

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
November 15, 2016**

A meeting of the Fayetteville City Council was held on November 15, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports, and Discussion Items.

1. City Council presentation of the 2015 Annual Audit Report presented by Paul Becker.

Agenda Additions

A. Consent:

1. Approval of the November 1, 2016 City Council Meeting Minutes.

Approved

2. **JOHN DEERE COMPANY:** A resolution to authorize the purchase of a John Deere 310l backhoe from John Deere Company of Moline, Illinois in the amount of \$90,316.56, pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement, for use by the Recycling and Trash Collection Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 198-16

3. **UA PROPERTIES, LLC COST SHARE AGREEMENT 1:** A resolution to approve a 50/50 cost share agreement with UA Properties, LLC for construction of a water main along a portion of Smith Avenue between West Markham Road and North Thomas Avenue at a total cost of \$13,912.68.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 199-16

4. **2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT:** A resolution to authorize acceptance of a 2016 Arkansas Department of Environmental Quality Grant through the Boston Mountain Solid Waste District in the amount of \$10,000.00 to continue the E-Waste Coupon Redemption Program, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 200-16

5. **DESTRUCTION OF CERTAIN RECORDS:** A resolution to authorize the destruction of certain records shown on the attached affidavits pursuant to relevant code sections of the Arkansas Code Annotated related to maintenance and destruction of accounting and other city records.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 201-16

6. **JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2:** A resolution to approve a change order No. 2 to the contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$17,455.00 for site drainage improvements related to the Fayetteville Senior Center kitchen expansion project, and to approve a budget adjustment recognizing Community Development Block Grant Funds for the project in the amount of \$95,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 202-16

7. **2016 BULLETPROOF VEST PARTNERSHIP PROGRAM:** A resolution authorize acceptance of a fifty percent (50%) matching grant award from the 2016 Bulletproof Vest Partnership Program in the amount of \$13,237.00 for the replacement of body armor vests for Fayetteville Police Officers and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 203-16

B. Unfinished Business:

1. **RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):** An ordinance to rezone that property described in rezoning petition RZN 16-5550 for approximately 70 acres located East and West of Ruppel Road and South of Mount Comfort Road from rsf-1, residential single family, 1 unit per acre; rsf-4, residential single family, 4 units per acre and r-a, residential agricultural to cs, community services and r-a, residential agricultural.

THIS ORDINANCE WAS LEFT ON THE THIRD READING & TABLED TO DECEMBER 6TH, 2016.

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

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5925

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

THIS RESOLUTION WAS TABLED TO DECEMBER 6TH, 2016.

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

THIS ORDINANCE WAS LEFT ON THE SECOND READING.

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

THIS ORDINANCE WAS LEFT ON THE SECOND READING.

C. New Business:

1. **BID NO. 16-59 TRUCK CENTERS OF ARKANSAS:** A resolution to award bid no. 16-59 and authorize the purchase of three (3) freightliner dump trucks from Truck Centers of Arkansas in the total amount of \$404,865.00 for use by the Transportation Services Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 204-16

2. **BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.:** A resolution to award bid no. 16-62 and authorize the purchase of a mobile fire training simulator from American Fire Training Centers, Inc. of Lockport, Illinois in the amount of \$609,000.00 plus applicable sales taxes for use by the Fire Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 205-16

3. **RZN 16-5609 (1764 N. STARR RD./HAYS):** An ordinance to rezone that property described in rezoning petition rzn 16-5609 for approximately 26.83 acres located at 1764 North Starr Road from rsf-1, residential single family, 1 unit per acre to rsf-4, residential single family, 4 units per acre.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

4. **RZN 16-5633 (2350 W. WEDINGTON DR./UPTON):** An ordinance to rezone that property described in rezoning petition RZN 16-5633 for approximately 0.80 acres located at 2350 West Wedington Drive from rsf-4, residential single family, 4 units per acre to ns, neighborhood services.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

5. **RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE):** An ordinance to rezone that property described in rezoning petition RZN 16-5598 for approximately 3.74 acres located at 1777 South Smokehouse Trail from r-a, residential agricultural to ut, urban thoroughfare.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

