable and age-in-place neighborhoods with the more rural natural setting of the County properties to the northwest through its intentional preservation of a large percentage of the site's most sensitive ecological areas and provides a natural variety of housing product and price points with a walkable community structure.
Harmony	The PZD allows for an orderly and creative provision of housing in a walkable format with densities appropriate to the area and the supporting infrastructure in the neighborhood.
Variety	The proposed neighborhood provides a variety of unit types, uses, and price points for residents not typically found in an exclusionary single-family neighborhood. The age-restricted western portion of the development provides 2-3 bedroom units that address a critical market need for attainable age-in-place residences. The inclusion of multi-family housing by right in this PZD is purely a result of desiring to provide more traditional runs of townhouses with 5-9 contiguous buildings.
No Negative Impacts	The development provides no negative effect upon the future development of the area, providing a complete, compact, and connected street network and a flexible, traditional block structure that allows future flexibility and redevelopment within the neighborhood.
Coordination	The land surrounding the property to the south is largely already developed. Connections and rational edge to the development have been provided to the future development to the west, the large single-family parcels to the northeast, and potential future connectivity to the east. These measures plan for future development and urbanization so they may occur in a coordinated and coherent manner.
Open Space	One of the primary benefits of the PZD approach for the development of this site is allowing the

	provision of more usable and suitably located open space for recreation than would otherwise be possible under typical zoning regulations.
Natural Features	The plan for the proposed development exemplifies the aims of PZDs to provide "maximum enhancement and minimal disruption of existing natural features and amenities." The existing landforms and drainage patterns are respected and celebrated through their integration into functional stormwater management and open green space amenity. The steep, wooded ravines on the eastern portion of the proposed development are intentionally preserved to minimize siltation and runoff for better water quality as well as to retain canopy coverage and natural habitat that can be sensitively enjoyed for passive recreation.
Future Land Use Plan	The PZD's careful layout of planning areas secures considerately gathered density as a means to nurture the postcard aspiration of traditional communities with neighbors chatting from porch to porch and preservation of natural areas that are harmoniously consistent with the guiding policies of the Future Land Use Plan.
Special Features	The site's topography and drainage patterns present challenges to providing dense enough development without significant earthwork and engineered stormwater management. The geometry and dimensions of the site makes efficient, rear loaded units a challenge. The PZD's innovative approach to frontages and careful attendance to planning area layout allow for a reasonable density and unit mix that would be challenging under typical zoning regulations.
Recognized Zoning Consideration	The proposed zoning approach is novel and allows a degree of flexible use designed to reduce car trips and increase the walkability and resilience of the neighborhood. It does allow several things not currently typical to the city's zoning regulations, as is appropriate and intentional to the concept of PZD's within the city.


City Plan 2040
Master Street Plan
CITY OF FAYETTEVILLE ARKANSAS
Mayor
City Clerk
Potential Typology
Connection - Regional Link
Connection - Neighborhood Link
Connection - Residential Link
Urban Center
Regional Link - High Activity
Regional Link
Neighborhood Link
Institutional Master Plan
Freeway/Expressway
Park
Planning Area Boundary
0 0.5 1 Miles
N

Wonsower, Donna

From: Susan Yell <garlen.susan@gmail.com>
Sent: Monday, June 22, 2026 8:01 PM
To: Wonsower, Donna
Subject: Fw: In Re: ANX-2025-0002 & PZD-2025-0006 - Please deny both...
Attachments: Weir Road Flooding.JPG; Weir Road Flooding1.JPG

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Susan Yell <garlen.susan@gmail.com>
Sent: Monday, 22 June 2026 19:56:35
To: planning@fayetteville-ar.gov <planning@fayetteville-ar.gov>
Subject: In Re: ANX-2025-0002 & PZD-2025-0006 - Please deny both...

Good Morning!

In re: ANX-2025-002 & PZD-2025-006:

Safety: Weir Road is a two-lane paved road. There are no shoulders, no sidewalks, no bike lane. Just a steep drop-off on both sides.

Flooding: Very prevalent in this area, both on the same side of the road as this proposal, as well as right across from it. This is with dirt and trees; imagine with concrete, asphalt and roof tops.

Density: This is absolutely not consistent with the existing neighborhood. All homes adjacent are at least 1 home to 1 acre. But most are 2, 3, 4 acres and more.

Rights: “Landowners” have rights, but not when it infringes upon the lives of people who have lived there 10, 20, 30 years, several almost 50 years.

Rural: There is a reason why we moved to, and live in, a rural area, and we do not want to live in a heavily populated neighborhood.

Citizens, Natives, Neighbors are tired of having things like this shoved down our throats.

As well, when the annexation and plans were approved for the adjoining property, it was stated that this land would be used for "an emergency access/exit road only."

Please deny both the annexation and the planned zone development.

Respectfully submitted,

Susan & Garlen

3105 N. Velma Drive
Fayetteville, AR 72704-5908

Get Outlook for iOS

Wonsower, Donna

From: Sheri Hampton <sheri.hampton10@gmail.com>
Sent: Friday, July 10, 2026 2:54 PM
To: Wonsower, Donna
Subject: Rezoning opposition at W Weir Road
Attachments: Letter to planning commission 7-10-26.docx

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, Donna.
I have attached a letter with photos showing drainage issues at W Weir Road.

I am not allowed to attend the meeting scheduled for Monday, 07/13/2026, because the meeting on June 22, 2026 caused extreme stress that led to a heart attack.

Please consider how you are destroying people's lives with your decisions.

Thank you for your assistance.
Sheryl Hampton

Sheryl Hampton
4110 W Weir Road
Fayetteville, AR 72704

To Fayetteville Planning Commission:

I attended the meeting on Monday, June 22, 2026, and spoke about the problems with rezoning the property adjacent to my property, at 4110 W Weir Road.

Following the meeting, I was hospitalized with a heart attack from the stress of knowing you are planning to allow development of duplexes, triplexes, and quads on the property, which will degrade the value of our property and create a slum area in our neighborhood. We have worked our entire lives to build a nice home with value to leave our children. In one evening, you can destroy our value, while we have no representation.

Planning to build that many housing units and adding that many cars to our area will make road access impossible. W Weir Road is a two-lane road with no shoulders. Rupple Road at this property is also a two-lane road with no shoulders. You cannot add 600 plus cars to this area and expect anyone to be able to access Rupple Road from Weir Road.

Rupple Road already has a lot of traffic as it is used as an alternative route to Wedington and Hwy 62 instead of using I49.

In addition to the traffic problems, the Fayetteville sewer system is already at capacity. The property in question does not perk well, so what is the plan for sewage removal.

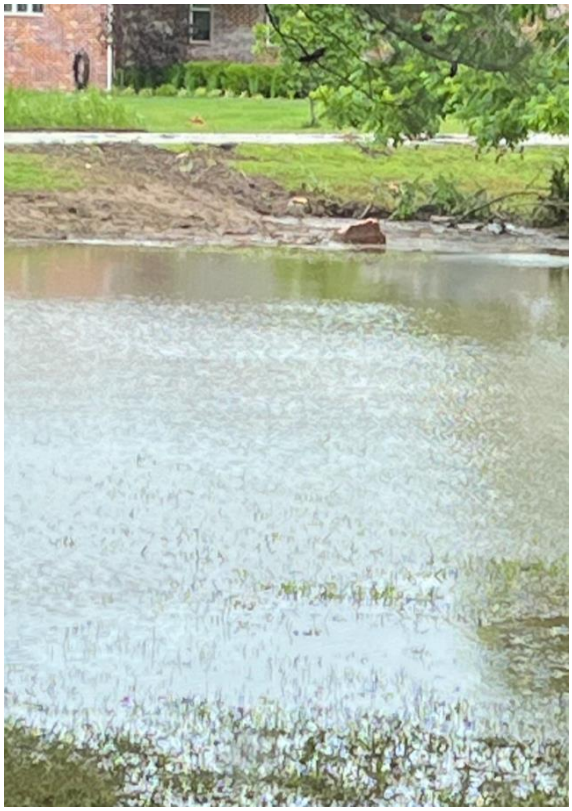
Our property already has a drainage issue. Our front yard and current driveway flood every time it rains. We are having to relocate our driveway to higher ground to have access to Weir Road during rainy seasons. If you add the number of planned housing units to the property behind us and to the east of our property, that problem will get exponentially worse. The developer has no responsibility for addressing the current drainage problems on W Weir Road.

I have included pictures of flooding on our property below.

Please leave the zoning as single family residence to prevent turning our neighborhood into a slum area. Temporary housing such as duplexes, triplexes and quads are not typically rented or purchased by families that plan to stay long term. All the properties in our neighborhood are larger homes with acreage or big lots. Multi-family housing does not fit the neighborhood.

We are not opposed to the property being developed, we just ask that you do not pass rezoning that will allow for multi-family housing. Fayetteville needs single family housing that is affordable. We do not need more apartments or multi-family housing. Just rezoning the property to maximize the profits of the developer should not be considered or approved. Please do the right thing for our neighborhood.

Sheryl Hampton



Our front yard to the west of current driveway, looking at W Weir Road.

Flooding in our current driveway that accesses W Weir Road.

Our current driveway is on the left side of the picture looking toward the west front of the property along W Weir Road.

Our current driveway is completely flooded here after a brief hard rain.

This shows flooding on the east side of our current driveway.

This is west of our current driveway which shows the water is almost up to the level of W Weir Road.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2563

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

SUBJECT: **APPEAL: CUP-2026-0031: Conditional Use Permit (1919 N. BEAR TREE COURT/BEAR TREE BUIOLDERS LLC; STEVEN DAVID & CARYN LORETTA FINNEY, 369): Submitted by COMMUNITY BY DESIGN for property located at 1919 N BEAR TREE COURT in WARD 3. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 3.34 acres. The request is for a cluster housing development.**

RECOMMENDATION:
City Staff recommend denial and Planning Commission recommends approval of the conditional use permit request as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in east Fayetteville approximately 380 feet west of the intersection of N. Old Wire Rd. and W. Ash St. The site totals approximately 3.34 acres and is zoned RSF-4, Residential Single-family, Four Units per Acre. The property is currently developed with two existing single-family dwellings constructed in 2003 which are proposed to remain. The parcels are heavily encumbered by streamside protection zones, floodplain, and floodway, and the northern parcel is almost entirely forested.

Request: The applicant requests conditional use permit approval to develop the property with a cluster housing development containing 14 detached single-family units within one cluster. Classified under the UDC as Use Unit 44, a cluster housing development is a conditional use in the RSF-4 zoning district. Conformance with development requirements, including drainage, tree preservation, and fire apparatus access shall be fully reviewed with required development entitlement plans. As a component of the application, the applicant has also requested a variance for 14 dwelling units where 12 are permitted under the cluster housing development standards.

Public Comment: Four members of the public commented against the request, expressing concern about drainage and flooding, emergency access, parking, the proposed number of units, potential for rentals and student uses, and lack of compliance with cluster housing standards. Additional inquiries and requests for information were also received. Six members of the public spoke at the July 13 meeting, all in opposition. Comments generally cited concerns with existing flooding and drainage issues, discrepancies on the floodplain map, streamside protection ordinances, increased impervious surface, density restrictions, and incompatibility with the surrounding neighborhood.

Findings: Staff finds that granting the requested conditional use permit may adversely affect the public interest. While City Plan 2040 states that natural areas are prime candidates for cluster development patterns, staff finds that the design as proposed is likely too intense for the site and that it does not align with the cluster housing ordinance's intent to provide a diverse range of housing options and encourage interactions between residents.

One variance has been requested to UDC 164.22(D)(1) to permit fourteen units where twelve are permitted by right, which staff recommends against and the Planning Commission ultimately denied. Approximately 1.6 acres, or about half the site, is encumbered by floodplain/floodway, streamside protection, or both, and the additional units required site elements shifting into these more sensitive areas of the property. While staff finds that some requirements such as common open space could be suitable within these areas, the unusual shape of the lot paired with the limited buildable area and lack of clarity on how several requirements of the cluster housing ordinance could be met contributed to staff's recommendation of denial.

No pedestrian system is shown, no parking table has been provided, and accurate floor plans have not been provided for two units. Additionally, all proposed cluster housing units are three-bedroom, two-story units nearing 2,500 square feet of conditioned area with additional space in garages that are prominent in the units' principal facades. The large size of the proposed units further increases impacts on a sensitive site, reduces the potential for flexible design changes to address requirements of the cluster housing ordinance, and minimizes the ability of the development to serve a wide variety of end users. Further, as designed, the proposal does not comply with the cluster housing requirement that at least 75% of the units shall be oriented around a common space, public trail, or street. Given the constraints of the lot, it is not clear how this orientation standard could be met without potentially substantial layout changes. The unit shown closest to E. Ash Street is one which may be able to contribute to this orientation standard. However, it is shown within an existing water/sewer easement that extends nearly 40 feet into the site from the existing public right-of-way that would require council action to vacate.

Potential street and drainage improvements would be fully evaluated with a future large-scale development application. Based on the indicated design, a floodplain study would likely be required in addition to a standard drainage report. Impacts to the streamside would also be evaluated by Engineering staff as part of the development entitlement.

DISCUSSION:
On July 13, 2026, after voting to divide the question, a motion to approve the variance failed with a lack of a majority (4-4-0), and a motion to approve the overall development after the variance's approval passed with a final count of 5-3-0.

Commissioner Brink moved to approve the variance with a second from Commissioner Cabe. Commissioners Castin, Brewer, Gulley, and Werner voted against the variance, citing the sensitive nature of the land and increased impact to the floodplain and riparian zone.

Commissioner Brink also moved to approve the overall conditional use permit with a second from Commissioner Cabe, with Commissioners Castin, Brewer, and Werner voting against the overall request. Commissioners voting against the conditional use permit cited the sensitive nature of the site, the intensity of the proposed development, and the limited nature of denial criteria for large-scale developments. Commissioners voting in favor of the request cited future development reviews and the general suitability of cluster housing for the property.

There was also general discussion on the inaccurate floor plans for the units in the northeast corner and whether the existing homes would remain occupied during construction. Engineering clarified the changes to

the floodplain between 2022 and 2024 that reduced the overall floodplain on the property. Six members of the public spoke at the meeting, all in opposition. Comments generally centered around concerns with existing flooding and drainage issues, discrepancies on the floodplain map, streamside protection ordinances, increased impervious surface, density restrictions, and incompatibility with the surrounding neighborhood.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: 3. Appeal Letter, 4. Exhibit A, 5. Exhibit B, 6. Staff Report , 7. Additional Information - Appeal Letter Addendum

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

File #: 2026-2563

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SARAH BUNCH, SARAH MOORE, TERESA TURK, AND SCOTT BERNA AND DENY CONDITIONAL USE PERMIT CUP 2026-031 FOR A CLUSTER HOUSING DEVELOPMENT AT 1919 NORTH BEAR TREE COURT IN WARD 3

WHEREAS, on July 13, 2026, the Planning Commission voted to approve a conditional use permit to allow a 12-unit cluster housing development at 1919 North Bear Tree Court; and

WHEREAS, Council Members Sarah Bunch, Sarah Moore, Teresa Turk, and Scott Berna have properly appealed the decision of the Planning Commission pursuant to §155.05(A)(3) of the *Unified Development Code.*

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 Council Members Sarah Bunch, Sarah Moore, Teresa Turk, and Scott Berna and denies Conditional Use Permit CUP 2026-031.

Wonsower, Donna

From: Wonsower, Donna
Sent: Wednesday, July 29, 2026 11:17 AM
To: Wonsower, Donna
Subject: FW: Support of Appeal for CUP 2026-0031

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Thursday, July 23, 2026 5:06 PM
To: Berna, Scott <scott.berna@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: Support of Appeal for CUP 2026-0031

All,

It appears to me that all of the requirements for this appeal of the Planning Commission's decision to grant this Conditional Use permit 2026-31 have been met.

Kit Williams
City Attorney
City of Fayetteville AR
479-575-8313

From: Berna, Scott <scott.berna@fayetteville-ar.gov>
Sent: Thursday, July 23, 2026 12:14 PM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: Re: Support of Appeal for CUP 2026-0031

I will also support their right to appeal.

Scott Berna

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Thursday, July 23, 2026 12:11 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>
Subject: Re: Support of Appeal for CUP 2026-0031

Hi All,
I am supporting the appeal by a citizen of CUP 2026-0031 for the following reasons provided by city staff who requested denial of this CUP:

1) Plan does not meet the intent or structural/designs of Cluster Housing (Unit 44).
The stated purpose of cluster housing development (Ordinance 164.22) 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." This plan does not - nor can it - meet the requirements. Providing common open space *as specified*, plus other requirements moves improvements into the zones that are protected and/or unsuitable due to flooding and storm runoff issues.

2. Safety and Emergency/Fire Access
There is only 1 entrance and exit (a "driveway") to the site (for 12 homes) right next to a creek (and FEMA floodway) that could trap residents in a heavy rainfall event, and that may be difficult for fire and emergency vehicles to access, with or without flooding. The developer stated that basically a city street and right-of-ways could not be fit onto the site as proposed. A visit to the actual site would confirm that.

3. Flooding
Three letters in the initial packet have indicated CURRENT water and drainage issues: flooding, pooling of water, seeping into crawl spaces. One neighbor on Juneway has a literal creek between his yard and his neighbor's. Several existing homes in the area are not much above grade, and there are no storm sewers, curbs, or sidewalks.

4. Intensity of Development
Staff noted this particular CUP "runs against city goals to preserve and protect areas of significant riparian benefit, and to the overall city goal to establish an Enduring Green Network (EGN)." Staff also found that "intensity of the development could adversely affect the public interest."

Thank you so much and please let me know if additional information is required,

Teresa Turk

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Thursday, July 23, 2026 11:49 AM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>
Subject: Re: Support of Appeal for CUP 2026-0031

Teresa,

It is advisable that you give at least a short description of why this should be appealed. Why was the Planning Commission wrong to grant the CUP?

Kit Williams
City Attorney
City of Fayetteville AR
479-575-8313

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Thursday, July 23, 2026 11:33 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Cc: Wonsower, Donna <dwonsower@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake

<bpennington@fayetteville-ar.gov>
Subject: Support of Appeal for CUP 2026-0031

Good Morning,
I would like to offer my support to citizens appealing CUP 2026-0031 located at 1919 N Bear Tree Court.
Please let me know if I need to provide any additional information.

Thank you,

Teresa Turk
City Council Member
Ward 4 Position 1
Fayetteville, AR 72701
ward4_pos1@fayetteville-ar.gov
206.713.2265

Wonsower, Donna

From: Wonsower, Donna
Sent: Wednesday, July 29, 2026 11:16 AM
To: Wonsower, Donna
Subject: FW: request to support appeal

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Wednesday, July 29, 2026 9:56 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fw: request to support appeal

Jessie,

Here is Council Member Moore's sponsorship email.

Kit Williams
City Attorney
City of Fayetteville AR
479-575-8313

From: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Sent: Thursday, July 23, 2026 10:46 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Re: request to support appeal

I may have gotten ahead of this coming to your office, but wanted to make sure that I sent this in given I will be in an all week training conference next week with very little break time.

Yes, I believe this to be a CUP and believe that the appeal needed 3 council members and was communicated that Turk and Berna were supportive so I would be the third.

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629

CITY OF FAYETTEVILLE ARKANSAS

Report a concern with SeeClickFix:
https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix
Speak up on City projects:
https://speakup.fayetteville-ar.gov/
Voice your feedback to the entire Council and Mayor by emailing:
agendaitemcomment@fayetteville-ar.gov

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Date: Thursday, July 23, 2026 at 10:12 AM

To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: Re: request to support appeal

Is this a conditional use that you are appealing?

Kit Williams

City Attorney

City of Fayetteville AR

479-575-8313

From: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Sent: Thursday, July 23, 2026 7:45 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Cc: mmbritain@gmail.com <mmbritain@gmail.com>
Subject: FW: request to support appeal

Kit and Blake

I am supportive to be a council person sponsoring this appeal as requested by Ms Britain.

Thank you

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629

CITY OF FAYETTEVILLE ARKANSAS
Report a concern with SeeClickFix:
https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix
Speak up on City projects:
https://speakup.fayetteville-ar.gov/
Voice your feedback to the entire Council and Mayor by emailing:
agendaitemcomment@fayetteville-ar.gov

From: mmbritain@gmail.com <mmbritain@gmail.com>
Date: Wednesday, July 22, 2026 at 10:13 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: request to support appeal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sarah,

You might remember me from my two terms on the Environmental Action Committee. I'm no longer on the EAC, but find myself still (forever maybe?) working on environmental issues. We're several blocks away from the 1919 N. Bear Tree Ct location that just received CUP approval from the planning commission, but I became interested in it because of my passion to protect water quality--in this case in Niokaska Creek. But the more I learn about this site, the more I think that it really should be appealed for safety reasons.

The planning dept ***turned down this CUP*** (CUP-2026-0031) because of these, and other reasons:

--granting the CUP may adversely affect the public interest

--2.5 acres of the 3.34 acre area are designated as a natural area by City Plan 2040, likely due to overlapping floodplain, floodway and streamside protection considerations.

--the design does not align with the intent of the cluster housing ordinance

Aside from flooding issues, here are the safety concerns that I don't think have been addressed:

--Houses are planned for the NW corner of the site. There is a wet water creek between homes on Juneway (it actually drains much of the Juneway neighborhood) which dumps it's water right onto the NW corner of the property in question (not into a storm drain!) One of the Juneway homeowners showed a video of the amount of water in this creek. Looked like a class 2 rapids to me! Really an impressive amount of water.

--In a flash flood situation, the people in the new Bear Tree Ct neighborhood could absolutely be trapped. There's only one way out.

It's a bit hard to explain all of this but if you want to take a quick look just let me know and I'll meet you there.

I'm working with a neighbor to appeal the Planning Commission decision to the City Council.

Here's my ask: will you support the appeal? The appeal must be filed by this coming Monday, 7/27. Teresa Turk and Scott Berna have already agreed to support it.

Thanks for reading, and I hope you are enjoying the summer!

Regards,

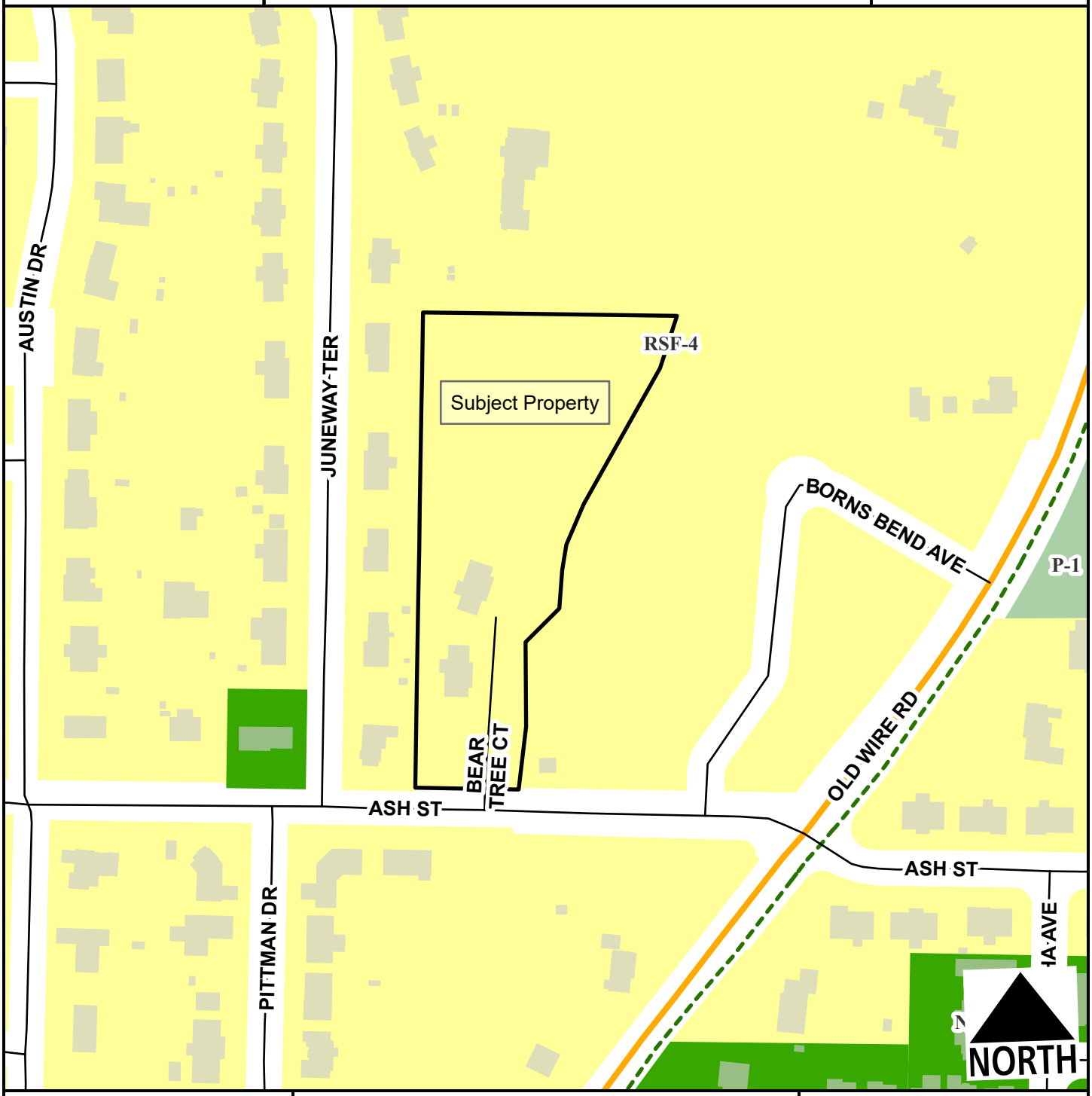
Margaret Britain
479 236 0926

CUP-2026-0031

Close Up View

1919 N BEAR TREE CT

CUP-2026-0031
Exhibit 'A'



Neighborhood Link
Unclassified
Residential Link
Planning Area
Fayetteville City Limits
Shared-Use Paved Trail

Feet
0 75 150 300 450 600
1:2,400

CUP-2026-0031
EXHIBIT B
(Legal Description)

Parcel 765-13421-000

PT SE .78 AC FURTHER DESCRIBED FROM 2022-22415 AS: ALL OF TRACT 2 OF A TRACT SPLIT RECORDED AS LAND DOCUMENT #2002-86031 AND BEING PART OF THE SE OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: A PART OF THE SE OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 96.33 FEET NORTH, 885.39 FEET EAST, AND 327.75 FEET S01°16'08"E FROM THE NW CORNER OF THE SW OF THE SE OF SAID SECTION 3, BEING A FOUND IRON PIN AT THE NW CORNER OF SAID TRACT 2 AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE EAST 160.57 FEET ALONG THE NORTH LINE OF SAID TRACT 2 TO AN IRON PIN; THENCE ALONG THE EAST LINE OF SAID TRACT 2 THE FOLLOWING 3 COURSES: S27°29'59"W 125.58 FEET, S17°07'07"W 104.59 FEET, AND S09°05'28"W 112.14 FEET TO THE NORTH RIGHT OF WAY OF ASH STREET; THENCE ALONG SAID RIGHT OF WAY N86°58'57"W 71.40 FEET TO A FOUND IRON PIN AT THE SW CORNER OF SAID TRACT 2; THENCE ALONG THE WEST LINE OF SAID TRACT 2 N02°52'06"E 264.66 FEET TO A FOUND IRON PIN; THENCE N03°50'35"E 65.26 FEET TO THE POINT OF BEGINNING, CONTAINING 34,085 SQUARE FEET OR 0.78 ACRES, MORE OR LESS.
AND

Parcel 765-13419-001

PT SE 2.55 AC FURTHER DESCRIBED FROM 2022-21565 AS: ALL OF TRACT 3 OF A TRACT SPLIT RECORDED AS LAND DOCUMENT #2002-86031 AND BEING A PART OF THE SE/4 OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: A PART OF THE SE/4 OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING 96.33 FEET NORTH, 885.39 FEET EAST, AND 327.75 FEET S01°16'08"E FROM THE NW CORNER OF THE SW/4 OF THE SE/4 OF SAID SECTION 3, BEING A FOUND IRON PIN AT THE SW CORNER OF SAID TRACT 3, ALSO BEING THE NW CORNER OF TRACT 2 OF SAID TRACT SPLIT AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE ALONG THE WEST LINE OF SAID TRACT 3 N02°18'39"E 328.57 FEET TO A FOUND IRON PIN AT THE NW CORNER OF SAID TRACT 3; THENCE ALONG THE NORTH LINE OF SAID TRACT 3 S87°26'12"E 354.76 FEET TO THE NE CORNER OF SAID TRACT 3; THENCE ALONG THE EAST LINE OF SAID TRACT 3 THE FOLLOWING 9 COURSES: S19°58'31"W 75.92 FEET, S31°18'05"W 128.84 FEET, S31°21'55"W 87.19 FEET, S25°00'19"W 60.64 FEET, S11°35'05"W 35.54 FEET, S06°04'47"W 53.30 FEET, S47°06'52"W 66.18 FEET, S01°46'51"W 117.11 FEET, S09°06'28"W 89.76 FEET TO THE NORTH RIGHT OF WAY LINE OF ASH STREET; THENCE ALONG SAID RIGHT OF WAY LINE N86°58'57"W 71.40 FEET TO THE WESTERLY LINE OF SAID TRACT 3, ALSO BEING THE EASTERLY LINE OF SAID TRACT 2; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING 3 COURSES: N09°05'28"E 112.14 FEET, N17°07'07"E 104.59 FEET, N27°29'59"E 125.58 FEET TO A FOUND IRON PIN; THENCE ALONG THE NORTH LINE OF SAID TRACT 2 N86°01'47"W 160.56 FEET TO THE POINT OF BEGINNING, CONTAINING 2.58 ACRES, MORE OR LESS

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: July 13, 2026 (UPDATED WITH MEETING RESULTS)

SUBJECT: **CUP-2026-0031: Conditional Use Permit (1919 N. BEAR TREE COURT/BEAR TREE BUILDERS LLC; STEVEN DAVID & CARYN LORETTA FINNEY, 369):** Submitted by COMMUNITY BY DESIGN for property located at 1919 N BEAR TREE COURT. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 3.34 acres. The request is for a cluster housing development

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RECOMMENDATION:
Staff recommends denial of **CUP-2026-0031.**

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0053** with conditions, determining:*

- *Against a variance to UDC 164.22(D)(1) Number of Cluster Housing Units Permitted;*
- *In favor of compatibility of Use Unit 44: Cluster Housing Development with adjacent properties; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in east Fayetteville approximately 380 feet west of the intersection of N. Old Wire Rd. and W. Ash St. The site totals approximately 3.34 acres and is zoned RSF-4, Residential Single-family, Four Units per Acre. The property is currently developed with two existing single-family dwellings constructed in 2003 which are proposed to remain. The parcels are heavily encumbered by streamside protection zones, floodplain, and floodway, and the northern parcel is almost entirely forested. Surrounding land uses and zoning are depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Streamside Protection Zone, Floodplain, Floodway	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

City Plan 2040 Future Land Use Designation: **Residential Neighborhood / Natural**

Proposal: The applicant requests conditional use permit approval to develop the property with a cluster housing development containing 14 detached single-family units within one cluster.

Classified under the UDC as Use Unit 44, a cluster housing development is a conditional use in the RSF-4 zoning district. Conformance with development requirements, including drainage, tree preservation, and fire apparatus access shall be fully reviewed with required development entitlement plans. As a component of the application, the applicant has also requested a variance for 14 dwelling units where 12 are permitted under the cluster housing development standards.

Public Comment: Four members of the public spoke against the request, expressing concern about drainage and flooding, emergency access, parking, the proposed number of units, potential for rentals and student uses, and lack of compliance with cluster housing standards. Additional inquiries and requests for information were also received.

RECOMMENDATION: Staff recommends denial of **CUP-2026-0031.** If approved, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for Use Unit 44: Cluster Housing Development.** *Staff finds the proposed cluster housing development to be incompatible with the neighborhood based on the findings in this report;*

2. Variance denied **Planning Commission determination of variance to UDC 164.22(D)(1) Number of Cluster Housing Units Permitted.** *Staff recommends denial of the requested variance to permit a cluster with 14 units. If approved, staff recommends the following conditions.*
   a) The applicant shall coordinate with Urban Forestry and Engineering to provide improvements to the floodplain / streamside area, such as invasive species removal, replanting of native species, or other work to improve the riparian buffer.

3. Approval of the conditional use permit does not ensure approval of a development application. The conditional use grants the applicant rights to submit a development proposal based on the conceptual layout included herein. However, the applicant must still be able to comply with all other development requirements, including but not limited to, tree preservation, drainage, utility installation and Fire Department access. These details shall be reviewed with the development application. The final project design shall follow the general layout and design of the conditional use concept plan;

4. A condominium association, homeowner's association, or similar mechanism to maintain the common amenities shall be established prior to issuance of construction permits. The City of Fayetteville does not enforce these private agreements, but will require that this agreement be in place prior to issuing building permits;

5. Prior to receiving a certificate of occupancy for the first home, all shared drives and bike racks shall be installed. All development requirements, such as detention facilities, utilities, required landscaping, etc. shall be installed prior to any building permits being issued. The exact phasing of improvements will be determined at development review;

6. The maximum number of unrelated persons in any dwelling unit is three, pursuant to the underlying single-family zoning district;

7. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is valid for one year; and

8. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs.

PLANNING COMMISSION ACTION:	Required	YES	
Date: July 13, 2026	❒ Tabled	☒ Approved	❒ Denied
Motion:	Motion to divide the question	"I move to approve a variance to UDC 164.22(D)(1) with all conditions as recommended by staff.	"I move to approve CUP-2025-0053 with conditions, determining In favor of compatibility of Use Unit 44: Cluster Housing Development with adjacent properties, and in favor of all other conditions as recommended by staff.
Second:	CABE / BRINK	BRINK / CABE	CASTIN / CABE
Vote:	8-0-0	4-4-0 (CASTIN, BREWER, GULLEY, WERNER OPPOSED). Motion fails.	5-3-0 (CASTIN, BREWER, WERNER OPPOSED). Motion passes.

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting conditional use approval for Use Unit 44: Cluster Housing Development in the RSF-4 zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.07 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use permit may adversely affect the public interest. Of the 3.34-acre subject area included in the request, approximately 2.5 acres is designated as a natural area by City Plan 2040, likely due to overlapping floodplain, floodway and streamside protection considerations. City Plan 2040 encourages "development pattern[s] that require conservation and preservation, prevents degradation of these areas, and utilize the principles of low impact development stormwater infrastructure..." While the plan also states that natural areas are prime candidates for cluster development patterns, staff finds that the proposal is seeking a variance to allow more units than would be permitted by code, increasing the development intensity of the lot. Nearly half of the residential units, most of the driveway and all of the proposed common open spaces are shown within the future land use area designated Natural Areas rather than the areas designated as Residential Neighborhood. Additionally, portions of the driveway are shown within FEMA floodway.**

Staff also finds that the proposed design does not align with the intent of the cluster housing ordinance. 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." All proposed cluster housing units are three-bedroom, two story units nearing 2,500 square feet of conditioned area with additional space in garages that are prominent in the units' principal facades. The large size and high proposed number of these units further increases the impact on a sensitive site and limits the potential for the cluster to serve a variety of end users. Staff has also not been provided floor plans which correspond to the two units in the northwest corner and is not able to fully evaluate how the units comply with ordinance or meet their parking needs.

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules Use Unit 44: Cluster Housing Development, as follows:**

§164.22, CLUSTER HOUSING DEVELOPMENT

D. Dwellings Permitted.

1. *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of twelve (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.

Finding: **The proposal includes one cluster with fourteen residential dwellings (two existing, twelve new). A variance has been requested to UDC 164.22(D)(1) to permit fourteen units where twelve are permitted by right. Staff recommends against this request. Approximately 1.6 acres of the site, or about half the site, is encumbered by floodplain/floodway, streamside protection, or both, and the addition of units shifts necessary improvements into more sensitive areas of the site.**

While staff finds that some requirements such as common open space could be suitable within these areas, the unusual shape of the lot paired with the high percentage of the lot encumbered by environmental constraints make it difficult to support additional units without knowing how other portions of code will be met. No parking table has been provided and floor plans have not been provided that accurately reflect garage access for two units. No pedestrian system to the street is shown and it appears that the units do not comply with the requirement that at least 75% of the units shall be oriented around a common space, public trail, or street. Given these outstanding questions, the heavily limited development area of the site, and the increased difficulty created by adding additional units, staff recommends against the request.

If approved, staff recommends that the applicant shall coordinate with Urban Forestry and Engineering to provide improvements to the floodplain / streamside area, such as invasive species removal, replanting of native species, or other work to improve the riparian buffer in order to mitigate additional impact created from the encroachment into these areas.

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.

Finding: **Two existing single-family structures are located on the subject property which appear to be conforming with the standards of this section. Compliance with cluster housing requirements shall be further reviewed with development entitlement.**

E. Zoning Regulations.

1. *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Chapter 161, Zoning Regulations, as a permitted or conditional use.

Finding: Use Unit 44 is conditional use in the RSF-4 zoning district.

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.

Finding: The subject property is 3.34 acres, which would allow 26 units as cluster housing. The applicant's proposal is for fourteen units (twelve new and two existing), which is within the permitted density allowance, but not within the individual cluster housing unit allowance, which is discussed further in the variance request.

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.

Finding: Lot widths, lot areas, and land area per dwelling unit will be considered with the associated development review. No associated lot split has been provided with this proposal.

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.
   (c.) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.

Finding: Separation and setback requirements for the RSF-4 zoning district will apply along exterior property lines. Based on the conceptual site plan provided, the proposed cluster housing development may be compliant with required zoning setbacks. Separation and setbacks shall be fully reviewed with development entitlement.

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.

Finding: **The RSF-4 zoning district permits three-story buildings; the applicant is proposing two-story dwellings.**

6. Building Area. None.

Finding: **N/A.**

7. Accessory Dwelling Units. Accessory dwelling units are permitted in cluster housing developments by conditional use. Where a cluster housing development is permitted as a conditional use, accessory dwelling units may be requested within the same application.

Finding: **No accessory dwelling units are proposed.**

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.

Finding: **Proof of Common Property Maintenance regulations will be required during the development process.**

G. **Development Standards.** The UDC outlines specific development standards for Cluster Housing Developments.

Finding: **The proposal does not comply with the requirement that at least 75% of the units shall be oriented around a common space, public trail, or street. The six units along the southernmost portion of the property face a private driveway. The unit closest to the street could be oriented towards the street; however, a large water/sewer easement is currently located in this area and would be required to be vacated in order to place the easement as proposed. If the easement is not able to be vacated, the next unit is shown approximately 70 feet from the street. The unit located in the far northwest corner is also not oriented towards a common open space, public trail, or street. Given that approximately half of the site is encumbered by floodplain, floodway, and/or streamside protection, it is not clear how this requirement can be met under this current design.**

Generally, staff has concerns that the development will be able to fully comply with development standards such as the provision of open space, parking, bicycle racks, Fire Department access, pedestrian connectivity, utilities, and recycling and trash collection due to the number of units proposed and environmental constraints of the site. While staff acknowledges that these standards are more fully reviewed at the time of development and building permits, the extensive development proposed is

likely to create difficulties meeting standards, particularly if the variance for additional units is approved.

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 six 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.

Finding: **In cluster housing developments no two structures shall be identical in terms of exterior finishes and must vary in building height, main floor size, location of windows and doors, porches, and/or roof shape. Seven units are shown placed directly adjacent to an identical floor plan., and mirroring or other rotations that alter their exterior appearance are not generally shown between these repeated floor plans. The provided building elevations and site plan suggest that variations to roof shapes and materials will be utilized to meet these requirements; however, color variation must also be provided to comply fully meet the second proposed variation standard. Additional information is needed to fully verify compliance with these standards**

Of note, no unit appears to comply with the requirement that garage entries shall not protrude forward from the principal façade and all are very close to the maximum permitted square footage, limiting potential for modifications to comply with this standard. Additionally, the applicant has indicated an intent to subdivide the parcels, which would trigger compliance with UDC 164.23 Small Lot Design Standards. These standards require that each home shall have a clearly defined front door and windows on the façade facing the street, and that the garage opening shall be less than 50% of the principal façade length unless the house has a second story with windows facing the street or has a balcony, deck, or similar feature which projects at least flush with the garage opening toward the street. As shown, the proposed architectural designs do not comply with either standard. Full compliance with these architectural design standards will be reviewed for and determine at the time of building permit.