6. **AMEND § 31.18 DISTRICT JUDGE COMPENSATION:** An ordinance to amend § 31.18 district judge compensation because the district judge of Washington County District Court, Fayetteville Department will on January 1, 2017 become a full time state employee.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

7. **AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION:** An ordinance to amend § 33.350 purpose and establishment and § 33.351 composition of article XXIII Active Transportation Advisory Committee of the Fayetteville City Code to expand the scope of the committee's duties, to recommend that the City Council appointee should also serve on the Transportation Committee, and to establish a time for the election of the committee chair.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

8. **FAYETTEVILLE POLICE DEPARTMENT POLICIES:** A resolution to approve Fayetteville Police Department policies 1.2.1 limits of authority; 1.2.2 warrantless detention, search and seizure; 1.3.1 use of force; 1.3.4 less lethal weapons and defensive tactics; 1.3.6 officer-involved shooting; and 22.3 secondary employment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 206-16

D. City Council Agenda Session Presentations

City Council Tour

Announcements

Adjournment: 6:42 p.m.

Subject:	Roll				
Meeting started at 5:35 pm	Kinion	Absent			
	Petty	Absent			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	Absent			
	Long	Absent			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	✓			

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

Subject:	Consent				
Motion To:					
Motion By:		Approved Marsh			
Seconded:		Gray			
A.1- A. 7 <u>Approved</u> 198-14 203-14	Kinion	A			
	Petty	A			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	A			
	Long	A			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	✓			

5-0

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

Subject:	RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)				
Motion To:		<i>Table</i>	<i>Entire</i>		
Motion By:		<i>Marsh</i>	<i>Ord.</i>		
Seconded:		<i>Tennant</i>	<i>was</i>		
B. 1 Unfinished Business <i>Left on</i> <i>the third</i> <i>reading</i> <i>&</i> <i>tabled to</i> <i>Dec. 6,</i> <i>2016</i>	Kinion	<i>A</i>	<i>read</i>		
	Petty	<i>A</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>A</i>			
	Long	<i>A</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Mayor Jordan	<i>✓</i>			

5-0

Subject:	VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE)				
Motion To:		<i>Amend</i>	<i>Entire</i>	<i>Approve</i>	
Motion By:		<i>Gray</i>	<i>ord</i>		
Seconded:		<i>Tennant</i>	<i>was</i>		
B. 2 Unfinished Business <i>Approved</i> <i>5925</i>	Kinion	<i>A</i>	<i>read</i>	<i>A</i>	
	Petty	<i>A</i>		<i>A</i>	
	Tennant	<i>✓</i>		<i>✓</i>	
	Schoppmeyer	<i>✓</i>		<i>✓</i>	
	La Tour	<i>A</i>		<i>A</i>	
	Long	<i>A</i>		<i>A</i>	
	Gray	<i>✓</i>		<i>✓</i>	
	Marsh	<i>✓</i>		<i>✓</i>	
	Mayor Jordan	<i>✓</i>		<i>✓</i>	

5-0

5-0

Subject:	APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES				
Motion To:		<i>Table</i>			
Motion By:		<i>Tennant</i>			
Seconded:		<i>Gray</i>			
B. 3 Unfinished Business <i>Tabled to Dec. 6, 2016</i>	Kinion	<i>A</i>			
	Petty	<i>A</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>A</i>			
	Long	<i>A</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Mayor Jordan	<i>✓</i>			

5-0

Subject:	UARK CREDIT UNION REZONING APPEAL				
Motion To:		<i>Entire</i>			
Motion By:		<i>Ord</i>			
Seconded:		<i>was</i>			
B. 4 Unfinished Business <i>Left on 2nd Reading</i>	Kinion	<i>Read</i>			
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	WG LAND COMPANY APPEAL				
Motion To:		<i>Entire</i>			
Motion By:		<i>Ord</i>			
Seconded:		<i>was</i>			
B. 5 Unfinished Business <i>Left on</i> <i>2nd</i> <i>Reading</i>	Kinion	<i>read</i>			
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