§163.02, AUTHORITY; CONDITIONS; PROCEDURES. (continued)

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

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

Finding: **As proposed, the cluster housing development will have access onto E. Ash St., a Residential Link, by way of one driveway which is currently located partially within FEMA floodway. The proposed driveway appears to meet the required 50-foot separation standards as shown. The ITE manual shows 9.43 trips per day for detached single family housing, which could result in ~113 total new trips per day with the addition of 12 new units. No major accidents have been shown in the area immediately adjacent to the driveway based on city records. Compliance with the City's access management and public safety standards will be fully considered as part of the associated development review, but staff finds that the development is likely to be able to provide sufficient ingress and egress to the property.**

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

Finding: **In cluster housing developments, the applicant may choose to supply 1 parking space per bedroom. Otherwise, parking will be required at a rate of 1.5 spaces per unit for dwellings less than 1,000 square feet in size, and at a rate of 2 spaces per unit dwellings greater than 1,000 square feet. No parking table has been provided and no bike rack parking is shown on the plans. The applicant has generally indicated two-car garage parking for each unit, though floor plans have not been provided which accurately reflect the two units in the northwest corner. Bike racks must be provided at a rate of one rack per cluster housing unit, meaning fourteen total racks are required. Where parking abuts adjacent properties or public right-of-way, screening shall be required per UDC 172.04.**

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

Finding: **The applicant has indicated the development is intended to be served with residential trash carts. The City's ability to serve the development will be fully reviewed at the time of development entitlement.**

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

Finding: **Utilities are currently available at or near the site. An eight-inch water main is available along the eastern property line and a 2.25-inch water line is available within N. Box Ave. An eight-inch sewer main is available approximately 430 feet to the south along E. Mission Blvd. Determinations of capacity or the need for improvements will be made with development submittal.**

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

Finding: **Given the single-family residential nature of the proposal and institutional use along most of the eastern property line, staff recommends limited buffering. Any parking areas such as those indicated at the northwest corner of the site would be required to be screened per the city's landscape ordinance.**

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

Finding: **All signage shall be reviewed separately in accordance with UDC Chapter 174.**

(g.) Required yards and other open space; and

Finding: **Review of the submitted site plan indicates that the required open space of the overall property is being provided. All separation and setback requirements will be reviewed for compliance with development entitlement.**

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

Finding: **Staff finds the applicant's proposal to be incompatible with adjacent properties and those in the surrounding neighborhood. Cluster developments are intended to orient dwelling units around a common open space and foster a sense of community. While the design does indicate common open space, units are generally oriented around a private driveway and no pedestrian circulation system is shown throughout the development. The units are generally dominated by large garages with entries set far back from the principal façade, a design which does not meet the intent of cluster housing to foster community either within the development or surrounding neighborhoods. The property is heavily encumbered by floodplain and streamside protection and staff finds the intensity of the development could adversely affect the public interest.**

(i.) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: **Staff finds that the proposed development to be generally incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. The majority of the property is designated a Natural Area by City Plan 2040. The site is heavily encumbered by sensitive environmental features and the applicant is seeking a variance to provide more units than would be permitted by code, pushing structures, driveways, and other required elements into areas designated as preferred for conservation by the city plan. Staff finds this encroachment into the natural areas runs against city goals to preserve and protect environmental resources, and to conserve open space and protect areas of significant riparian benefit, and to the overall city goal to establish an enduring green network.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 – District RSF-4, Residential Single-Family, Four Units per Acre
  - §164.22 – Cluster Housing Development
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Applicant Exhibits
  - Request Letter
  - Variance Request Letter
  - Drainage Letter
  - Applicant Site Plan
  - Floor Plans & Elevations
- Public Comment

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
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster 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	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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 (1) acre shall be processed as a site improvement plan. Cluster housing development on lots one (1) acre or larger shall be processed as a large scale development. If individual cluster housing unit lots are proposed and the proposal meets all of the requirements in this section, the subdivision shall be processed through the subdivision platting process as a lot split regardless of the number of lots created.

(D) *Dwellings Permitted.*

(1) *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of twelve (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 Chapter 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.
(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 permitted in cluster housing developments by conditional use. Where a cluster housing development is permitted as a conditional use, accessory dwelling units may be requested within the same application.

(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 2,500 square feet.

(2) *Building Orientation.* A minimum of 75% 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 1,500 square feet, a minimum of 250 square feet of common open space shall be provided per unit. For units exceeding 1,500 square feet and up to 2,000 square feet, 500 square feet of common open space shall be required per unit. For units exceeding 2,000 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 ten feet.
(ii) Required common open space shall be divided into no more than two (2) 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 ten 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.

(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 (1) 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 square feet 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 (1) 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.
(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 six 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.

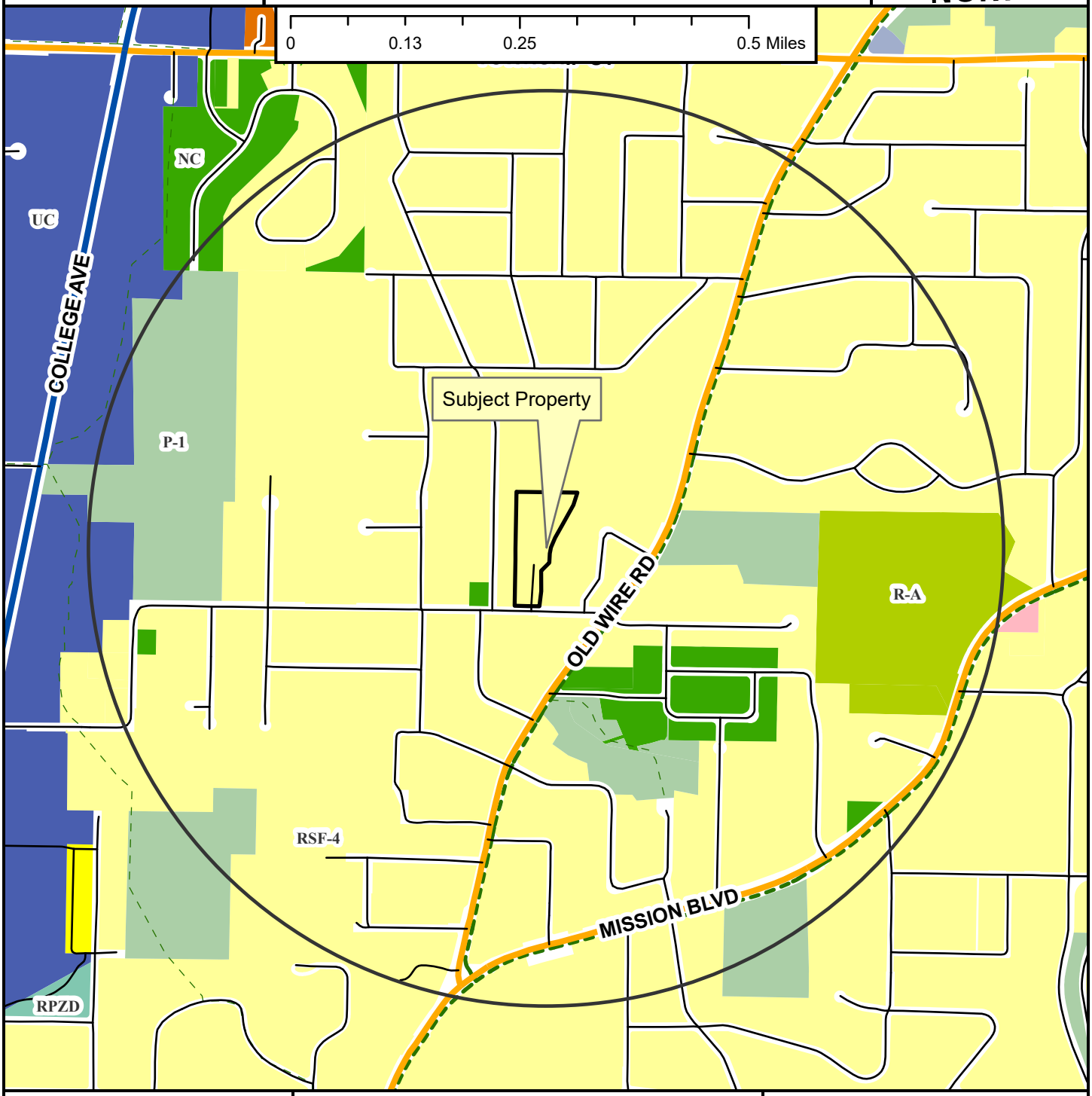
(I) *Variances From the Minimum Cluster Housing Development Requirements.* Variances of this section, Cluster Housing Development, shall be administered as normal development regulations for variances of General Design Standards, except that (E) Zoning Regulations shall be administered as zoning regulations for variance purposes.

CUP-2026-0031

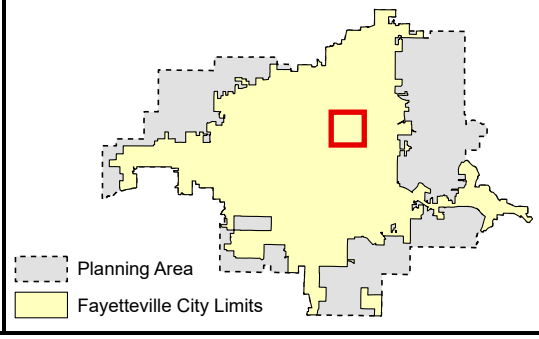
One Mile View

1919 N BEAR TREE CT

NORTH



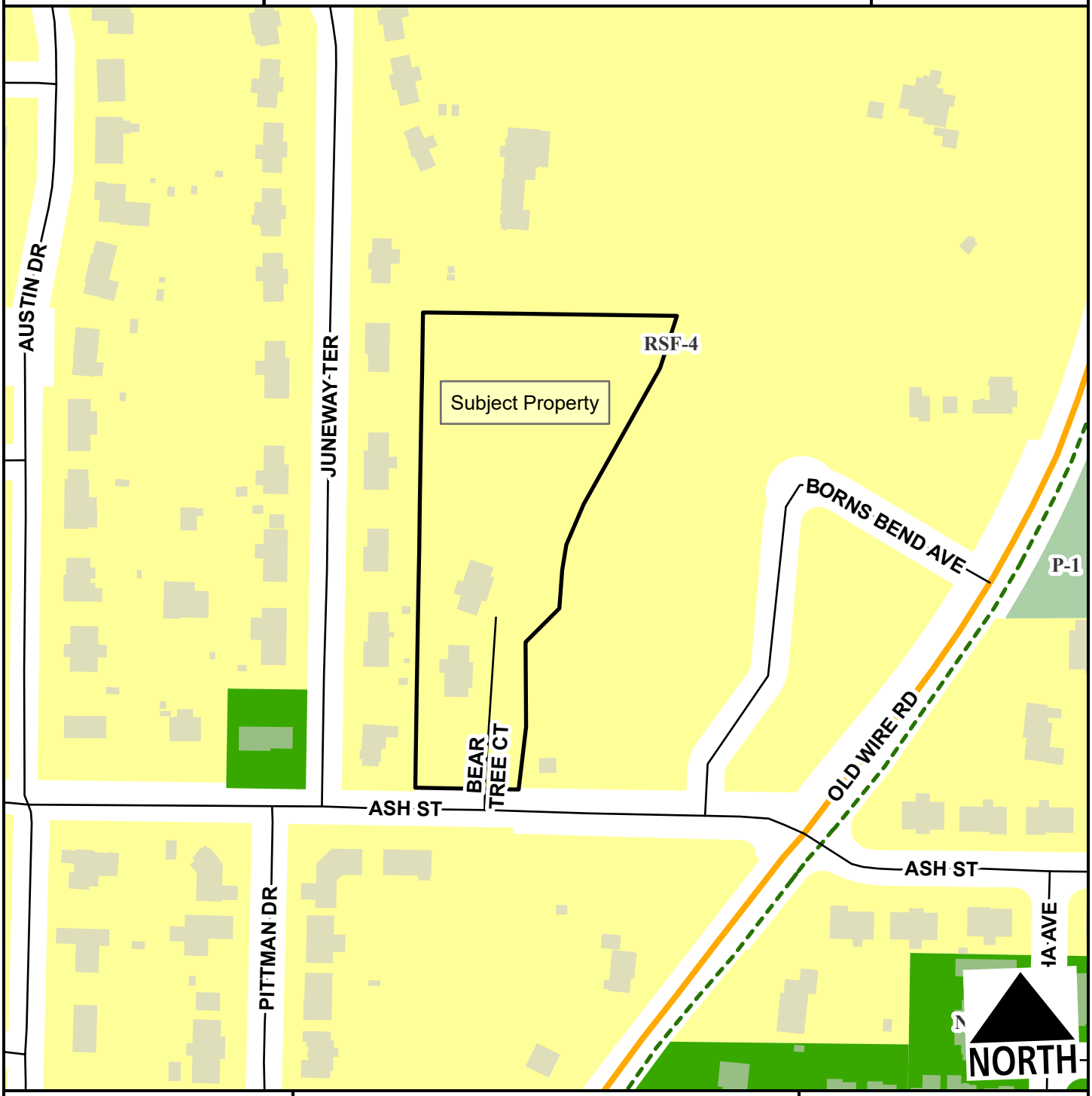
Neighborhood Link
Regional Link - High Activity
Unclassified
Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



CUP-2026-0031

Close Up View

1919 N BEAR TREE CT



Neighborhood Link
Unclassified
Residential Link
Planning Area
Fayetteville City Limits
Shared-Use Paved Trail

Feet

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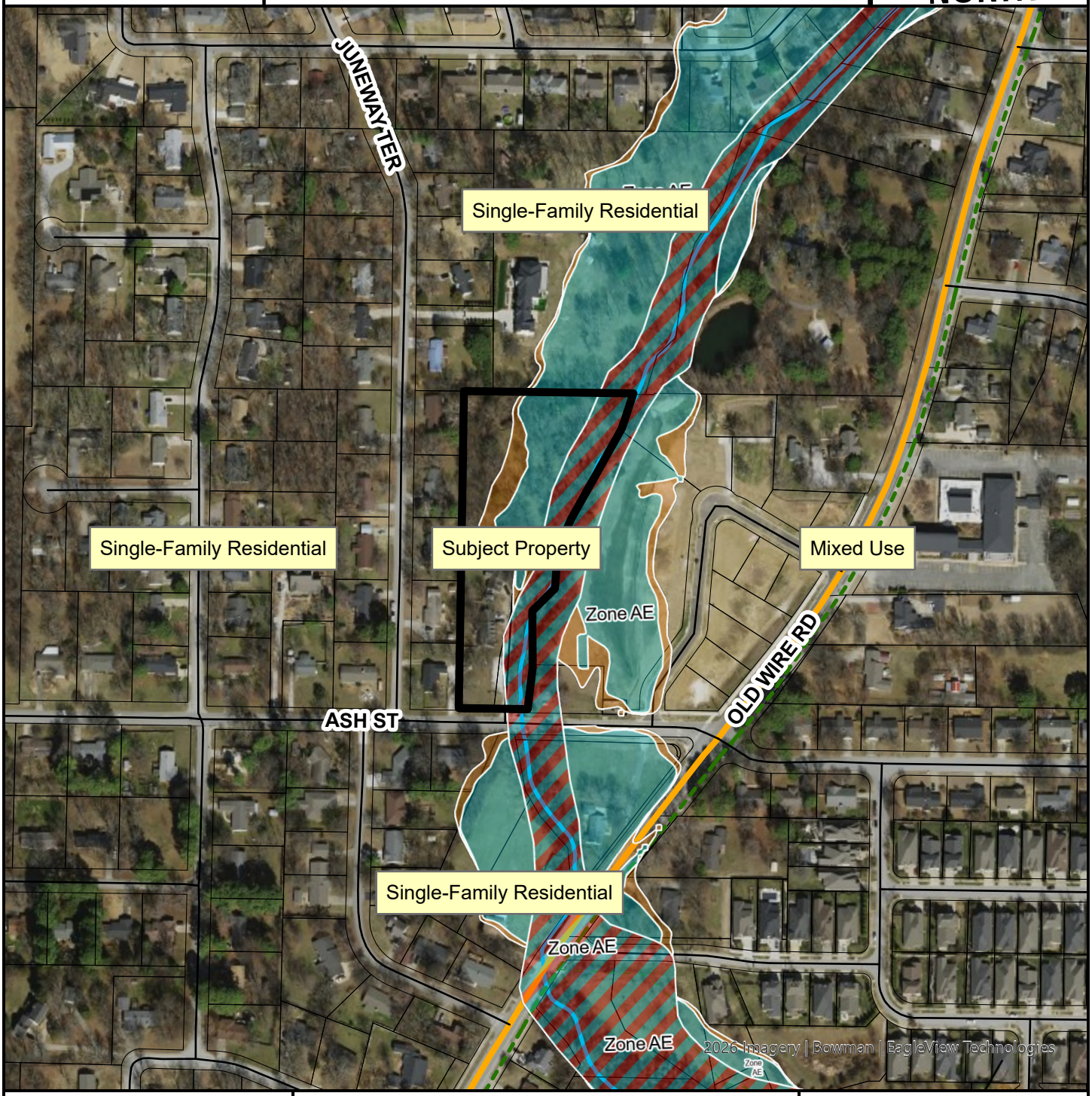
1:2,400

CUP-2026-0031

Current Land Use

1919 N BEAR TREE CT

NORTH



- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

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May 28, 2026
Via EnerGov

Mr. Wesley Frank - Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: **1919 Bear Tree Court Cluster Development – Conditional Use Permit Application Submittal Package**

Mr. Frank,

As a follow up to our pre-application meeting on October 30, 2025, please find the attached Conditional Use Permit Application for the development of a cluster housing development on Washington County Parcels 765-13421-000 and 765-13419-001. The application includes the following supporting documents attached to this letter:

- One (1) copy of a written submittal letter describing the project
- One (1) copy of a consent of owner form
- One (1) copy of a annotated site or master plan
- One (1) copy of draft architectural floor plans and elevations

General - The property is zoned RSF4 and contains 2 existing houses on 3.30 acres. A master plan has been created which should present a proposal that meets the requirements of UDC 164.22 Cluster Housing Development. The request is for the zoning approval of a cluster housing development containing 12 new houses. Two large common open spaces are proposed, the central green and a pocket green. A third preservation green includes existing tree canopy and Niokaska Creek. The proposal is to avoid any new development in the streamside protection zone.

Fire, Solid Waste, Vehicular Access and Parking – Fire, solid waste, and vehicular access is proposed along a new looped drive. The drive will maintain a minimum clear width of 20' to meet requirements for fire and solid waste access. 2 garage spaces are proposed for each house with additional parking proposed along the drive.

Architectural Floor Plans and Elevations – Each of the new houses are proposed to be approximately 2,300 square feet and contain 3 bedrooms and 2.5 bathrooms. Floor plans and elevations are proposed that include 3 core floor plans with additional elevation variation. As proposed each house has a covered front porch and also a private courtyard / patio space. Common open space is provided in two locations, the central green and a pocket park. Elevation variation is provided focusing on roof structure massing, window and door placement, and siding type and color.

Compatibility and Traffic Impact - The proposal is compatible with adjacent properties and the neighborhood l primarily by maintaining a detached single- family house type and through preservation of trees and the Niokaska Creek area.

Thank you for your consideration of this request. Please let me know if you need additional information.

Sincerely,

Brian Teague - Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775

June 29, 2026
Via Civic Access Portal

Ms. Donna Wonsower – Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: **1919 Bear Tree Court Cluster Development – CUP 2026 0031 – Variance Request**

Ms. Wonsower,

As a representative of Bear Tree Builders LLC and owners of Washington County Parcels 765-13421-000 and 765-13419-001, I am requesting a variance from UDC 164.22(D)(1) to allow a cluster housing development that contains 14 dwelling units when the maximum allowed by code is 12. There are 2 existing houses and 12 proposed houses.

The property contains 3.34 acres and is zoned RSF4. In accordance with UDC 164.22(E)(2), the density allowed shall not exceed two times the maximum density of the underlying zoning district or 8.00 dwelling unit per acre. The proposed density is 4.19 dwelling units per acre, a relatively low density compared to other cluster developments that I have designed.

There would likely be a way to break the project into two separate cluster developments. However, a variance for one cluster development containing 14 houses would be the most straight forward approach if the variance is granted. Specific benefits would include the requirement of more variation in the house plans and elevations.

Thank you for your consideration of this request. Please let me know if you have any questions or if you need additional information.

Sincerely,

Brian Teague
Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775

July 1, 2026
Via Civic Access Portal

Ms. Donna Wonsower – Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

1919 Bear Tree Court Cluster Development – CUP 2026 0031 – Drainage Concepts Supplemental Information

Ms. Wonsower,

Per your request please find the following supplemental information regarding potential drainage design concepts for the above referenced project.

The approximate west extent of AE floodplain and west extent of floodway has been shown on the revised and attached master plan document dated 6/29/26. Per our initial pre-application meeting, we have attempted to remove proposed significant vertical elements from the floodplain area. This included the removal of multiple proposed houses on the north end, east of the proposed drive. We plan to design the improvements to the property so that no fill is placed in the floodplain areas. If fill volumes are proposed in the floodplain area, compensatory storage will be provided. We understand that a flood study showing no increase in BFE, channel velocity, and flood flow may be required and that elevation certificates showing each structure at least 2' above BFE will be required.

To meet Drainage Criteria Manual (DCM) minimum standard 1, water quality features will be designed and incorporated into the plan so that all new impervious surfaces are treated. The use of permeable pavements will be explored for paved areas like driveways and / or sidewalks. Bio-retention areas could also potentially be proposed in green space areas. Adjustments to runoff curve numbers due to treatment by the water quality features will likely be proposed, which can significantly reduce detention volumes required by minimum standards 2, 3 and 4.

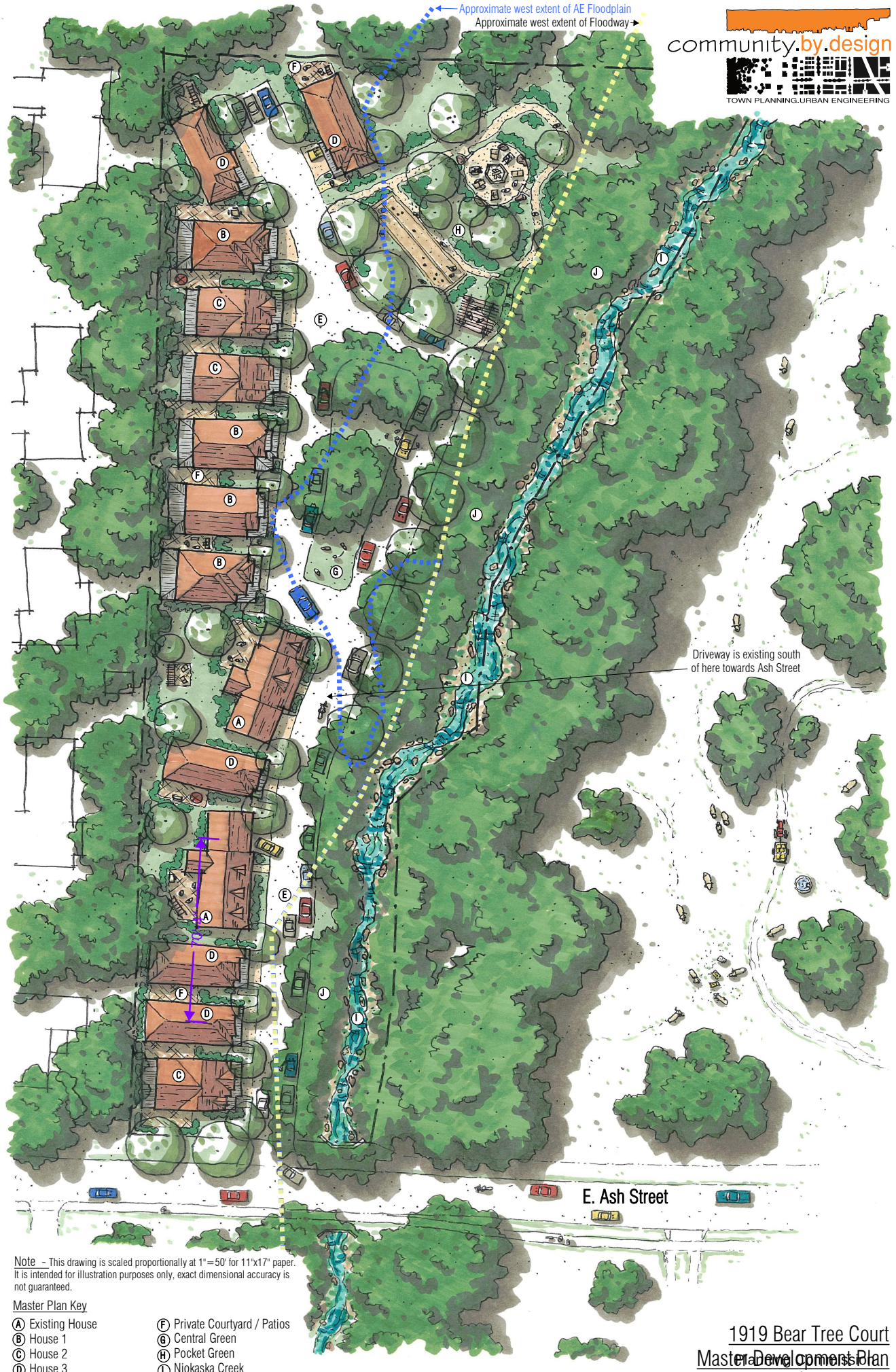
The site generally slopes to the north and to a somewhat lesser extent to the east towards Niokaska Creek. Contours in the area to the west of the existing houses appear to potentially be suitable for use as above ground detention facilities in order to meet DCM minimum standards 2, 3, and 4. Also the common green space areas could potentially be suitable for above ground detention facilities for some storm events while underground options will also potentially be explored under the existing / proposed driveways to the east of the existing houses and also under the proposed driveway towards the north / northwest end of the site. Section 7.5 of the Drainage Criteria Manual may also be studied in order to reduce detention facility requirements.

More detailed information will be provided at the time of development application.

Sincerely,

Brian Teague
Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775



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Note - This drawing is scaled proportionally at 1"=50' for 11"x17" paper. It is intended for illustration purposes only, exact dimensional accuracy is not guaranteed.

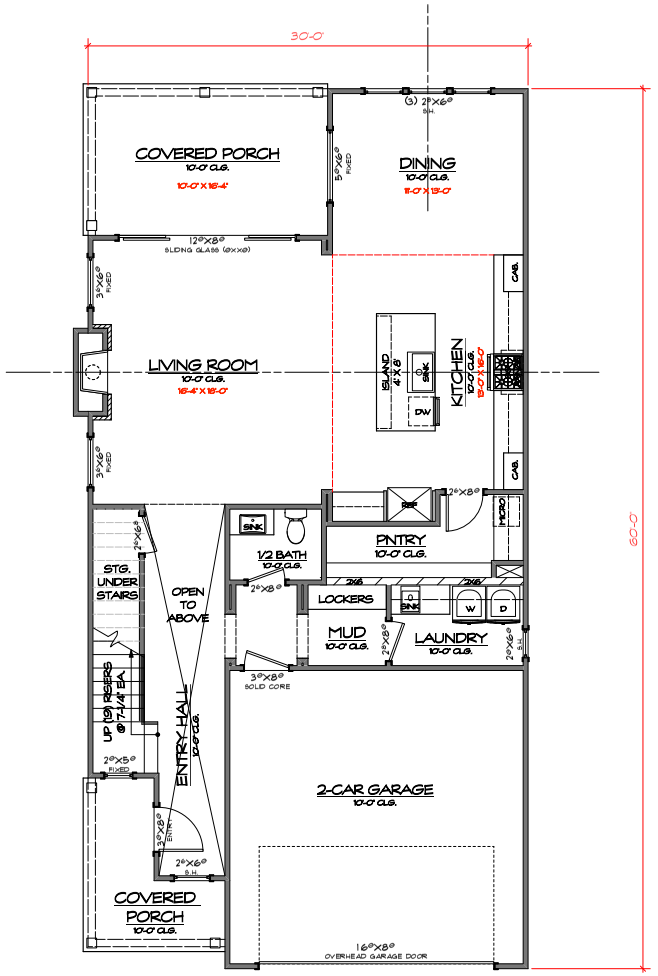
Master Plan Key

- (A) Existing House
- (B) House 1
- (C) House 2
- (D) House 3
- (E) Shared / Private Drive
- (F) Private Courtyard / Patios
- (G) Central Green
- (H) Pocket Green
- (I) Niokaska Creek
- (J) Tree Preservation

1919 Bear Tree Court
Master Development Plan

Planning Commission
July 13, 2026

HOUSE ONE



FLOOR PLAN B

NOTE:
ALL WALLS ARE 2X4 CONSTRUCTION UNLESS SPECIFIED OTHERWISE.

1 / A.3 FIRST LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGES:

1ST FLOOR:	1,134 S.F.
2ND FLOOR:	1,106 S.F.
TOTAL:	2,240 S.F.
GARAGE:	416 S.F.
FRONT PORCH:	81 S.F.
REAR PATIO:	177 S.F.

REVISIONS | BY

Ken Westfall
P.O. Box 1026
Tontitown, AR. 72770
Phone (479) 841-6276
kenwestfall@sbcglobal.net

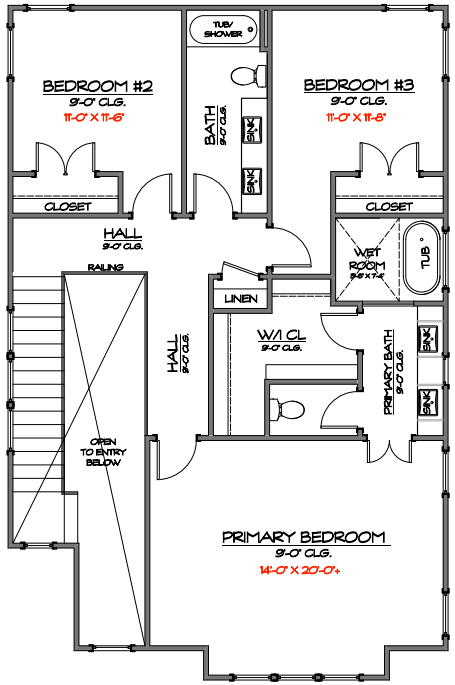
WESTFALL DESIGN STUDIO

SCHMITT BEAR TRE
FAYETTEVILLE (HOUSE ONE)
FIRST FLOOR PLAN
CUP-2026-0031 (BEAR TREE BUILDERS LLC, STEVEN DAVID & CARYN LORETTA FINNEY)

Planning Commission
July 13, 2026

DRAWN BY: KSW
SCALE: 1/4"=1'-0"
DATE: 02-20-26
JOB NUMBER: 2026-04
SHEET: A.3

HOUSE ONE



FLOOR PLAN B

NOTE:
ALL WALLS ARE 2X4 CONSTRUCTION UNLESS SPECIFIED OTHERWISE.

1 / A.4 SECOND LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGES:	
1ST FLOOR:	1,134 S.F.
2ND FLOOR:	1,106 S.F.
TOTAL:	2,240 S.F.
GARAGE:	416 S.F.
FRONT PORCH:	81 S.F.
REAR PATIO:	177 S.F.

REVISIONS	BY

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WESTFALL DESIGN STUDIO

SCHMITT BEAR TRE
FAYETTEVILLE (HOUSE ONE)
SECOND FLOOR PLAN
CUP-2026-0031 (BEAR TREE BUILDERS LLC, STEVEN DAVID & CARYN LORETTA FINNEY)

DRAWN BY:	KSW
SCALE:	1/4"=1'-0"
DATE:	02-20-26
JOB NUMBER:	2026-04
SHEET:	A.4

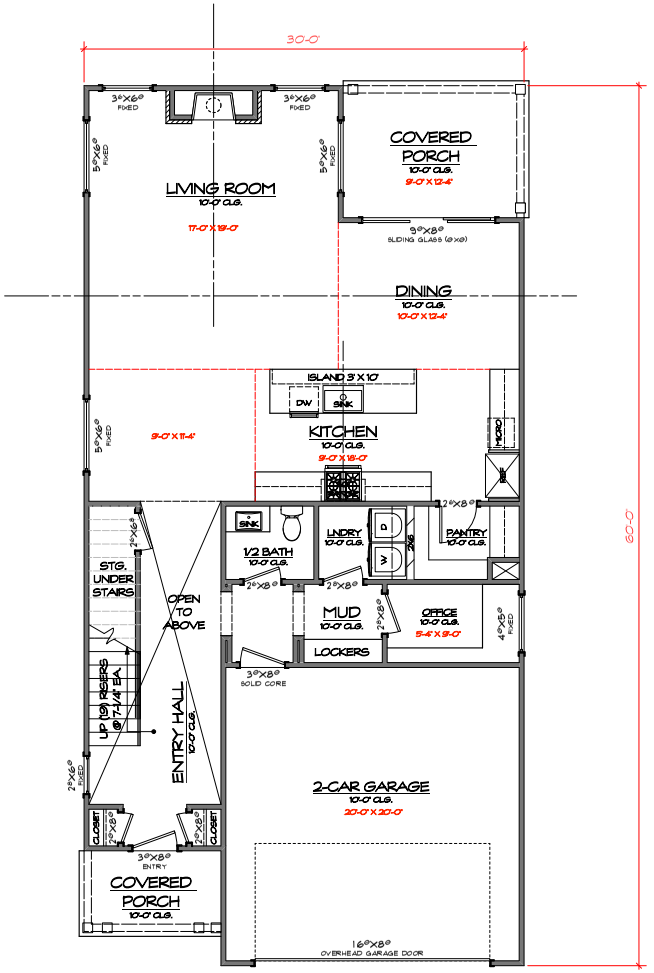
Planning Commission
July 13, 2026
Page 25 of 39

FLOOR PLAN B - ELEVATION 1
VARIATION 1 - GABLED ROOF
VARIATION 2 - BOARD AND BATTEN OVER BRICK

FLOOR PLAN B - ELEVATION 2
VARIATION 1 - HIPPED ROOF
VARIATION 2 - BOARD AND BATTEN OVER BOARD AND BATTEN

FLOOR PLAN B - ELEVATION 3
VARIATION 1 - JERKINHEAD / CLIPPED ROOF
VARIATION 2 - LAP OVER STONE

HOUSE TWO



FLOOR PLAN C

NOTE:
ALL WALLS ARE 2X4 CONSTRUCTION UNLESS SPECIFIED OTHERWISE.

1 / A.3 FIRST LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGES:	
1ST FLOOR:	1,200 S.F.
2ND FLOOR:	1,129 S.F.
TOTAL:	2,329 S.F.
GARAGE:	416 S.F.
FRONT PORCH:	57 S.F.
REAR PATIO:	119 S.F.

REVISIONS	BY

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kenwestfall@sbcglobal.net

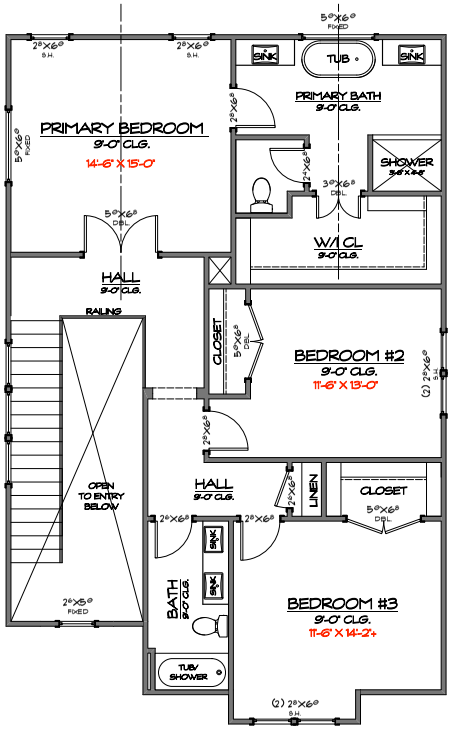
WESTFALL DESIGN STUDIO

Planning Commission
July 13, 2026

SCHMITT BEAR TREE
FAYETTEVILLE (HOUSE TWO)
FIRST FLOOR PLAN
CUP-2026-0031 (BEAR TREE BUILDERS LLC, STEVEN DAVID & CARYN LORETTA FINNEY)

DRAWN BY:	KSW
SCALE:	1/4"=1'-0"
DATE:	02-26-26
JOB NUMBER:	2026-04
SHEET:	A.3

HOUSE TWO



FLOOR PLAN C

NOTE:
ALL WALLS ARE 2X4 CONSTRUCTION UNLESS SPECIFIED OTHERWISE.

1 / A4 SECOND LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGES:	
1ST FLOOR:	1,200 S.F.
2ND FLOOR:	1,129 S.F.
TOTAL:	2,329 S.F.
GARAGE:	416 S.F.
FRONT PORCH:	57 S.F.
REAR PATIO:	119 S.F.

REVISIONS	BY

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Phone (479) 841-6200
kenwestfall@sbcglobal.net

WESTFALL DESIGN STUDIO

SCHMITT BEAR TREE
FAYETTEVILLE (HOUSE TWO)
SECOND FLOOR PLAN
CUP 2026-0031 (BEAR TREE BUILDERS LLC, STEVEN DAVID & CARYN LORETTA FINNEY)

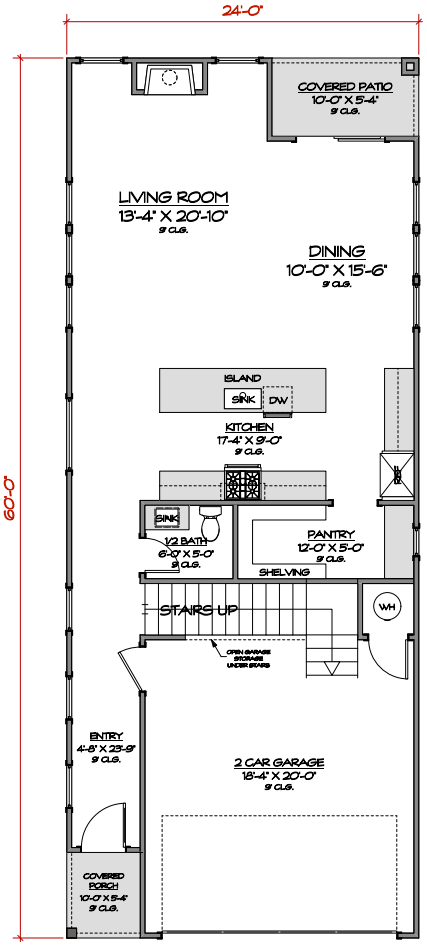
DRAWN BY:	KSW
SCALE:	1/4"=1'-0"
DATE:	02-26-26
JOB NUMBER:	2026-04
SHEET:	A.4

Planning Commission
July 13, 2026
Page 29 of 39

FLOOR PLAN C - ELEVATION 1
VARIATION 1 - GABLED DORMER
VARIATION 2 - LAP OVER STONE

FLOOR PLAN C - ELEVATION 2
VARIATION 1 - JERKINHEAD / CLIPPED DORMERS
VARIATION 2 - BOARD AND BATTEN OVER BRICK

FLOOR PLAN C - ELEVATION 3
VARIATION 1 - SHED DORMERS
VARIATION 2 - LAP OVER LAP



1 A.3 1ST FLOOR - FLOOR PLAN

SCALE: 1/4" = 1'-0"

FLOOR PLAN D

JKW DESIGN
209-300-4334
jkwdesign24@gmail.com
jkwdesign.net
@_jkwdesign_

BEAR TREE HOUSE

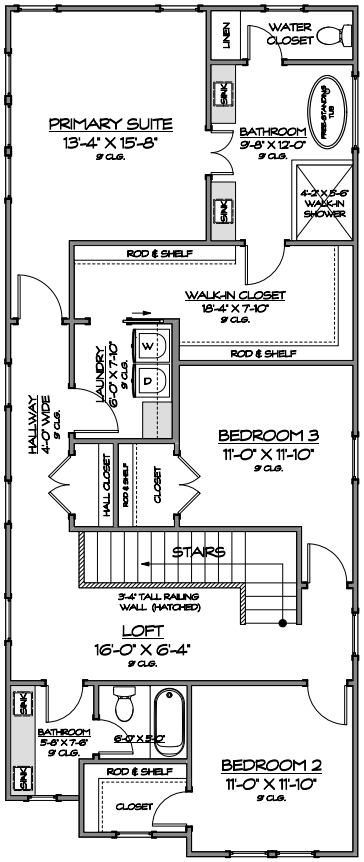
CONCEPTUAL FLOOR PLAN

CUP-2026-0031 (BEAR TREE BUILDERS LLC, STEVEN DAVID & CARYN LORETTA FINNEY)

Planning Commission July 13, 2026

PROJECT # 2026-10	DRAWN BY: JKW
DATE 3/2026	REVIEWED BY KEW

A.3



FLOOR PLAN D

1 / A.4 2ND FLOOR - FLOOR PLAN

SCALE: 1/4" = 1'-0"

JKW DESIGN

209-300-4334
jkwdesign24@gmail.com
jkwdesign.net
@_jkwdesign_

BEAR TREE HOUSE

CONCEPTUAL FLOOR PLAN

PROJECT # 2026-10	DRAWN BY: JKW
DATE 3/2026	REVIEWED BY KEW

A.4

Planning Commission
July 13, 2026
CUP-2026-0031 (BEAR TREE BUILDERS LLC, STEVEN DAVID & CARYN LORETTA FINNEY)
Page 33 of 39

FLOOR PLAN D - ELEVATION 1
VARIATION 1 - GABLE DORMERS (TO BE REVISED TO HIP)
VARIATION 2 - LAP OVER BRICK

FLOOR PLAN D - ELEVATION 2
VARIATION 1 - GABLE DORMERS
VARIATION 2 - BOARD AND BATTEN OVER BRICK

FLOOR PLAN D - ELEVATION 3
VARIATION 1 - GABLE DORMERS (TO BE REVISED TO SHED)
VARIATION 2 - LAP / BRICK OVER STONE / BRICK

Wonsower, Donna

From: Holcomb Development Group <hdgnwa@gmail.com>
Sent: Wednesday, July 8, 2026 3:27 PM
To: Planning Shared; Wonsower, Donna
Subject: COMM-2026-0031 Feedback

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I wanted to send my feedback against the project moving forward for the following reasons:

--The current 2 apartments on the property have tenants that throw lots of parties and already make a great deal of noise, adding 14 more units will make this issue much worse. The neighborhood has lots of young families and this type of development would conflict with the family centered community.