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

Subject:	BID NO. 16-59 TRUCK CENTERS OF ARKANSAS				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
C. 1 New Business <i>Approved</i> <i>204-16</i>	Kinion	<i>A</i>			
	Petty	<i>A</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>A</i>			
	Long	<i>A</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Mayor Jordan	<i>✓</i>			

5-0

Subject:	BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
C. 2 New Business <i>Approved</i> <i>205-16</i>	Kinion	<i>A</i>			
	Petty	<i>A</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>A</i>			
	Long	<i>A</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Mayor Jordan	<i>✓</i>			

5-0

Subject:	RZN 16-5609 (1764 N. STARR RD./HAYS)				
Motion To:					
Motion By:					
Seconded:					
C. 3 New Business <i>Left on the First Reading</i>	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	RZN 16-5633 (2350 W. WEDINGTON DR./UPTON)				
Motion To:					
Motion By:					
Seconded:					
C. 4 New Business <i>Left on the First Reading</i>	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE)				
Motion To:					
Motion By:					
Seconded:					
C. 5 New Business <i>Left on the First Reading</i>	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	AMEND § 31.18 DISTRICT JUDGE COMPENSATION				
Motion To:					
Motion By:					
Seconded:					
C. 6 New Business <i>Left on the First Reading</i>	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION				
Motion To:					
Motion By:					
Seconded:					
C. 7 New Business <i>Left on the First Reading</i>	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

Subject:	FAYETTEVILLE POLICE DEPARTMENT POLICIES				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Marsh</i>			
C. 8 New Business <i>Approved</i> <i>206-110</i>	Kinion	<i>A</i>			
	Petty	<i>A</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>A</i>			
	Long	<i>A</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Mayor Jordan	<i>✓</i>			



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: November 16, 2016

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of November 15, 2016

1. A resolution to authorize the purchase of a John Deere 310l backhoe from John Deere Company of Moline, Illinois in the amount of \$90,316.56, pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement, for use by the Recycling and Trash Collection Division.
2. A resolution to approve a 50/50 cost share agreement with UA Properties, LLC for construction of a water main along a portion of Smith Avenue between west Markham Road and north Thomas Avenue at a total cost of \$13,912.68.
3. A resolution to authorize acceptance of a 2016 Arkansas Department of Environmental Quality Grant through the Boston Mountain Solid Waste District in the amount of \$10,000.00 to continue the E-Waste Coupon Redemption Program, and to approve a budget adjustment.
4. A resolution to authorize the destruction of certain records shown on the attached affidavits pursuant to relevant code sections of the Arkansas Code Annotated related to maintenance and destruction of accounting and other city records.
5. A resolution to approve Change Order No. 2 to the contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$17,455.00 for site drainage improvements related to the Fayetteville Senior Center kitchen expansion project, and to approve a budget adjustment recognizing Community Development Block Grant funds for the project in the amount of \$95,000.00.
6. A resolution to authorize acceptance of a fifty percent (50%) matching grant award from the 2016 Bulletproof Vest Partnership Program in the amount of \$13,237.00 for the replacement of body armor vests for Fayetteville Police officers and to approve a budget adjustment.
7. An ordinance to approve VAC 16-5571 submitted by Jorgensen and Associates, Inc. to vacate a portion of Jupiter Drive from Mcguire Street to the AEP Substation.

8. A resolution to award Bid No. 16-59 and authorize the purchase of three (3) Freightliner Dump Trucks from Truck Centers of Arkansas in the total amount of \$404,865.00 for use by the Transportation Services Department.

9. A resolution to award Bid No. 16-62 and authorize the purchase of a Mobile Fire Training Simulator from American Fire Training Centers, Inc. of Lockport, Illinois in the amount of \$609,000.00 plus applicable sales taxes for use by the Fire Department.