--There are 2 high pressure gas lines (which they are replacing and upgrading this year) that run through the property and the proposed units are feet from those lines, against the utility easement, this creates safety concerns

--The width of the current driveway is limited by the creek at the edge of the driveway and the amount of cars that will be parked along the road to accommodate the additional tenants will make an unsafe situation for emergency vehicles trying to maneuver on the property. The amount of trash and recycling bins on the street for this many units may make this bad situation worse.

--They are proposing putting an additional unit in the flood zone and the drive and common areas are in the flood zone. This area does experience significant flooding when it rains and it is a risk for the many vehicles parked within the flood zone. If they are filling at all to raise the level of the house or road it will create a worse flooding situation for the many houses to the north of the property, which a number have flooded the past few years.

I think there are many great options for this property to be developed in a way with less density and more family friendly design. Please reject this CUP as it currently is.

Thank you,

Bhakti Holcomb
1966 N Juneway Terrace

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, July 8, 2026 2:58 PM
To: Wonsower, Donna
Cc: Tyler Massey; Planning Shared
Subject: FW: CUP-2026-0031 — Adjacent homeowner floodplain and drainage concerns
Attachments: Screenshot 2026-07-08 at 8.45.18 AM.png; Screenshot 2026-07-08 at 8.45.03 AM.png

Tyler,

I'm forwarding your public comment to the Planner assigned to CUP-2026-0031, Donna Wonsower.

Bliss Hyke
Development Coordinator
Development Services
City of Fayetteville, Arkansas
479.575. 8267
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

Please note that Planning is currently hiring for three open positions and that communications and review times may increase as a result. Please bear with us in the interim.

From: Tyler Massey <tylermassey6@gmail.com>
Sent: Wednesday, July 8, 2026 8:50 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: CUP-2026-0031 — Adjacent homeowner floodplain and drainage concerns

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Staff,

My name is Tyler Massey, and I live at 1936 N Juneway Terrace, directly adjacent to the area involved in **CUP-2026-0031 / 1919 N Bear Tree Ct**.

I am writing before the Planning Commission meeting to raise concerns about drainage, floodplain impacts, and code compliance. I am attaching two screenshots: one showing the City floodplain map in this area, and one showing the parcels I understand to be included in the CUP request.

There is an existing drainage ditch/creek between my house and 1920 N Juneway Terrace that drains toward this floodplain area. During heavy rain events, that ditch often runs completely full. On at least one occasion last year, it overflowed enough that my crawlspace flooded. Because of that history, I

am concerned that new structures, grading, fill, driveways, utilities, stormwater infrastructure, or other site changes in the floodplain could reduce flood storage, change drainage patterns, or cause water to back up toward existing homes.

Before the Planning Commission votes, I respectfully request that staff address the following:

1. Has a Floodplain Development Permit application or floodplain review package been submitted for this proposal, and is it available for public review?
2. Has the applicant submitted a drainage report or hydrologic/hydraulic analysis showing that the project will not increase flood elevations, flood flows, flood velocities, backwater, or off-site flood damage to nearby properties?
3. Does that analysis specifically evaluate the drainage ditch/creek between 1936 and 1920 N Juneway Terrace and how it drains into the floodplain?
4. Will any fill, grading, building pads, roads, driveways, utilities, or stormwater infrastructure be placed within the mapped floodplain? If so, how much flood storage would be displaced, and where would compensatory storage be provided?
5. Chapter 168 appears to state that any lot platted with a portion in a Special Flood Hazard Area must contain at least 6,000 square feet of buildable area, including setbacks, outside the Special Flood Hazard Area, or otherwise be platted to contain at least 1 acre. It also appears to state that any lot platted entirely within a Special Flood Hazard Area must contain at least 1 acre. Will this proposal create individual lots, unit lots, condominium units, or any later lot split? If so, please explain how each proposed lot or unit lot complies with those Chapter 168 floodplain lot standards.
6. The application description I saw refers to 14 residential units on approximately 3.34 acres in RSF-4 zoning. My understanding is that Fayetteville's cluster housing standards include a maximum of 12 dwelling units, except under specific circumstances, and that RSF-4 has density limits. Please explain how the proposed 14-unit cluster housing development complies with the applicable cluster housing and RSF-4 requirements.
7. Is Niokaska Creek, the drainageway, or any portion of this site subject to Fayetteville's Streamside Protection Zone requirements? If so, please explain what restrictions apply to buildings, grading, fill, crossings, stormwater conveyances, or other construction activity in that area.

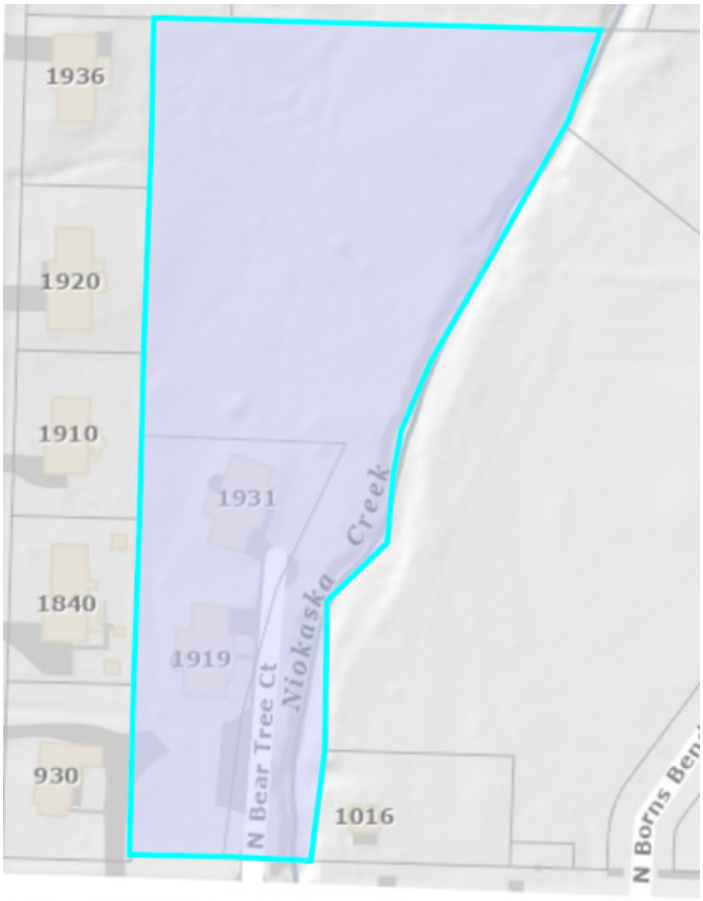
Because this site appears to function as floodplain and drainage storage for the surrounding area, and because my property has already experienced flooding from the drainage path leading into this floodplain, I respectfully ask that the Planning Commission table CUP-2026-0031 unless the floodplain, drainage, grading, flood-storage, lotting, and code-compliance materials are complete and available for public review before the vote.

If the Commission does not table the item, I ask that any approval be conditioned on a complete floodplain and drainage review before construction or floodplain permits are issued, including analysis of the ditch/creek drainage path affecting nearby homes, documentation that the project will not increase flooding or drainage impacts on adjacent properties, compensatory flood storage calculations for any displaced floodplain storage, and clear long-term maintenance responsibility for any drainage, detention, or flood-storage features.

Please let me know whether the full application packet and engineering materials are available for review, whether these concerns are appropriate for the CUP hearing, and whether they should also be raised through any separate City review process.

Thank you for your time and for reviewing these concerns.

Sincerely,
Tyler Massey
1936 N Juneway Terrace
Fayetteville, AR 72703



Wonsower, Donna

From: Jacob Born <jakeborn@gmail.com>
Sent: Thursday, July 9, 2026 2:21 PM
To: Wonsower, Donna
Subject: Opposition letter to CUP-2026-0031

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Fayetteville Planning Commission,

I am in opposition to the 14-unit Cluster Housing project on Bear Tree Ct. It does not fit with the character of the surrounding neighborhoods, at all, and the lot is already a developmental irregularity compared to its surroundings. The existing houses are so close to Niokaska creek that I recall them having already experienced flooding in the past. The two existing 4-bedroom houses have been rented out to college students for 20+ years and are always jammed with cars, I have tons of beer bottles they throw across the creek onto my property and there is constant litter thrown into the creek, everything from trash and broken beer bottles to a roll of carpet.

From an environmental standpoint, there is far too much encroachment into the streamside protection zone. Per the City's ordinance 168.12 (E)(2) Steamside Protection Zone, bullet points e & g prohibit "parking lots" and "parking or storage of motor vehicles" within the streamside protection zone, much less the floodway. The site plan shows that roughly 250 linear feet of the driveway/street will be added within the streamside protection zone and, in many cases, 25' or less from top of bank. Furthermore, do to the limited parking, the cars for just the 2 existing homes already park to the right of the driveway within 10' of top of bank of Niokaska Creek and in some places 10-15 feet of gravel has been added east of the drive in the floodway proving there's a parking issue. How can it not be assumed that the same issue will continue along the new drive being added, necessitating more gravel parking and more cars in the steamside zone? These factors alone should disqualify the project as it is a significant encroachment into the steamside protection zone and the parking problem will only be exacerbated by 12 more homes being added. In reality, there will be 44 total bedrooms and certainly 44 cars (not including visitor's cars). The accessibility will be an absolute quagmire and a fire dept. access/safety/navigation issue.

Lastly, due to site constraints, it does not appear these lots could ever be split off and sold as fee-simple homes (nor do I believe they are ever intended to be) so it will always be a 14-home rental complex... essentially a 44-unit apt complex disguised as a single family development. This product is not conducive to the established neighborhoods which surround the site (look at a zoning map) and it DOES NOT solve the "missing middle" housing issue that is the spirit behind cluster developments... these

homes will not become single family residences, they will simply be the an off-campus rental complex. A project like this works in a DG zone/near campus....not here.

Sincerely,

Jake Born
Born's Bend Ave

Additional Information Received

Date Received: MM/DD/YYYY	08/11/2026
Time: 00:00 (AM/PM)	05:52 PM
From: Name & Title	Jonathan Curth, Development Services Director
To: Name & Title	City Clerk Treasurer
Agenda Meeting Date: MM/DD/YYYY	08/18/2026
Civic Clerk Number: Ex. 2025-994	2026-2563
Forwarded to City Attorney's Office and Department Head	n/a

From: Dawn Fisher *dawn_fisher@fastmail.fm*

To: **Fayetteville City Council Members –**

Robert (Bob) Stafford	Scott Berna
D'Andre Jones	Teresa Turk
Sarah Moore	Sarah Bunch
Mike Wiederkehr	Monique Jones
Mayor Molly Rawn	

cc: Jesse Masters, Planning Director
Keith Macedo, Chief of Staff

Subject: **Appeal to City Council, CUP-2026-0031 (1919 Bear Tree Court)**
Date: Aug. 11, 2026

Dear Members of the City Council,

I am one of the individuals appealing the planned Cluster Housing Project on Bear Tree Court (CUP-2026-0031). First of all, I wish to thank the three City Council Members who have agreed to support our right to appeal the decision made by the City Planning Commission on this particular development request, CUP-2026-0031. Council Members Berna, Moore, and Turk, I appreciate your giving us a chance to be heard.

The parcel of concern includes the west bank of Niokaska Creek, into which stormwater floods from the hillside from the northwest, between Ash and Township, as well as part of the north face of Mount Sequoyah. A vast majority of the parcel lies within a floodplain/floodway, and/or a Streamside Protection Zone, leaving little area upon which to build.

The developer has provided the Planning staff with an artist's rendering of a plan for this site. It shows 14 houses squeezed on the west boundary of the property, with dwellings nearly abutting this exterior boundary of the cluster housing development (their second story looming over smaller 1-story ranch homes), and a bare minimum of space between each planned unit. (Ten feet is the minimum requirement between external walls.) In looking at this rendering and holding it next to an actual current aerial view of the property, it is easy to see that the scale is incorrect. Currently, the lane is not wide enough for 2 cars to pass, nor is street parking possible. There is inadequate width for a sidewalk, proper set-back for individual homes, or required minimum common area without encroaching into the floodway. In actuality, much infrastructure is already in the floodplain/floodway.

The riparian zone, generally the "lush transitional area" along the edge of streams and water bodies, serves as a critical interface between terrestrial and aquatic ecosystems. It is a natural filtration system, capturing sediment and pollutants; the deep root system of its trees anchors the banks, preventing erosion; the plant life and overstory supports habitat and biodiversity, also providing cooling shade on a hot summer's day. The current driveway is less than a vehicle's length from the steep drop to the creek bed. The narrow section of driveway, less than 12 feet wide, comes as near as 3-5 feet from the steep walls caving into the gully, with tree roots exposed all along those sides, some holding accumulated trash; erosion is apparent in one spot all the way to the concrete. There is literally NO functional riparian zone along parts of the existing driveway; in fact, at the entry to the property, the paving abuts a pile of fist-sized rubble which protects and surrounds a culvert which carries the creek under Ash. Boots-on-the-ground reveal the real proximity of proposed structures to the steep gully that is the streambed.

One stated purpose of cluster housing development is "to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods." As the City Planning staff has pointed out to the Planning Commission in its memo, this applicant has not submitted a plan that does - nor can it - meet the requirements. Common open space and meeting several other essential requirements of intentionally dense community moves improvements into the zones that are protected and/or unsuitable due to flooding and storm runoff issues.

Water runs downhill. Three letters in the Planning Commission's information packet indicated CURRENT water and drainage issues: flooding, pooling of water, seeping into crawl spaces. There is already extensive property damage. I have since heard from someone along the creek who had a $22,000 insurance claim, and fears more damage to come. Several existing homes in the area are not much above grade, and there are no storm sewers, curbs, sidewalks at the bottom of Juneway, just behind this property. Disturbing the natural protection features of the riparian area and adding more closely-positioned units (with impermeable ground and roof surfaces) to this ecologically sensitive area will only create more flooding issues: for those downstream, for those who are adjacent to and uphill where water backs up, and for those buyers (or tenants) in the proposed units which WILL flood or experience water-related issues. It's just a matter of when and how often.

City Planning Staff pointed out in their written recommendation that cluster developments are intended to orient dwelling units around a common open space "and foster a sense of community." Clearly, this plan does NOT do that. Specifically, building design standards 164.22 (H)(1)(d) require "a front porch minimum width with no less than 50% of the front building façade. Front porches shall have a minimum depth of six feet." Looking at the floorplans and models shown in the packet, NONE of the units meet these criteria. These are NOT façades that welcome neighbors to "come and sit a spell," which runs against one of the key benefits of a cluster development in which residents share a common open space and heightened sense of community. From the street/driveway (there may be NO room for a sidewalk – none are shown), they are met by one large forbidding double-garage door; most units have a recessed front door set back or visible around the corner. Again, on the aerial photograph I obtained from the City's website, it's apparent that the two current homes on this parcel have an entry into the garage shorter than a vehicle-length. Vehicles protrude into what would be the "street" (technically a driveway). The aerial also shows the current proximity of the "street/driveway" to the creek bed; it is striking.

I know that rapid growth creates pressure to "infill" and provide close-in housing for those moving to our city. But much of what sets Fayetteville apart is its natural beauty and livability. This distinction will be lost with compromises to the established codes and ordinances. Please do not even consider a list of variance requests which negate the effectiveness of these codes in keeping development both responsive AND responsible. This "livability" in the City of Trees and our Natural State is being cut down, eroded away, and without due care, will disappear, to be forever lost: healthy streams, woods…riparian areas cannot be healed or replaced for decades, if ever. Please demand that developers build respectfully with regard to the land and the human need to breathe and move daily within some open natural spaces. Humans are not above dependency upon and cooperative cohabitation with nature. Certainly, infill WHERE APPROPRIATE, not where the land that supports life is vulnerable and so sensitive to disturbance. We who are appealing the decision of the Planning Commission ask you to give the creeks and streams that drain our hillsides some space to rage and spill their banks during heavy weather events – until they can be calmed and recede. It will be better for all of us. Through working on this appeal, I've been pleased to have the opportunity to visit Clarence Craft Park, Gulley Park, and Sweetbriar Park, all along the Niokaska; and to appreciate what this creek does for us as dwellers, in good weather and in raging storms. We will need more, not less, of what it has to offer, in the coming days and years.

I'm sure you know by now that Fayetteville's Planning staff found THIS particular cluster housing plan in THIS particular place to be encroachment which "runs against city goals to preserve and protect areas of significant

riparian benefit, and to the overall city goal to establish an Enduring Green Network (EGN). As Washington County's population is projected to exceed 500,000 by 2050, the EGN ensures that growth is balanced with sustainability." This network is part of Goal 5 in Fayetteville's 2040 plan.

I respectfully request you honor our appeal, and heed the recommendation of your professional staff's expertise. I believe you'll find that this cluster development plan cannot be built within the City's codes and meet stated long-range sustainability goals. For the health and well-being of the environment, the City, and the people the City represents, please deny this development request. **There must be a better place for this build, and a better plan for this place.**

I send you this letter in addition to appearing before you at the August 18 City Council Meeting, as I find there is much more to cover than the 4 of us can in 10 minutes, and I will not have the opportunity to share these particular observations, conclusions, and sentiments in person with my portion of time allowed and the subject I have agreed to present…others will also be speaking, and I will barely have time to cover the many ways that the developer is not meeting development standards, building design standards, or the spirit and intent of the Cluster Housing Ordinance #164.22. That is what I will be addressing next Tuesday evening.

Respectfully submitted,

Dawn Fisher

Dawn Fisher,
848 E. Peel St., Fayetteville, 70723

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2631

MEETING OF AUGUST 18, 2026

TO: Mayor Rawn and City Council

THROUGH: Blake Pennington, Senior Assistant City Attorney

FROM: Scott Berna, Ward 3, Position 1

SUBJECT: **AMEND § 163.20 DATA CENTERS**

RECOMMENDATION:
AMEND § 163.20 **DATA CENTERS**

BACKGROUND:
On June 16, 2026, the City Council passed Ordinance 7010 making data centers a conditional use in the City and providing for regulations related to water and power usage.