10. A resolution to approve Fayetteville Police Department Policies 1.2.1 Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3 Secondary Employment.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, November 15, 2016

5:30 PM

City Hall Room 219

City Council Meeting

Adella Gray Ward 1

Sarah Marsh Ward 1

Mark Kinion Ward 2

Matthew Petty Ward 2

Justin Tennant Ward 3

Martin W. Schoppmeyer, Jr. Ward 3

John S. La Tour Ward 4

Alan Long Ward 4

ELECTED OFFICIALS:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****1. [2016-0515](#)****CITY COUNCIL PRESENTATION OF THE 2015 ANNUAL AUDIT REPORT
PRESENTED BY PAUL BECKER****Agenda Additions:****A. Consent:****A. 1 [2015-0659](#)**

APPROVAL OF THE NOVEMBER 1, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0496](#)**JOHN DEERE COMPANY:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE 310L BACKHOE FROM JOHN DEERE COMPANY OF MOLINE, ILLINOIS IN THE AMOUNT OF \$90,316.56, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments: [JOHN DEERE COMPANY](#)

A. 3 [2016-0504](#)**UA PROPERTIES, LLC COST SHARE AGREEMENT:**

A RESOLUTION TO APPROVE A 50/50 COST SHARE AGREEMENT WITH UA PROPERTIES, LLC FOR CONSTRUCTION OF A WATER MAIN ALONG A PORTION OF SMITH AVENUE BETWEEN WEST MARKHAM ROAD AND NORTH THOMAS AVENUE AT A TOTAL COST OF \$13,912.68

Attachments: [UA PROPERTIES, LLC COST SHARE AGREEMENT](#)

A. 4 [2016-0507](#)**2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$10,000.00 TO CONTINUE THE E-WASTE COUPON REDEMPTION PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT](#)
 [BA 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT](#)

A. 5 [2016-0513](#)**DESTRUCTION OF CERTAIN RECORDS:**

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS

Attachments: [DESTRUCTION OF CERTAIN RECORDS](#)

A. 6 [2016-0514](#)**JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$17,455.00 FOR SITE DRAINAGE IMPROVEMENTS RELATED TO THE FAYETTEVILLE SENIOR CENTER KITCHEN EXPANSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROJECT IN THE AMOUNT OF \$95,000.00

Attachments:[JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2](#)[BA JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2](#)**A. 7** [2016-0512](#)**2016 BULLETPROOF VEST PARTNERSHIP PROGRAM:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$13,237.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[2016 BULLETPROOF VEST PARTNERSHIP PROGRAM](#)[BA_2016 BULLETPROOF VEST PARTNERSHIP PROGRAM](#)**B. Unfinished Business:**

B. 1 [2016-0432](#)**RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

(LEFT ON THE SECOND READING)

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

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading. At the October 18, 2016 City Council Meeting this ordinance was left on the second reading. At the November 1, 2016 City Council Meeting this ordinance was tabled to November 15, 2016.

B. 2 [2016-0467](#)**VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):**

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

(LEFT ON THE SECOND READING)

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

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading. At the November 1, 2016 City Council Meeting this ordinance was left on the second reading.

B. 3 [2016-0445](#)**APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:**

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

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

At the October 18, 2016 City Council Meeting this resolution was tables to November 1, 2016. At the November 1, 2016 City Council Meeting this resolution was tabled to November 15, 2016.

B. 4 [2016-0488](#)

UARK CREDIT UNION REZONING APPEAL:

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

(LEFT ON THE FIRST READING)

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

At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.

B. 5 [2016-0490](#)

WG LAND COMPANY APPEAL:

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

(LEFT ON THE FIRST READING)

Attachments: [WG LAND COMPANY APPEAL](#)

At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:

C. 1 [2016-0495](#)**BID NO. 16-59 TRUCK CENTERS OF ARKANSAS:**

A RESOLUTION TO AWARD BID NO. 16-59 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$404,865.00 FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: [BID #16-59 TRUCK CENTERS OF ARKANSAS](#)

C. 2 [2016-0526](#)**BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.:**

A RESOLUTION TO AWARD BID NO. 16-62 AND AUTHORIZE THE PURCHASE OF A MOBILE FIRE TRAINING SIMULATOR FROM AMERICAN FIRE TRAINING CENTERS, INC. OF LOCKPORT, ILLINOIS IN THE AMOUNT OF \$609,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments: [SRF_SRM_Bid Tab Sheet](#)

C. 3 [2016-0521](#)**RZN 16-5609 (1764 N. STARR RD./HAYS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5609 FOR APPROXIMATELY 26.83 ACRES LOCATED AT 1764 NORTH STARR ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE

Attachments: [RZN 16-5609 \(1764 N. STARR RD./HAYS\)](#)

C. 4 [2016-0517](#)**RZN 16-5633 (2350 W. WEDINGTON DR./UPTON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5633 FOR APPROXIMATELY 0.80 ACRES LOCATED AT 2350 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS, NEIGHBORHOOD SERVICES

Attachments: [RZN 16-5633 \(2350 W. WEDINGTON DR./UPTON\)](#)

C. 5 [2016-0523](#)**RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5598 FOR APPROXIMATELY 3.74 ACRES LOCATED AT 1777 SOUTH SMOKEHOUSE TRAIL FROM R-A, RESIDENTIAL AGRICULTURAL TO UT, URBAN THOROUGHFARE

Attachments: [RZN 16-5598 \(1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE\)](#)

C. 6 [2016-0508](#)**AMEND § 31.18 DISTRICT JUDGE COMPENSATION:**

AN ORDINANCE TO AMEND § 31.18 **DISTRICT JUDGE COMPENSATION** BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

Attachments: [AMEND § 31.18 DISTRICT JUDGE COMPENSATION](#)

C. 7 [2016-0520](#)**AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION:**

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT** AND § 33.351 **COMPOSITION** OF ARTICLE XXIII **ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: [AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION](#)

C. 8 [2016-0505](#)**FAYETTEVILLE POLICE DEPARTMENT POLICIES:**

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.2.2 WARRANTLESS DETENTION, SEARCH AND SEIZURE; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 1.3.6 OFFICER-INVOLVED SHOOTING; AND 22.3 SECONDARY EMPLOYMENT

Attachments:[FAYETTEVILLE POLICE DEPARTMENT POLICIES](#)[ADDITIONAL FAYETTEVILLE POLICE DEPARTMENT POLICIES](#)**D. City Council Agenda Session Presentations:****D. 1** [2016-0497](#)**AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT
QUARTERLY PRESENTATION - CHAMBER OF COMMERCE****E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0515

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: 1.

**CITY COUNCIL PRESENTATION OF THE 2015 ANNUAL AUDIT REPORT PRESENTED BY
PAUL BECKER**



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0659

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE NOVEMBER 1, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0496

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

JOHN DEERE COMPANY:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE 310L BACKHOE FROM JOHN DEERE COMPANY OF MOLINE, ILLINOIS IN THE AMOUNT OF \$90,316.56, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a John Deere 310L backhoe from John Deere Company of Moline, Illinois in the amount of \$90,316.56, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Recycling and Trash Collection Division.

City of Fayetteville Staff Review Form

2016-0496

Legistar File ID

11/15/2016

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

Jesse Beeks/Sara Glenn

10/18/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one John Deere 310L Backhoe available off of the NJPA Cooperative Contract in the amount of \$90,316.56 through John Deere of Moline, IL for use in the Recycling and Trash Collection.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02076.2016

Backhoes/Loaders

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 415,380.00

Funds Obligated \$ -

Current Balance \$ 415,380.00

Does item have a cost? Yes

Item Cost \$ 90,316.56

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 325,063.44

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 18, 2016

SUBJECT: Purchase of one Backhoe for Recycling and Trash Collection

RECOMMENDATION:

That City Council approve the purchase of one John Deere 310L Backhoe available off of the NJPA Cooperative Contract in the amount of \$90,316.56 through John Deere of Moline, IL for use in the Recycling and Trash Collection.