DISCUSSION:
The City Council has determined that additional regulations on data center are warranted with regard to the initial application, wastewater discharge, battery storage, generator use, cooling systems, noise levels, and monitoring and reporting requirements. The provisions of this Ordinance are enacted for the purpose of preserving and protecting the public peace, health, safety, welfare and property of the residents of Fayetteville.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Exhibit A, 4. Revisions Forwarded by Ordinance Review Committee, 5. Agenda Request Packet - Ordinance Review Committee, 6. Ordinance Review Committee Chair Email Approval, 7. Additional Information - ORC Recommended Data Center Amendments

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

File #: 2026-2631

AN ORDINANCE TO STRENGTHEN THE CITY'S DATA CENTER REGULATIONS BY AMENDING § 163.20 DATA CENTERS OF THE UNIFIED DEVELOPMENT CODE, AND TO DECLARE AN EMERGENCY

WHEREAS, on June 16, 2026, the City Council passed Ordinance 7010 making data centers a conditional use in the City and providing for regulations related to water and power usage; and

WHEREAS, the City Council has determined that additional regulations on data center are warranted with regard to information submitted with the initial application, wastewater discharge, battery storage, generator use, cooling systems, noise levels, and monitoring and reporting requirements; and

WHEREAS, the provisions of this Ordinance are enacted for the purpose of preserving and protecting the public peace, health, safety, welfare and property of the residents of Fayetteville.

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 § 163.20 **Data Centers** by repealing § 163.20 in its entirety and enacts a replacement § 163.20 **Data Centers** as shown in Exhibit A and attached hereto.

Section 2: ***Emergency Clause***. That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay to address the potential harmful effects of noise disturbances emanating from data centers, as well as the water and power needs of such developments, which is necessary for the public peace as well as the health and safety of Fayetteville residents which is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

EXHIBIT A

163.20 Data Centers

(A) *Purpose and Applicability.* All data centers constructed within the City of Fayetteville shall be designed and built to incorporate sufficient external noise attenuation measures in order to minimize the impact of noise disturbance on residents. Data centers shall also be required to provide sufficient evidence that their operation will not negatively impact the customers and users of public utilities within a utility's service area or the users of ground or surface waters.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Ambient noise: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excusing the alleged offensive noise, at the locations and approximate time at which comparison with the alleged offensive noise is to be made.

Data center shall have the same meaning as set forth in §151.01 Definitions of the Unified Development Code.

Decibel (dB) shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Mechanical equipment: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the data center's property.

Noise attenuation: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.

Noise disturbance shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Person: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Sound level meter: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

(C) *Initial Reports Required with Application*. Before a conditional use permit may be issued for the construction or operation of a data center within the corporate limits of Fayetteville, a property owner and operator of a data center shall comply with the following requirements:

(1) A water consumption, wastewater discharge, energy management, and thermal management report shall be submitted showing the following:
   (a) Cooling System. The proposed cooling system for the Data Center and whether the data center will be water-cooled or air-cooled.
   (b) An energy management plan describing the data center's power use effectiveness, waste heat recovery measures, and on-site or off-site renewable electricity generation.
   (c) Water usage.
      (i) The estimated amount of total water in million gallons that will be used by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected water demand for each month within that year.
      (ii) The estimated amount of water in million gallons per day that will be used by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns

(iii) The estimated amount of water in million gallons per day to be used by the proposed project in a 24-hour period on its highest water consumption day.
(iv) The estimated highest instantaneous flow rate in gallons per minute that will be used by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
(v) Indicate high consumption operational flexibility and whether high water demands can be aligned with the City's low-demand periods.
(vi) The number of the proposed water meters and the size of each water meter for the proposed project.
(vii) Fire flow requirements and capacity to provide fire flow for the proposed data center, as reviewed and approved by both the Fire Marshal and the Utilities Department.

(d) Wastewater discharge.
(i) The estimated amount of total wastewater in million gallons that will be discharged by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected wastewater discharge for each month within that year.
(ii) The estimated amount of wastewater in million gallons per day that will be discharged by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns.
(iii) The estimated amount of wastewater in million gallons per day to be discharged by the proposed project in a 24-hour period on its highest water consumption day.
(iv) The estimated highest instantaneous flow rate in gallons per minute that will be discharged by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
(v) Indicate high discharge operational flexibility. Identify if high wastewater discharges can be aligned with the City's low-demand periods.
(vi) Identify chemicals or compounds that will or may be used by the data center that could impact wastewater quality. The report should show the average amount of total dissolved solids on a daily basis and also show the amount of total dissolved solids during anticipated peak periods.

(e) Any other information required by the City to determine whether the proposed data center will adversely impact the public interest.

(2) Copies of all air quality permit applications, modeling, permits and compliance materials submitted to the federal Environmental Protection Agency or the Arkansas Department of Energy and Environment in connection with the facility shall be provided at the time of conditional use permit application submittal.

(D) Water Supply and Wastewater Requirements.

(1) If the data center will be served by a public water supply, the applicant shall submit documentation from the public water utility certifying that the public authority has the capacity to supply the water needed. The applicant shall provide any additional documentation requested by the public water utility in order to determine whether sufficient current and future capacity exists.

(2) Additionally, the applicant shall submit documentation from Beaver Water District certifying that it has sufficient current and future capacity and the needs of the data center will not adversely impact its ability to deliver water to its customers.

(3) If the data center intends to rely upon a nonpublic groundwater source or is to rely on surface water withdrawal for any portion of its cooling system, the applicant shall provide a water feasibility study using parameters approved by the Public Works Director to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity.

(4) Wastewater Discharge. A data center shall comply with all applicable discharge and pretreatment regulations set forth in Chapter 51 **Water and Sewers** of the Fayetteville City Code for significant industrial users. The Utilities Department may include additional conditions and such limitations such as monitoring of the discharge of wastewater into the public sewer system before approving any water or sewer connection.

(E) Power Supply Requirements.

(1) If the data center will be served by a public electric utility, the applicant shall submit documentation from that utility certifying that the utility will supply the power needed and that other customers/users within the utility's service area will not be negatively impacted. This documentation shall identify any required transmission, generation, or substation upgrades.

(2) If the data center intends to rely fully upon power sources other than from a public electric utility, the applicant shall provide a feasibility study establishing that the non-public power source is adequate to supply all of the data center's power needs.

(3) If the data center intends to partially rely upon electric power supplied by a public electric utility as well as alternative power sources, the applicant shall provide: 1) documentation from the utility certifying that the utility will supply the power needed; and 2) a feasibility study showing that the applicant's reliance upon the public electric utility will not negatively impact other customers and users of the utility.

(4) Data centers shall use battery storage as the primary power backup source and backup generators shall not be used unless and until battery storage is limited to 25% or less.

(5) Data centers with backup generators shall comply with the following:

(i) All diesel backup generators shall meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards. Generators rated below the Tier 4 threshold shall meet the highest applicable EPA Tier.

(ii) Routine, non-emergency generator testing shall be limited to Monday through Friday, 10:00 a.m. to 4:00 p.m., excluding federal and state holidays. Testing of the generators, including emissions testing, shall meet federal government/industry standards which may be reasonably modified by the Fayetteville City Engineer to ensure compatibility with neighbors.

(iii) The operator shall provide written notice of any scheduled generator testing to all property owners within 1,000 feet not less than 24 hours in advance and shall maintain a public web page listing scheduled testing windows.

(iv) Annual generator testing data and emissions reports shall be submitted to the Development Services Department.

(v) All on-site fuel storage shall comply with applicable National Fire Protection Association codes, and applicable state and local requirements; a fuel-handling plan and spill response plan shall be filed with the Fayetteville Fire Department.

(F) Cooling System Requirements:

(1) All cooling systems shall be either fully air-cooled or high efficiency liquid cooled systems, or equivalent technologies designed to minimize water consumption and wastewater discharge. Open-loop and once-through cooling systems are prohibited. Evaporative-only cooling systems that consume potable water as the primary cooling medium are prohibited.

(2) On-site groundwater wells used as the primary cooling water source are prohibited. Wells used solely for landscape irrigation, fire suppression, or as makeup water for closed-loop systems remain permissible subject to applicable state and federal permitting.

(3) Chemically treated cooling water shall not be discharged to surface waters or stormwater systems and shall comply with the City's discharge and pretreatment regulations.

(G) *Noise Attenuation Requirements.* Before a data center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a data center shall comply with the following:

(1) Notice Requirements. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius. that the property owner and operator intends to build and operate a data center on the property. The notice required in this section must be mailed to all property owners, residents, and homeowners' association addresses contained within a half-mile radius extending from the boundary of the site where the proposed data center will be built. Proof of notification shall be filed with the

Planning Division within thirty (30) days of providing notice. The property owner and operator must notify the Mayor that the property owner and operator intend to build and operate a data center. The notice must include the location for the proposed data center. This public notification shall occur at the same time as any other notification required by Chapter 157. If no public hearing is required, then this notification shall occur no less than thirty (30) days prior to the submission of the applicant's development or business license application. whichever occurs first.

(2) Noise Study Requirements. The property owner of the lands upon which the data center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the boundary of the site in eight (8) locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the Planning Division within thirty (30) days of completion of the report.

(3) Noise Attenuation Plan Requirements.

(a) The property owner must consult with a third-party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the data center from exceeding the sound level limitations contained in Chapter 96, Noise Control, which would be considered a noise disturbance. Furthermore, noise emanating from a data center will also be considered unreasonable and excessive and a noise disturbance if it is “plainly audible” at a residence at a distance of 1,000 feet or more from the data center. For purposes of this section, “plainly audible” means any sound produced by the data center which clearly can be heard by human auditory senses. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the city deems adequate to be in compliance with this section. Noise attenuation measures may include but not limited to:

(i) Soundproofing walls, screens, panels, fences, or enclosures.

(ii) Buffer yards.

(iii) Other noise attenuation measures recommended by the third-party acoustic engineer or the city.

(b) Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.

(c) The property owner must provide a copy of the building plan to the city within thirty (30) days of completion of the plan prior to construction.

(d) Any additions, changes, or expansions of the data center must comply with the noise attenuation requirements of this section and must be designed and submitted to the city within thirty (30) days of completion of the report.

(4) Post Completion Noise Study Requirements.

(a) Upon the data center's completion, the data center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the data center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the boundary of the site in the original eight (8) locations used during the baseline study. The data center operator must provide a copy of the report to the city within ten (10) days of completion of the study.

(b) The data center shall not begin operations until the completion of the post-construction noise study and submission to the city as required above. In order for the data center to be in compliance, the noise study results must show that its operation is in compliance with this section and will not adversely impact residential neighbors. If the results show that the data center is not in compliance with this section or will adversely impact residential neighbors, the data center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.(c) Furthermore, the data center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The data center operator must provide the results to the city within ten (10) days after the anniversary date of the first sound study report.

(5) Procedure for Measurement*.* All tests shall be conducted according to the procedures set forth in Chapter 96, Noise Control.

(6) Noise Limitations*.* It shall be unlawful for any data center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from data centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property. if the sound level does not comply with the limits set forth in Chapter 96, Noise Control.

(H) *Setback Requirements*. Data centers shall be subject to setback requirements as follows:

(1) When adjoining an I-1 or I-2 zoning district, the building shall be located at least 100 feet from the boundary line.
(2) When adjoining any other zoning district, the building shall be located at least 1,000 feet from any boundary line.
(3) A minimum 1,000 foot buffer shall be maintained between the data center and any zoning district that permits residential uses, whether adjoining the data center or not. In no event shall any data center building be located within 1,000 feet of any zoning district that permits residential uses.

(I) *Landscape Buffers*. A landscape buffer approved by the Urban Forester of not less than 50 feet in width shall be installed along any frontage abutting an I-1 or I-2 zoning district. A buffer approved by the Urban Forester of not less than 100 feet in width shall be installed along any frontage abutting any other zoning district.

(J) *Monitoring and reporting requirements.* Data centers shall be subject to the following ongoing monitoring and reporting requirements.
(1) The data center must identify a single point of contact for the community and maintain a public web page that includes noise verification reports.
(2) An annual report shall be submitted to the Planning Division which should be posted on the City's public web page containing:
(a) A compilation of all complaints received related to the data center's compliance with the conditional use permit and these regulations and the data center operator's response to those complaints.
(b) Certification that the data center is in compliance with all conditions of the permit. Copies of test results and reports related to any condition or requirement of the permit shall be included with the certification.
(c) Copies of any annual compliance reports required to be submitted to state and federal authorities.
(3) Any owner or operator who receives a notice of violation, compliance order, or enforcement action from any federal or state agency shall provide a copy to the Planning Division within ten business days of receipt.

(K) *Expansion of Data Center Requires Amendment to Permit*. Any data center proposing to expand beyond the physical footprint or building volume or any increase in IT infrastructure, cooling capacity, generator capacity, heat-rejection equipment, equipment height, or operating profile that increases electrical or water-use loads as approved in its conditional use permit shall require an amendment to the conditional use permit.

(L) *Violations and Penalties.* Violations of the noise limitations shall be subject to the enforcement and penalty provisions of Chapter 96, Noise Control, as well as any remedies available to the city pursuant to the Unified Development Code, state or federal law. Violations of other provisions of this section shall be subject to the enforcement and penalty provisions of the Unified Development Code.

(1) Any or all of the following persons may be held responsible for noise violations:
   (a) The person operating the equipment or creating the noise;
   (b) The person who employs the person operating the equipment or creating the noise at the time of the violation;
   (c) The person who owns or rents the property where the violation occurs.

(2) The following acts, and the causing thereof, are declared to be in violation of this section:
   (a) The sound level emanating from the data center exceeds that allowed by Chapter 96, Noise Control.
   (b) The noise attenuation measures provided in the design plan to the city are not incorporated in the construction of the data center.
   (c) Any of the required sound stud y results are not filed with the city within thirty (30) days of completion of the report.
   (d) The building plan is not filed with the city within thirty (30) days of completion of the plan prior to construction.
   (e) Failure to act in accordance with any other provision of this section.

(3) All data centers shall be in compliance with the requirements of this section before the city will issue a certificate of occupancy; failure to do so will be deemed a violation of this section and may result in an injunction, a stay in commencing operation, denial of allowed occupancy, or denial or withdrawal of city utilities or services.

(4) If a data center is operated in violation of any provision of this section, the data center may be subject to the following:
   (a) the Mayor may order the withholding of all city services including water and solid waste for the business premises;
   (b) suspension or revocation of the data center's business license pursuant to § 118.03;
   (c) penalties pursuant to § 10.99 General Penalty of the City Code;
   (d) the Planning Commission may revoke a conditional use permit; and
   (e) any other enforcement actions available pursuant to Chapter 153 Enforcement of the Unified Development Code.

(M) These provisions and any conditions placed upon a data center by the Planning Commission are intended to regulate land use only and are not intended to regulate utility rates or services. Nothing in this section shall be construed to interfere with the authority of any public utility, the Arkansas Public Service Commission, or any other state agency with jurisdiction pursuant to Arkansas law.

EXHIBIT A

163.20 Data Centers

(A) *Purpose and Applicability.* All data centers constructed within the City of Fayetteville shall be designed and built to incorporate sufficient external noise attenuation measures in order to minimize the impact of noise disturbance on residents. Data centers shall also be required to provide sufficient evidence that their operation will not negatively impact the customers and users of public utilities within a utility's service area or the users of ground or surface waters.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Ambient noise: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excusing the alleged offensive noise, at the locations and approximate time at which comparison with the alleged offensive noise is to be made.

Data center shall have the same meaning as set forth in §151.01 Definitions of the Unified Development Code.

Decibel (dB) shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Mechanical equipment: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the data center's property.

Noise attenuation: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.

Noise disturbance shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Person: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Sound level meter: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

(C) *Initial Reports Required with Application*. Before a conditional use permit may be issued for the construction or operation of a data center within the corporate limits of Fayetteville, a property owner and operator of a data center shall comply with the following requirements:

(1) A water consumption, wastewater discharge, energy management, and thermal management report shall be submitted showing the following:
   (a) Cooling System. The proposed cooling system for the Data Center and whether the data center will be water-cooled or air-cooled.
   (b) An energy management plan describing the data center's power use effectiveness, waste heat recovery measures, and on-site or off-site renewable electricity generation.
   (c) Water usage.
      (i) The estimated amount of total water in million gallons that will be used by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected water demand for each month within that year.
      (ii) The estimated amount of water in million gallons per day that will be used by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns

(iii) The estimated amount of water in million gallons per day to be used by the proposed project in a 24-hour period on its highest water consumption day.
(iv) The estimated highest instantaneous flow rate in gallons per minute that will be used by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
(v) Indicate high consumption operational flexibility and whether high water demands can be aligned with the City's low-demand periods.
(vi) The number of the proposed water meters and the size of each water meter for the proposed project.
(vii) Fire flow requirements and capacity to provide fire flow for the proposed data center, as reviewed and approved by both the Fire Marshal and the Utilities Department.

(d) Wastewater discharge.
(i) The estimated amount of total wastewater in million gallons that will be discharged by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected wastewater discharge for each month within that year.
(ii) The estimated amount of wastewater in million gallons per day that will be discharged by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns.
(iii) The estimated amount of wastewater in million gallons per day to be discharged by the proposed project in a 24-hour period on its highest water consumption day.
(iv) The estimated highest instantaneous flow rate in gallons per minute that will be discharged by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
(v) Indicate high discharge operational flexibility. Identify if high wastewater discharges can be aligned with the City's low-demand periods.
(vi) Identify chemicals or compounds that will or may be used by the data center that could impact wastewater quality. The report should show the average amount of total dissolved solids on a daily basis and also show the amount of total dissolved solids during anticipated peak periods.

(e) Any other information required by the City to determine whether the proposed data center will adversely impact the public interest.

(2) Copies of all air quality permit applications, modeling, permits and compliance materials submitted to the federal Environmental Protection Agency or the Arkansas Department of Energy and Environment in connection with the facility shall be provided at the time of conditional use permit application submittal.

(D) Water Supply and Wastewater Requirements.

(1) If the data center will be served by a public water supply, the applicant shall submit documentation from the public water utility certifying that the public authority has the capacity to supply the water needed. The applicant shall provide any additional documentation requested by the public water utility in order to determine whether sufficient current and future capacity exists.

(2) Additionally, the applicant shall submit documentation from Beaver Water District certifying that it has sufficient current and future capacity and the needs of the data center will not adversely impact its ability to deliver water to its customers.

(3) If the data center intends to rely upon a nonpublic groundwater source or is to rely on surface water withdrawal for any portion of its cooling system, the applicant shall provide a water feasibility study using parameters approved by the Public Works Director to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity.

(4) Wastewater Discharge. A data center shall comply with all applicable discharge and pretreatment regulations set forth in Chapter 51 **Water and Sewers** of the Fayetteville City Code for significant industrial users. The Utilities Department may include additional conditions and such limitations such as monitoring of the discharge of wastewater into the public sewer system before approving any water or sewer connection.

(E) Power Supply Requirements.

(1) If the data center will be served by a public electric utility, the applicant shall submit documentation from that utility certifying that the utility will supply the power needed and that other customers/users within the utility's service area will not be negatively impacted. This documentation shall identify any required transmission, generation, or substation upgrades.

(2) If the data center intends to rely fully upon power sources other than from a public electric utility, the applicant shall provide a feasibility study establishing that the non-public power source is adequate to supply all of the data center's power needs.

(3) If the data center intends to partially rely upon electric power supplied by a public electric utility as well as alternative power sources, the applicant shall provide: 1) documentation from the utility certifying that the utility will supply the power needed; and 2) a feasibility study showing that the applicant's reliance upon the public electric utility will not negatively impact other customers and users of the utility.

(4) Data centers shall use battery storage as the primary power backup source and backup generators shall not be used unless and until battery storage is limited to 25% or less.

(5) Data centers with backup generators shall comply with the following:

(i) All diesel backup generators shall meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards. Generators rated below the Tier 4 threshold shall meet the highest applicable EPA Tier.