BACKGROUND:

Unit 693 was a 2010 John Deere Backhoe that was approaching its 7 year life expectancy. This backhoe is used for adjusting the loads for the transfer trailers and is essential to the day to day operations of Recycling and Trash. They do not have another piece of equipment that is capable of performing this duty.

The boom broke on unit 693 during a regular work day recently. This unit already had 88% of its original purchase price in life to date maintenance cost. Based on the cost of repair and the age of this backhoe, Fleet believes it would be uneconomical to repair this unit.

DISCUSSION:

Fleet recommends the purchase of one John Deere 310L Backhoe available off of the NJPA Cooperative Contract in the amount of \$90,316.56 through John Deere of Moline, IL for use in the Recycling and Trash Collection.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted for this purchase. There is a shortfall in the collection that should be made up with the sale of the old unit.

This purchase was approved by the Equipment Committee on October 11, 2016 with a preliminary dollar amount.

Attachments:

Home > Cooperative Purchasing > Contracts - Fleet > Construction & Agricultural Equipment > John Deere - Tractors/Ag Implements



John Deere - Tractors/Ag Implements



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

Bill Frank

Direct Phone: 972-974-0984

FrankWilliamD@JohnDeere.com

www.johndeere.com

Contract#: 021815-DAC

Category: Construction & Agricultural Equipment

Description: Ag Tractors & Associated Equipment and Implements

Maturity Date: 03/17/2019

As a world leader in agriculture, construction and turf care, we're proud to offer value and real service to the NJPA membership through contract 021815-DAC. We spend over \$2 million a day on R&D, and build customer feedback into every machine. Through 021815-DAC we can provide you the most advanced and efficient lineup of agricultural tractors and/or implements together with related equipment and accessories. See the results at www.JohnDeere.com/govsales. Plus, with every purchase, you get the dedicated service of a local dealer, with expert technicians, a comprehensive parts inventory and commitment to keep your operation moving. Please consider us for your next purchase.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0504

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

UA PROPERTIES, LLC COST SHARE AGREEMENT:

A RESOLUTION TO APPROVE A 50/50 COST SHARE AGREEMENT WITH UA PROPERTIES, LLC FOR CONSTRUCTION OF A WATER MAIN ALONG A PORTION OF SMITH AVENUE BETWEEN WEST MARKHAM ROAD AND NORTH THOMAS AVENUE AT A TOTAL COST OF \$13,912.68

WHEREAS, UA Properties, LLC has requested that the City construct and share in the cost of constructing a 2-inch water main along a portion of Smith Avenue between West Markham Road and North Thomas Avenue, a distance of approximately 800 feet, to upgrade the old line, facilitate a lot split and increase population density; and

WHEREAS, construction of the water main will provide water service to a project which is increasing the population density in this area, upgrade the old line, and eliminate a dead-end line by creating a looped system; and

WHEREAS, § 51.112 of the Fayetteville City Code provides that “the City shall pay the excess material cost of facilities of a size that is larger than required to serve subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system.”

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a cost share agreement with UA Properties, LLC for construction of a water main along a portion of Smith Avenue between West Markham Road and North Thomas Avenue, a distance of approximately 800 feet, with the total project cost of \$13,912.68 to be shared equally between the City and UA Properties, LLC.

City of Fayetteville Staff Review Form

2016-0504

Legistar File ID

11/15/2016

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

Tim Nyander

10/20/2016

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and UA Properties, LLC, to share the costs of installing an upgraded watermain in the area of Smith Avenue, west of Razorback Road. The cost share is \$6,956.34, which represents 50% of the labor, equipment, and construction materials.

Budget Impact:

5400.720.5600-5808.00

Water/Sewer

Account Number

Fund

02067.1

Water and Sewer Cost Sharing Project

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 96,796.00

Funds Obligated \$ 4,510.00

Current Balance \$ 92,286.00

Does item have a cost? Yes

Item Cost \$ 6,956.34

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 85,329.66

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

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

FROM: Tim Nyander, Utilities Director 

DATE: October 20, 2016

SUBJECT: Resolution Approving a Cost-Share Agreement between the City of Fayetteville and the UA Properties, LLC

RECOMMENDATION:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and the UA Properties, to share the costs of installing an upgraded water main in the area Smith Avenue, west of Razorback Road. The cost share is \$6,956.34, which represents 50% of the labor, equipment and construction materials.