(ii) Routine, non-emergency generator testing shall be limited to Monday through Friday, 10:00 a.m. to 4:00 p.m., excluding federal and state holidays. Testing of the generators, including emissions testing, shall meet federal government/industry standards which may be reasonably modified by the Fayetteville City Engineer to ensure compatibility with neighbors.

(iii) The operator shall provide written notice of any scheduled generator testing to all property owners within 1,000 feet not less than 24 hours in advance and shall maintain a public web page listing scheduled testing windows.

(iv) Annual generator testing data and emissions reports shall be submitted to the Development Services Department.

(v) All on-site fuel storage shall comply with applicable National Fire Protection Association codes, and applicable state and local requirements; a fuel-handling plan and spill response plan shall be filed with the Fayetteville Fire Department.

(F) Cooling System Requirements:

(1) All cooling systems shall be either fully air-cooled or high efficiency liquid cooled systems, or equivalent technologies designed to minimize water consumption and wastewater discharge. Open-loop and once-through cooling systems are prohibited. Evaporative-only cooling systems that consume potable water as the primary cooling medium are prohibited.

(2) On-site groundwater wells used as the primary cooling water source are prohibited. Wells used solely for landscape irrigation, fire suppression, or as makeup water for closed-loop systems remain permissible subject to applicable state and federal permitting.

(3) Chemically treated cooling water shall not be discharged to surface waters or stormwater systems and shall comply with the City's discharge and pretreatment regulations.

(G) *Noise Attenuation Requirements.* Before a data center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a data center shall comply with the following:

(1) Notice Requirements. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius. that the property owner and operator intends to build and operate a data center on the property. The notice required in this section must be mailed to all property owners, residents, and homeowners' association addresses contained within a half-mile radius extending from the boundary of the site where the proposed data center will be built. Proof of notification shall be filed with the

Planning Division within thirty (30) days of providing notice. The property owner and operator must notify the Mayor that the property owner and operator intend to build and operate a data center. The notice must include the location for the proposed data center. This public notification shall occur at the same time as any other notification required by Chapter 157. If no public hearing is required, then this notification shall occur no less than thirty (30) days prior to the submission of the applicant's development or business license application. whichever occurs first.

(2) Noise Study Requirements. The property owner of the lands upon which the data center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the boundary of the site in eight (8) locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the Planning Division within thirty (30) days of completion of the report.

(3) Noise Attenuation Plan Requirements.

(a) The property owner must consult with a third-party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the data center from exceeding the sound level limitations contained in in Chapter 96, Noise Control, which would be considered a noise disturbance. Furthermore, noise emanating from a data center will also be considered unreasonable and excessive and a noise disturbance if it is “plainly audible” at a residence at a distance of 1,000 feet or more from the data center. For purposes of this section, “plainly audible” means any sound produced by the data center which clearly can be heard by human auditory senses. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the city deems adequate to be in compliance with this section. Noise attenuation measures may include but not limited to:

(i) Soundproofing walls, screens, panels, fences, or enclosures.

(ii) Buffer yards.

(iii) Other noise attenuation measures recommended by the third-party acoustic engineer or the city.

(b) Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.

(c) The property owner must provide a copy of the building plan to the city within thirty (30) days of completion of the plan prior to construction.

(d) Any additions, changes, or expansions of the data center must comply with the noise attenuation requirements of this section and must be designed and submitted to the city within thirty (30) days of completion of the report.

(4) Post Completion Noise Study Requirements.

(a) Upon the data center's completion, the data center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the data center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the boundary of the site in the original eight (8) locations used during the baseline study. The data center operator must provide a copy of the report to the city within ten (10) days of completion of the study.

(b) The data center shall not begin operations until the completion of the post-construction noise study and submission to the city as required above. In order for the data center to be in compliance, the noise study results must show that its operation is in compliance with this section and will not adversely impact residential neighbors. If the results show that the data center is not in compliance with this section or will adversely impact residential neighbors, the data center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.(c) Furthermore, the data center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The data center operator must provide the results to the city within ten (10) days after the anniversary date of the first sound study report.

(5) Procedure for Measurement. All tests shall be conducted according to the procedures set forth in Chapter 96, Noise Control.

(6) Noise Limitations. It shall be unlawful for any data center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from data centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property. if the sound level does not comply with the limits set forth in Chapter 96, Noise Control.

(H) *Setback Requirements*. Data centers shall be subject to setback requirements as follows:

(1) When adjoining an I-1 or I-2 zoning district, the building shall be located at least 100 feet from the boundary line.
(2) When adjoining any other zoning district, the building shall be located at least 1,000 feet from any boundary line.
(3) A minimum 1,000 foot buffer shall be maintained between the data center and any zoning district that permits residential uses, whether adjoining the data center or not. In no event shall any data center building be located within 1,000 feet of any zoning district that permits residential uses.

(H) *Landscape Buffers*. A landscape buffer approved by the Urban Forester of not less than 50 feet in width shall be installed along any frontage abutting an I-1 or I-2 zoning district. A buffer approved by the Urban Forester of not less than 100 feet in width shall be installed along any frontage abutting any other zoning district.

(I) *Monitoring and reporting requirements.* Data centers shall be subject to the following ongoing monitoring and reporting requirements.

(1) The data center must identify a single point of contact for the community and maintain a public web page that includes noise verification reports.
(2) An annual report shall be submitted to the Planning Division which should be posted on the City's public web page containing:
(a) A compilation of all complaints received related to the data center's compliance with the conditional use permit and these regulations and the data center operator's response to those complaints.
(b) Certification that the data center is in compliance with all conditions of the permit. Copies of test results and reports related to any condition or requirement of the permit shall be included with the certification.
(c) Copies of any annual compliance reports required to be submitted to state and federal authorities.
(3) Any owner or operator who receives a notice of violation, compliance order, or enforcement action from any federal or state agency shall provide a copy to the Planning Division within ten business days of receipt.

(J) *Expansion of Data Center Requires Amendment to Permit*. Any data center proposing to expand beyond the physical footprint or building volume or any increase in IT infrastructure, cooling capacity, generator capacity,

heat-rejection equipment, equipment height, or operating profile that increases electrical or water-use loads as approved in its conditional use permit shall require an amendment to the conditional use permit.

(K) *Violations and Penalties.* Violations of the noise limitations shall be subject to the enforcement and penalty provisions of Chapter 96, Noise Control, as well as any remedies available to the city pursuant to the Unified Development Code, state or federal law. Violations of other provisions of this section shall be subject to the enforcement and penalty provisions of the Unified Development Code.

(1) Any or all of the following persons may be held responsible for noise violations:
   (a) The person operating the equipment or creating the noise;
   (b) The person who employs the person operating the equipment or creating the noise at the time of the violation;
   (c) The person who owns or rents the property where the violation occurs.

(2) The following acts, and the causing thereof, are declared to be in violation of this section:
   (a) The sound level emanating from the data center exceeds that allowed by Chapter 96, Noise Control.
   (b) The noise attenuation measures provided in the design plan to the city are not incorporated in the construction of the data center.
   (c) Any of the required sound stud y results are not filed with the city within thirty (30) days of completion of the report.
   (d) The building plan is not filed with the city within thirty (30) days of completion of the plan prior to construction.
   (e) Failure to act in accordance with any other provision of this section.

(3) All data centers shall be in compliance with the requirements of this section before the city will issue a certificate of occupancy; failure to do so will be deemed a violation of this section and may result in an injunction, a stay in commencing operation, denial of allowed occupancy, or denial or withdrawal of city utilities or services.

(4) If a data center is operated in violation of any provision of this section, the data center may be subject to the following:
(a) the Mayor may order the withholding of all city services including water and solid waste for the business premises;
(b) suspension or revocation of the data center's business license pursuant to § 118.03;
(c) penalties pursuant to § 10.99 General Penalty of the City Code;
(d) the Planning Commission may revoke a conditional use permit; and
(e) any other enforcement actions available pursuant to Chapter 153 Enforcement of the Unified Development Code.

(L) These provisions and any conditions placed upon a data center by the Planning Commission are intended to regulate land use only and are not intended to regulate utility rates or services. Nothing in this section shall be construed to interfere with the authority of any public utility, the Arkansas Public Service Commission, or any other state agency with jurisdiction pursuant to Arkansas law.

CivicClerk No.: 2026-2631

AGENDA REQUEST FORM

FOR: Council Meeting of August 18, 2026

FROM: Scott Berna

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO STRENGTHEN THE CITY'S DATA CENTER REGULATIONS BY AMENDING § 163.20 **DATA CENTERS** OF THE UNIFIED DEVELOPMENT CODE, AND TO DECLARE AN EMERGENCY

APPROVED FOR AGENDA:

Approved by email — 7/31/2026

Council Member Scott Berna
Chair of Ordinance Review Committee
Date

Blake Pennington — 7/31/2026

Blake Pennington, Sr. Asst. City Attorney
Approved as to form
Date

Acknowledged by email — 8/5/2026

Mayor Molly Rawn
Acknowledgement
Date

AN ORDINANCE TO STRENGTHEN THE CITY'S DATA CENTER REGULATIONS BY AMENDING § 163.20 **DATA CENTERS** OF THE UNIFIED DEVELOPMENT CODE, AND TO DECLARE AN EMERGENCY

WHEREAS, on June 16, 2026, the City Council passed Ordinance 7010 making data centers a conditional use in the City and providing for regulations related to water and power usage; and

WHEREAS, the City Council has determined that additional regulations on data center are warranted with regard to the initial application, wastewater discharge, battery storage, generator use, cooling systems, noise levels, and monitoring and reporting requirements; and

WHEREAS, the provisions of this Ordinance are enacted for the purpose of preserving and protecting the public peace, health, safety, welfare and property of the residents of Fayetteville.

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 § 163.20 **Data Centers** by repealing § 163.20 in its entirety and enacts a replacement § 163.20 **Data Centers** as shown in Exhibit A and attached hereto.

Section 2: ***Emergency Clause***. That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay to address the potential harmful effects of noise disturbances emanating from data centers, as well as the water and power needs of such developments, which is necessary for the public peace as well as the health and safety of Fayetteville residents which is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

EXHIBIT A

163.20 Data Centers

(A) *Purpose and Applicability.* All data centers constructed within the City of Fayetteville shall be designed and built to incorporate sufficient external noise attenuation measures in order to minimize the impact of noise disturbance on residents. Data centers shall also be required to provide sufficient evidence that their operation will not negatively impact the customers and users of public utilities within a utility's service area or the users of ground or surface waters.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Ambient noise: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excusing the alleged offensive noise, at the locations and approximate time at which comparison with the alleged offensive noise is to be made.

Data center shall have the same meaning as set forth in §151.01 Definitions of the Unified Development Code.

Decibel (dB) shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Mechanical equipment: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the data center's property.

Noise attenuation: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.

Noise disturbance shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Person: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Sound level meter: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

(C) *Initial Reports Required with Application*. Before a conditional use permit may be issued for the construction or operation of a data center within the corporate limits of Fayetteville, a property owner and operator of a data center shall comply with the following requirements:

(1) A water consumption, wastewater discharge, energy management, and thermal management report shall be submitted showing the following:
   (a) Cooling System. The proposed cooling system for the Data Center and whether the data center will be water-cooled or air-cooled.
   (b) An energy management plan describing the data center's power use effectiveness, waste heat recovery measures, and on-site or off-site renewable electricity generation.
   (c) Water usage.
      (i) The estimated amount of total water in million gallons that will be used by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected water demand for each month within that year.
      (ii) The estimated amount of water in million gallons per day that will be used by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns

(iii) The estimated amount of water in million gallons per day to be used by the proposed project in a 24-hour period on its highest water consumption day.
(iv) The estimated highest instantaneous flow rate in gallons per minute that will be used by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
(v) Indicate high consumption operational flexibility and whether high water demands can be aligned with the City's low-demand periods.
(vi) The number of the proposed water meters and the size of each water meter for the proposed project.
(vii) Fire flow requirements and capacity to provide fire flow for the proposed data center, as reviewed and approved by both the Fire Marshal and the Utilities Department.

(d) Wastewater discharge.
(i) The estimated amount of total wastewater in million gallons that will be discharged by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected wastewater discharge for each month within that year.
(ii) The estimated amount of wastewater in million gallons per day that will be discharged by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns.
(iii) The estimated amount of wastewater in million gallons per day to be discharged by the proposed project in a 24-hour period on its highest water consumption day.
(iv) The estimated highest instantaneous flow rate in gallons per minute that will be discharged by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
(v) Indicate high discharge operational flexibility. Identify if high wastewater discharges can be aligned with the City's low-demand periods.
(vi) Identify chemicals or compounds that will or may be used by the data center that could impact wastewater quality. The report should show the average amount of total dissolved solids on a daily basis and also show the amount of total dissolved solids during anticipated peak periods.

(e) Any other information required by the City to determine whether the proposed data center will adversely impact the public interest.

(2) Copies of all air quality permit applications, modeling, permits and compliance materials submitted to the federal Environmental Protection Agency or the Arkansas Department of Energy and Environment in connection with the facility shall be provided at the time of conditional use permit application submittal.

(D) Water Supply and Wastewater Requirements.

(1) If the data center will be served by a public water supply, the applicant shall submit documentation from the public water utility certifying that the public authority has the capacity to supply the water needed. The applicant shall provide any additional documentation requested by the public water utility in order to determine whether sufficient current and future capacity exists.

(2) Additionally, the applicant shall submit documentation from Beaver Water District certifying that it has sufficient current and future capacity and the needs of the data center will not adversely impact its ability to deliver water to its customers.

(3) If the data center intends to rely upon a nonpublic groundwater source or is to rely on surface water withdrawal for any portion of its cooling system, the applicant shall provide a water feasibility study using parameters approved by the Public Works Director to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity.

(4) Wastewater Discharge. A data center shall comply with all applicable discharge and pretreatment regulations set forth in Chapter 51 **Water and Sewers** of the Fayetteville City Code for significant industrial users. The Utilities Department may include additional conditions and such limitations such as monitoring of the discharge of wastewater into the public sewer system before approving any water or sewer connection.

(E) Power Supply Requirements.

(1) If the data center will be served by a public electric utility, the applicant shall submit documentation from that utility certifying that the utility will supply the power needed and that other customers/users within the utility's service area will not be negatively impacted. This documentation shall identify any required transmission, generation, or substation upgrades.

(2) If the data center intends to rely fully upon power sources other than from a public electric utility, the applicant shall provide a feasibility study establishing that the non-public power source is adequate to supply all of the data center's power needs.

(3) If the data center intends to partially rely upon electric power supplied by a public electric utility as well as alternative power sources, the applicant shall provide: 1) documentation from the utility certifying that the utility will supply the power needed; and 2) a feasibility study showing that the applicant's reliance upon the public electric utility will not negatively impact other customers and users of the utility.

(4) Data centers shall use battery storage as the primary power backup source and backup generators shall not be used unless and until battery storage is limited to 25% or less.

(5) Data centers with backup generators shall comply with the following:

(i) All diesel backup generators shall meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards. Generators rated below the Tier 4 threshold shall meet the highest applicable EPA Tier.

(ii) Routine, non-emergency generator testing shall be limited to Monday through Friday, 10:00 a.m. to 4:00 p.m., excluding federal and state holidays. Testing of the generators, including emissions testing, shall meet federal government/industry standards which may be reasonably modified by the Fayetteville City Engineer to ensure compatibility with neighbors.

(iii) The operator shall provide written notice of any scheduled generator testing to all property owners within 1,000 feet not less than 24 hours in advance and shall maintain a public web page listing scheduled testing windows.

(iv) Annual generator testing data and emissions reports shall be submitted to the Development Services Department.

(v) All on-site fuel storage shall comply with applicable National Fire Protection Association codes, and applicable state and local requirements; a fuel-handling plan and spill response plan shall be filed with the Fayetteville Fire Department.

(F) Cooling System Requirements:

(1) All cooling systems shall be either fully air-cooled or high efficiency liquid cooled systems, or equivalent technologies designed to minimize water consumption and wastewater discharge. Open-loop and once-through cooling systems are prohibited. Evaporative-only cooling systems that consume potable water as the primary cooling medium are prohibited.

(2) On-site groundwater wells used as the primary cooling water source are prohibited. Wells used solely for landscape irrigation, fire suppression, or as makeup water for closed-loop systems remain permissible subject to applicable state and federal permitting.

(3) Chemically treated cooling water shall not be discharged to surface waters or stormwater systems and shall comply with the City's discharge and pretreatment regulations.

(G) *Noise Attenuation Requirements.* Before a data center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a data center shall comply with the following:

(1) Notice Requirements. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius. that the property owner and operator intends to build and operate a data center on the property. The notice required in this section must be mailed to all property owners, residents, and homeowners' association addresses contained within a half-mile radius extending from the boundary of the site where the proposed data center will be built. Proof of notification shall be filed with the

Planning Division within thirty (30) days of providing notice. The property owner and operator must notify the Mayor that the property owner and operator intend to build and operate a data center. The notice must include the location for the proposed data center. This public notification shall occur at the same time as any other notification required by Chapter 157. If no public hearing is required, then this notification shall occur no less than thirty (30) days prior to the submission of the applicant's development or business license application. whichever occurs first.

(2) Noise Study Requirements. The property owner of the lands upon which the data center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the boundary of the site in eight (8) locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the Planning Division within thirty (30) days of completion of the report.

(3) Noise Attenuation Plan Requirements.

(a) The property owner must consult with a third-party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the data center from exceeding the sound level limitations contained in Chapter 96, Noise Control, which would be considered a noise disturbance. Furthermore, noise emanating from a data center will also be considered unreasonable and excessive and a noise disturbance if it is “plainly audible” at a residence at a distance of 1,000 feet or more from the data center. For purposes of this section, “plainly audible” means any sound produced by the data center which clearly can be heard by human auditory senses. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the city deems adequate to be in compliance with this section. Noise attenuation measures may include but not limited to:

(i) Soundproofing walls, screens, panels, fences, or enclosures.

(ii) Buffer yards.

(iii) Other noise attenuation measures recommended by the third-party acoustic engineer or the city.

(b) Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.

(c) The property owner must provide a copy of the building plan to the city within thirty (30) days of completion of the plan prior to construction.

(d) Any additions, changes, or expansions of the data center must comply with the noise attenuation requirements of this section and must be designed and submitted to the city within thirty (30) days of completion of the report.

(4) Post Completion Noise Study Requirements.

(a) Upon the data center's completion, the data center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the data center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the boundary of the site in the original eight (8) locations used during the baseline study. The data center operator must provide a copy of the report to the city within ten (10) days of completion of the study.

(b) The data center shall not begin operations until the completion of the post-construction noise study and submission to the city as required above. In order for the data center to be in compliance, the noise study results must show that its operation is in compliance with this section and will not adversely impact residential neighbors. If the results show that the data center is not in compliance with this section or will adversely impact residential neighbors, the data center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.

(c) Furthermore, the data center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The data center operator must provide the results to the city within ten (10) days after the anniversary date of the first sound study report.

(5) Procedure for Measurement. All tests shall be conducted according to the procedures set forth in Chapter 96, Noise Control.

(6) Noise Limitations. It shall be unlawful for any data center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from data centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property. if the sound level does not comply with the limits set forth in Chapter 96, Noise Control.

(H) *Setback Requirements*. Data centers shall be subject to setback requirements as follows:

(1) When adjoining an I-1 or I-2 zoning district, the building shall be located at least 100 feet from the boundary line.
(2) When adjoining any other zoning district, the building shall be located at least 1,000 feet from any boundary line.
(3) A minimum 1,000 foot buffer shall be maintained between the data center and any zoning district that permits residential uses, whether adjoining the data center or not. In no event shall any data center building be located within 1,000 feet of any zoning district that permits residential uses.

(I) *Landscape Buffers*. A landscape buffer approved by the Urban Forester of not less than 50 feet in width shall be installed along any frontage abutting an I-1 or I-2 zoning district. A buffer approved by the Urban Forester of not less than 100 feet in width shall be installed along any frontage abutting any other zoning district.

(J) *Monitoring and reporting requirements.* Data centers shall be subject to the following ongoing monitoring and reporting requirements.
(1) The data center must identify a single point of contact for the community and maintain a public web page that includes noise verification reports.
(2) An annual report shall be submitted to the Planning Division which should be posted on the City's public web page containing:
(a) A compilation of all complaints received related to the data center's compliance with the conditional use permit and these regulations and the data center operator's response to those complaints.
(b) Certification that the data center is in compliance with all conditions of the permit. Copies of test results and reports related to any condition or requirement of the permit shall be included with the certification.
(c) Copies of any annual compliance reports required to be submitted to state and federal authorities.
(3) Any owner or operator who receives a notice of violation, compliance order, or enforcement action from any federal or state agency shall provide a copy to the Planning Division within ten business days of receipt.