BACKGROUND:

UA Properties, LLC has requested that the City construct and share in the cost of constructing a 2-inch water main on a portion of Smith Avenue west of Razorback Road. Installing this segment of line will upgrade the old line, and also eliminate two dead-end lines by creating a looped system. A distance of approximately 800 feet, the 1.5- and 2-inch water main to be upgraded is located on Smith Avenue, W. Markham Road and N. Thomas Avenue.

DISCUSSION:

Section 51.112 of the Fayetteville City Code provides that "the City shall pay the excess material cost of facilities of a size that is larger than required to serve subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system." Since the 2-inch line will provide a loop and remove 2 dead end lines, as well as replace some older pipe that is prone to leaks, the Utility Staff feels it is fair and equitable to cost share toward the upgrade. Additionally, this project will create an additional water service on Smith Avenue.

BUDGET/STAFF IMPACT:

The Water & Sewer Division will be able to provide the labor, equipment and materials needed without impeding upon the overall mission of the Utilities Department. Funds are available in the Water & Sewer Cost Sharing Project.

Attachments:

Staff Review Form
Cost-Share Agreement

CONTRACTUAL AGREEMENT FOR
COST SHARE OF WATER MAIN UPGRADE COSTS

This Agreement, made and entered into on this _____ day of November, 2016, by and between the City of Fayetteville, Arkansas ("City") and the UA Properties, LLC, witnesseth:

WHEREAS, UA Properties, LLC has requested that the City construct and share in the cost of constructing a 2 -inch water main along a portion of Smith Avenue west of Razorback Road, a distance of approximately 800 feet, to facilitate a lot split and increase population density.

WHEREAS, installing this segment of line will upgrade the old line, and also eliminate a dead-end line by creating a looped system.

WHEREAS, § 51.112 of the Fayetteville City Code provides that "the City shall pay the excess material cost of facilities of a size larger than required to service subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system."

NOW, THEREFORE, the City of Fayetteville, Arkansas and UA Properties, LLC agree as follows:

1. The City of Fayetteville, Arkansas agrees to:
 - A. Furnish the labor, materials, and equipment to upgrade approximately 800 linear feet of 1.5- and 2-inch water main on Smith Avenue, W. Markham Road and N. Thomas Avenue to 2-inch main.
 - B. Bear any costs associated with the water main installation that exceed the amount UA Properties, LLC agrees to pay below.
2. UA Properties, LLC agrees to:
 - A. Reimburse the City for 50% of the cost of the water main installation up to a maximum-not-to-exceed amount of **\$6956.34**, which represents one-half of the cost estimated by Fayetteville (13,912.68).
 - B. Make payment to Fayetteville within thirty (30) days after receipt of valid invoices.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

UA PROPERTIES, LLC

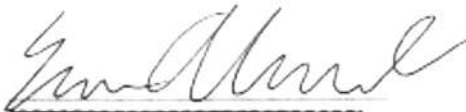
**CITY OF FAYETTEVILLE,
ARKANSAS**

By: 
BRIAN REINDL, Chief Manager

By: _____
LIONELD JORDAN, Mayor

ATTEST:

ATTEST:

By: 


By: _____
SONDRA SMITH, City Clerk



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0507

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$10,000.00 TO CONTINUE THE E-WASTE COUPON REDEMPTION PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a 2016 Arkansas Department of Environmental Quality grant through the Boston Mountain Solid Waste District in the amount of \$10,000.00 to continue the E-Waste Coupon Redemption Program.

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

City of Fayetteville Staff Review Form

2016-0507

Legistar File ID

11/15/2016

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

Brian Pugh

10/25/2016

Recycling & Trash Collection /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve a resolution authorizing the acceptance of a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for the continuing the E-Waste Coupon Redemption Program and approving a budget adjustment.