(K) *Expansion of Data Center Requires Amendment to Permit*. Any data center proposing to expand beyond the physical footprint or building volume or any increase in IT infrastructure, cooling capacity, generator capacity, heat-rejection equipment, equipment height, or operating profile that increases electrical or water-use loads as approved in its conditional use permit shall require an amendment to the conditional use permit.

(L) *Violations and Penalties.* Violations of the noise limitations shall be subject to the enforcement and penalty provisions of Chapter 96, Noise Control, as well as any remedies available to the city pursuant to the Unified Development Code, state or federal law. Violations of other provisions of this section shall be subject to the enforcement and penalty provisions of the Unified Development Code.

(1) Any or all of the following persons may be held responsible for noise violations:
   (a) The person operating the equipment or creating the noise;
   (b) The person who employs the person operating the equipment or creating the noise at the time of the violation;
   (c) The person who owns or rents the property where the violation occurs.

(2) The following acts, and the causing thereof, are declared to be in violation of this section:
   (a) The sound level emanating from the data center exceeds that allowed by Chapter 96, Noise Control.
   (b) The noise attenuation measures provided in the design plan to the city are not incorporated in the construction of the data center.
   (c) Any of the required sound stud y results are not filed with the city within thirty (30) days of completion of the report.
   (d) The building plan is not filed with the city within thirty (30) days of completion of the plan prior to construction.
   (e) Failure to act in accordance with any other provision of this section.

(3) All data centers shall be in compliance with the requirements of this section before the city will issue a certificate of occupancy; failure to do so will be deemed a violation of this section and may result in an injunction, a stay in commencing operation, denial of allowed occupancy, or denial or withdrawal of city utilities or services.

(4) If a data center is operated in violation of any provision of this section, the data center may be subject to the following:
   (a) the Mayor may order the withholding of all city services including water and solid waste for the business premises;
   (b) suspension or revocation of the data center's business license pursuant to § 118.03;
   (c) penalties pursuant to § 10.99 General Penalty of the City Code;
   (d) the Planning Commission may revoke a conditional use permit; and
   (e) any other enforcement actions available pursuant to Chapter 153 Enforcement of the Unified Development Code.

(M) These provisions and any conditions placed upon a data center by the Planning Commission are intended to regulate land use only and are not intended to regulate utility rates or services. Nothing in this section shall be construed to interfere with the authority of any public utility, the Arkansas Public Service Commission, or any other state agency with jurisdiction pursuant to Arkansas law.

Pennington, Blake

From: Berna, Scott
Sent: Friday, July 31, 2026 3:46 PM
To: Pennington, Blake
Cc: Williams, Kit; Hungate, Hannah; Barnes, Stacy
Subject: Re: Data Center Ordinance

Approved please move forward.

Scott

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From: Pennington, Blake <bpennington@fayetteville-ar.gov>
Sent: Friday, 31 July 2026 15:39:54
To: Berna, Scott <scott.berna@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>; Hungate, Hannah <hhungate@fayetteville-ar.gov>; Barnes, Stacy <sbarnes@fayetteville-ar.gov>
Subject: Data Center Ordinance

Scott, attached is the agenda request form, ordinance and exhibit for the item forwarded by the ORC. If it looks good to you we'll get it going in Civic Clerk for the August 18 agenda. I'll also include as an additional attachment the highlighted version so everyone can see the changes that are being recommended.

Thanks and have a good weekend.

Blake

Blake E. Pennington
Senior Assistant City Attorney
City of Fayetteville, Arkansas
bpennington@fayetteville-ar.gov
Direct: 479.575.8312
www.fayetteville-ar.gov

CITY OF FAYETTEVILLE ARKANSAS

Additional Information Received

Date Received: MM/DD/YYYY	08/11/2026
Time: 00:00 (AM/PM)	01:29 PM
From: Name & Title	Blake Pennington, Senior Assistant City Attorney
To: Name & Title	City Council
Agenda Meeting Date: MM/DD/YYYY	08/18/2026
Civic Clerk Number: Ex. 2025-994	2026-2631
Forwarded to City Attorney's Office and Department Head	n/a

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor**
City Council
City Clerk Treasurer

CC: **Keith Macedo**, Chief of Staff
Jonathan Curth, Development Services Director
Tim Nyander, Utilities Director

FROM: **Blake Pennington**, Senior Assistant City Attorney

DATE: **August 11, 2026**

RE: **Ordinance Review Committee Data Center Amendments**

On June 16, 2026, with the passage of Ordinance 7010, the City Council enacted several new regulations that would apply to any data center proposed within Fayetteville's city limits or water service area. At that meeting, the City Council also discussed a number of other items that were not included in the final adopted ordinance; however, many of you expressed a desire that the Ordinance Review Committee continue to study the matter.

The Ordinance Review Committee met on June 25, July 16, and July 29 to discuss those remaining items and the committee forwarded several substantive amendments to the City Council with a recommendation of approval. The recommended amendments, which are highlighted in the attachment, are as follows:

- Subsection (C)(2) requires the applicant to submit copies of air quality and other environmental permit applications, modeling and compliance materials submitted to the EPA or the State of Arkansas at the time of the application.
- Subsection (D)(4) requires data centers to comply with all discharge and pretreatment regulations that apply to significant industrial users as set out in Chapter 51 **Water and Sewers**. It also grants the Utilities Department the authority to include other conditions on the discharge of wastewater into our sewerage system.

- New provisions in subsection (E) would require battery storage as the primary backup power source and allow backup generators only when battery storage falls to 25% or below. It would also require testing of any generators to meet federal government/industry standards, though those standards may also be modified by the City Engineer to ensure compatibility with neighbors.
- Subsection (F)(3) requires any chemically treated cooling water to comply with the City's discharge and pretreatment regulations.
- Subsection (G)(3)(a) provides for an additional layer of noise protection. Any noise emanating from a data center will be considered unreasonable and excessive and a noise disturbance if it is plainly audible at any residence 1,000 feet or more from the data center.
- New requirements in subsection (I) require an annual report to be filed with the Planning Division and posted on the data center's public website with information regarding complaints and responses, certification and evidence of compliance with conditions of the CUP, and copies of annual reports submitted to state or federal authorities. It also requires disclosure of any notice of violation, compliance order, or enforcement action from any federal or state agency within 10 business days.
- New subsection (J) requires an amendment to the CUP for any expansion of building footprint/volume or any increase in electrical or water-use loads.
- Subsection (K)(4) provides additional enforcement mechanisms including withholding of city services, suspension of a business license, general penalties associated with the violation of city ordinances, and any other enforcement actions provided by the Unified Development Code.
- Subsection (L) makes it clear that these regulations are intended to address land use only and do not encroach on utility rates or services.

The City Attorney's Office is confident that the amendments forwarded by the Ordinance Review Committee are sound, legally defensible, and within the City Council's authority to ensure the peace, health and safety of Fayetteville's residents.

EXHIBIT A

163.20 Data Centers

(A) *Purpose and Applicability.* All data centers constructed within the City of Fayetteville shall be designed and built to incorporate sufficient external noise attenuation measures in order to minimize the impact of noise disturbance on residents. Data centers shall also be required to provide sufficient evidence that their operation will not negatively impact the customers and users of public utilities within a utility's service area or the users of ground or surface waters.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Ambient noise: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excusing the alleged offensive noise, at the locations and approximate time at which comparison with the alleged offensive noise is to be made.

Data center shall have the same meaning as set forth in §151.01 Definitions of the Unified Development Code.

Decibel (dB) shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Mechanical equipment: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the data center's property.

Noise attenuation: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.

Noise disturbance shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Person: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

Sound level meter: shall have the same meaning as set forth in §96.01 Definitions of Chapter 96, Noise Control.

(C) *Initial Reports Required with Application*. Before a conditional use permit may be issued for the construction or operation of a data center within the corporate limits of Fayetteville, a property owner and operator of a data center shall comply with the following requirements:

(1) A water consumption, wastewater discharge, energy management, and thermal management report shall be submitted showing the following:
   (a) Cooling System. The proposed cooling system for the Data Center and whether the data center will be water-cooled or air-cooled.
   (b) An energy management plan describing the data center's power use effectiveness, waste heat recovery measures, and on-site or off-site renewable electricity generation.
   (c) Water usage.
      (i) The estimated amount of total water in million gallons that will be used by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected water demand for each month within that year.
      (ii) The estimated amount of water in million gallons per day that will be used by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns

(iii) The estimated amount of water in million gallons per day to be used by the proposed project in a 24-hour period on its highest water consumption day.
(iv) The estimated highest instantaneous flow rate in gallons per minute that will be used by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
(v) Indicate high consumption operational flexibility and whether high water demands can be aligned with the City's low-demand periods.
(vi) The number of the proposed water meters and the size of each water meter for the proposed project.
(vii) Fire flow requirements and capacity to provide fire flow for the proposed data center, as reviewed and approved by both the Fire Marshal and the Utilities Department.

(d) Wastewater discharge.
(i) The estimated amount of total wastewater in million gallons that will be discharged by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected wastewater discharge for each month within that year.
(ii) The estimated amount of wastewater in million gallons per day that will be discharged by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns.
(iii) The estimated amount of wastewater in million gallons per day to be discharged by the proposed project in a 24-hour period on its highest water consumption day.
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(v) Indicate high discharge operational flexibility. Identify if high wastewater discharges can be aligned with the City's low-demand periods.
(vi) Identify chemicals or compounds that will or may be used by the data center that could impact wastewater quality. The report should show the average amount of total dissolved solids on a daily basis and also show the amount of total dissolved solids during anticipated peak periods.

(e) Any other information required by the City to determine whether the proposed data center will adversely impact the public interest.

(2) Copies of all air quality permit applications, modeling, permits and compliance materials submitted to the federal Environmental Protection Agency or the Arkansas Department of Energy and Environment in connection with the facility shall be provided at the time of conditional use permit application submittal.

(D) Water Supply and Wastewater Requirements.

(1) If the data center will be served by a public water supply, the applicant shall submit documentation from the public water utility certifying that the public authority has the capacity to supply the water needed. The applicant shall provide any additional documentation requested by the public water utility in order to determine whether sufficient current and future capacity exists.

(2) Additionally, the applicant shall submit documentation from Beaver Water District certifying that it has sufficient current and future capacity and the needs of the data center will not adversely impact its ability to deliver water to its customers.

(3) If the data center intends to rely upon a nonpublic groundwater source or is to rely on surface water withdrawal for any portion of its cooling system, the applicant shall provide a water feasibility study using parameters approved by the Public Works Director to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity.

(4) Wastewater Discharge. A data center shall comply with all applicable discharge and pretreatment regulations set forth in Chapter 51 **Water and Sewers** of the Fayetteville City Code for significant industrial users. The Utilities Department may include additional conditions and such limitations such as monitoring of the discharge of wastewater into the public sewer system before approving any water or sewer connection.

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(1) If the data center will be served by a public electric utility, the applicant shall submit documentation from that utility certifying that the utility will supply the power needed and that other customers/users within the utility's service area will not be negatively impacted. This documentation shall identify any required transmission, generation, or substation upgrades.

(2) If the data center intends to rely fully upon power sources other than from a public electric utility, the applicant shall provide a feasibility study establishing that the non-public power source is adequate to supply all of the data center's power needs.

(3) If the data center intends to partially rely upon electric power supplied by a public electric utility as well as alternative power sources, the applicant shall provide: 1) documentation from the utility certifying that the utility will supply the power needed; and 2) a feasibility study showing that the applicant's reliance upon the public electric utility will not negatively impact other customers and users of the utility.

(4) Data centers shall use battery storage as the primary power backup source and backup generators shall not be used unless and until battery storage is limited to 25% or less.

(5) Data centers with backup generators shall comply with the following:

(i) All diesel backup generators shall meet U.S. Environmental Protection Agency (EPA) Tier 4 emission standards. Generators rated below the Tier 4 threshold shall meet the highest applicable EPA Tier.

(ii) Routine, non-emergency generator testing shall be limited to Monday through Friday, 10:00 a.m. to 4:00 p.m., excluding federal and state holidays. Testing of the generators, including emissions testing, shall meet federal government/industry standards which may be reasonably modified by the Fayetteville City Engineer to ensure compatibility with neighbors.

(iii) The operator shall provide written notice of any scheduled generator testing to all property owners within 1,000 feet not less than 24 hours in advance and shall maintain a public web page listing scheduled testing windows.

(iv) Annual generator testing data and emissions reports shall be submitted to the Development Services Department.

(v) All on-site fuel storage shall comply with applicable National Fire Protection Association codes, and applicable state and local requirements; a fuel-handling plan and spill response plan shall be filed with the Fayetteville Fire Department.

(F) Cooling System Requirements:

(1) All cooling systems shall be either fully air-cooled or high efficiency liquid cooled systems, or equivalent technologies designed to minimize water consumption and wastewater discharge. Open-loop and once-through cooling systems are prohibited. Evaporative-only cooling systems that consume potable water as the primary cooling medium are prohibited.

(2) On-site groundwater wells used as the primary cooling water source are prohibited. Wells used solely for landscape irrigation, fire suppression, or as makeup water for closed-loop systems remain permissible subject to applicable state and federal permitting.

(3) Chemically treated cooling water shall not be discharged to surface waters or stormwater systems and shall comply with the City's discharge and pretreatment regulations.

(G) *Noise Attenuation Requirements.* Before a data center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a data center shall comply with the following:

(1) Notice Requirements. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius. that the property owner and operator intends to build and operate a data center on the property. The notice required in this section must be mailed to all property owners, residents, and homeowners' association addresses contained within a half-mile radius extending from the boundary of the site where the proposed data center will be built. Proof of notification shall be filed with the

Planning Division within thirty (30) days of providing notice. The property owner and operator must notify the Mayor that the property owner and operator intend to build and operate a data center. The notice must include the location for the proposed data center. This public notification shall occur at the same time as any other notification required by Chapter 157. If no public hearing is required, then this notification shall occur no less than thirty (30) days prior to the submission of the applicant's development or business license application. whichever occurs first.

(2) Noise Study Requirements. The property owner of the lands upon which the data center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the boundary of the site in eight (8) locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the Planning Division within thirty (30) days of completion of the report.

(3) Noise Attenuation Plan Requirements.

(a) The property owner must consult with a third-party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the data center from exceeding the sound level limitations contained in in Chapter 96, Noise Control, which would be considered a noise disturbance. Furthermore, noise emanating from a data center will also be considered unreasonable and excessive and a noise disturbance if it is “plainly audible” at a residence at a distance of 1,000 feet or more from the data center. For purposes of this section, “plainly audible” means any sound produced by the data center which clearly can be heard by human auditory senses. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the city deems adequate to be in compliance with this section. Noise attenuation measures may include but not limited to:

(i) Soundproofing walls, screens, panels, fences, or enclosures.

(ii) Buffer yards.

(iii) Other noise attenuation measures recommended by the third-party acoustic engineer or the city.

(b) Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.

(c) The property owner must provide a copy of the building plan to the city within thirty (30) days of completion of the plan prior to construction.

(d) Any additions, changes, or expansions of the data center must comply with the noise attenuation requirements of this section and must be designed and submitted to the city within thirty (30) days of completion of the report.

(4) Post Completion Noise Study Requirements.

(a) Upon the data center's completion, the data center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the data center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the boundary of the site in the original eight (8) locations used during the baseline study. The data center operator must provide a copy of the report to the city within ten (10) days of completion of the study.

(b) The data center shall not begin operations until the completion of the post-construction noise study and submission to the city as required above. In order for the data center to be in compliance, the noise study results must show that its operation is in compliance with this section and will not adversely impact residential neighbors. If the results show that the data center is not in compliance with this section or will adversely impact residential neighbors, the data center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.(c) Furthermore, the data center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The data center operator must provide the results to the city within ten (10) days after the anniversary date of the first sound study report.

(5) Procedure for Measurement. All tests shall be conducted according to the procedures set forth in Chapter 96, Noise Control.

(6) Noise Limitations. It shall be unlawful for any data center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from data centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property. if the sound level does not comply with the limits set forth in Chapter 96, Noise Control.

(H) *Setback Requirements*. Data centers shall be subject to setback requirements as follows:

(1) When adjoining an I-1 or I-2 zoning district, the building shall be located at least 100 feet from the boundary line.
(2) When adjoining any other zoning district, the building shall be located at least 1,000 feet from any boundary line.
(3) A minimum 1,000 foot buffer shall be maintained between the data center and any zoning district that permits residential uses, whether adjoining the data center or not. In no event shall any data center building be located within 1,000 feet of any zoning district that permits residential uses.

(H) *Landscape Buffers*. A landscape buffer approved by the Urban Forester of not less than 50 feet in width shall be installed along any frontage abutting an I-1 or I-2 zoning district. A buffer approved by the Urban Forester of not less than 100 feet in width shall be installed along any frontage abutting any other zoning district.

(I) *Monitoring and reporting requirements.* Data centers shall be subject to the following ongoing monitoring and reporting requirements.

(1) The data center must identify a single point of contact for the community and maintain a public web page that includes noise verification reports.
(2) An annual report shall be submitted to the Planning Division which should be posted on the City's public web page containing:
(a) A compilation of all complaints received related to the data center's compliance with the conditional use permit and these regulations and the data center operator's response to those complaints.
(b) Certification that the data center is in compliance with all conditions of the permit. Copies of test results and reports related to any condition or requirement of the permit shall be included with the certification.
(c) Copies of any annual compliance reports required to be submitted to state and federal authorities.
(3) Any owner or operator who receives a notice of violation, compliance order, or enforcement action from any federal or state agency shall provide a copy to the Planning Division within ten business days of receipt.

(J) *Expansion of Data Center Requires Amendment to Permit*. Any data center proposing to expand beyond the physical footprint or building volume or any increase in IT infrastructure, cooling capacity, generator capacity,

heat-rejection equipment, equipment height, or operating profile that increases electrical or water-use loads as approved in its conditional use permit shall require an amendment to the conditional use permit.

(K) *Violations and Penalties.* Violations of the noise limitations shall be subject to the enforcement and penalty provisions of Chapter 96, Noise Control, as well as any remedies available to the city pursuant to the Unified Development Code, state or federal law. Violations of other provisions of this section shall be subject to the enforcement and penalty provisions of the Unified Development Code.

(1) Any or all of the following persons may be held responsible for noise violations:
   (a) The person operating the equipment or creating the noise;
   (b) The person who employs the person operating the equipment or creating the noise at the time of the violation;
   (c) The person who owns or rents the property where the violation occurs.

(2) The following acts, and the causing thereof, are declared to be in violation of this section:
   (a) The sound level emanating from the data center exceeds that allowed by Chapter 96, Noise Control.
   (b) The noise attenuation measures provided in the design plan to the city are not incorporated in the construction of the data center.
   (c) Any of the required sound stud y results are not filed with the city within thirty (30) days of completion of the report.
   (d) The building plan is not filed with the city within thirty (30) days of completion of the plan prior to construction.
   (e) Failure to act in accordance with any other provision of this section.

(3) All data centers shall be in compliance with the requirements of this section before the city will issue a certificate of occupancy; failure to do so will be deemed a violation of this section and may result in an injunction, a stay in commencing operation, denial of allowed occupancy, or denial or withdrawal of city utilities or services.

(4) If a data center is operated in violation of any provision of this section, the data center may be subject to the following:
(a) the Mayor may order the withholding of all city services including water and solid waste for the business premises;
(b) suspension or revocation of the data center's business license pursuant to § 118.03;
(c) penalties pursuant to § 10.99 General Penalty of the City Code;
(d) the Planning Commission may revoke a conditional use permit; and
(e) any other enforcement actions available pursuant to Chapter 153 Enforcement of the Unified Development Code.

(L) These provisions and any conditions placed upon a data center by the Planning Commission are intended to regulate land use only and are not intended to regulate utility rates or services. Nothing in this section shall be construed to interfere with the authority of any public utility, the Arkansas Public Service Commission, or any other state agency with jurisdiction pursuant to Arkansas law.