Budget Impact:

5500.750.5080.5315.00

Recycling and Trash Collections

Account Number

Fund

33028.1601

E-Waste Coupon Redemption

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 10,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 10,000.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15TH, 2016

To: Fayetteville City Council

Thru: Jeff Coles, Recycling and Trash Collections Director

From: Brian Pugh, Waste Reduction Coordinator

Date: October 25th, 2016

SUBJECT: Approve a resolution authorizing the acceptance of 2016 Boston Mountain Recycling Grant for \$10,000 for the E-Waste Coupon Redemption Program and approving a budget adjustment.

RECOMMENDATION:

Staff recommends approving a resolution authorizing the acceptance of a 2016 Boston Mountain Recycling Grant for \$10,000 for the continuance of the E-Waste Coupon Redemption Program and approving a budget adjustment to accept the funds and allocate them into a capital project. The Legistar number for applying for this grant is 2016-0360 which was a non-agenda item asking for the Mayor's signature.

BACKGROUND:

The Arkansas Department of Environmental Quality receives money generated from fees collected at landfills and distributes funds back to the regional solid waste districts to fund recycling grants. The Boston Mountain Solid Waste District issues recycling grants through approval of the Boston Mountain Solid Waste Board and the City has benefited from these grants in the past. The Boston Mountain Solid Waste District compiled the grant pre applications and approved them at the August Board meeting. ADEQ has released the grant funds to Boston Mountain and is now ready to disburse funds.

DISCUSSION:

This grant will be used to continue the E-Waste Coupon redemption program in partnership with the Washington County Office of Environmental Affairs and the Boston Mountain Solid Waste District and print e-waste recycling coupons which can be redeemed at the Washington County HHW site in south Fayetteville where the e-waste is collected for recycling. The current charge for e-waste collected at this site is \$5 per unit and the coupon waives the fee when presented by a Fayetteville resident. The coupons would be printed showing the \$5 value for recycling of e-waste at the site. The coupons could be handed out at promotional events, given out in appreciation for volunteer service with the recycling program, the Mayor's booth at the Farmers Market on the square, school recycling events and many other City related events.

BUDGET IMPACT

The recycling grant award is not a matching grant, so no City funds are obligated with this request. The budget adjustment is attached to recognize the grant revenue and add it to the E-Waste Coupon Redemption Grant with a new sub project. The new number will be Project 33028.1601.

Attachments: Award notice from Boston Mountain, signed Grant Application, budget adjustment



Boston Mountain
SOLID WASTE DISTRICT

September 26, 2016

City of Fayetteville
c/o Brian Pugh
1560 Happy Hollow Road
Fayetteville, AR 72701

Grantee: City of Fayetteville
Grant Number: FY16-01
Grant Name: E-waste coupon program
Amount Awarded: \$ 10000

Congratulations! We are excited to notify you of your grant award.

This grant is administered by Boston Mountain Solid Waste District. Below are some details of the program:

- All grant funds must be spent within three years of date awarded.
- All grant funded projects must be started before you are eligible to apply for recycling grants in the next year grant round.

Grant Reimbursement Requirements

- Completed grant reimbursement request form
- A detailed invoice
- A warrant, check copy, and/or credit card receipt. Showing proof of payment.
- For equipment purchased: make, model, serial or VIN number, and physical address of where equipment will be housed.
- Reference Grant Number on all submittals.
- Can be submitted electronically or in paper form.

Grant Issues Requiring Board Approval

- Any changes in grants. (Grant Change Order)
- If you choose to trade, sell, or scrap equipment previously purchased with grants funds.

All forms related to the grant program are available online. Bostonmountain.org → Resources → Grants

The District would like to thank you for all of the great grant applications and project proposals submitted this year. We have enclosed a copy of your final signed grant application. We look forward to working with you on your future solid waste management programs!

Sincerely,

Robyn Reed

Director

Boston Mountain Solid Waste District

Enclosure

11398 Bond Road
Prairie Grove, Arkansas 72753
p 479.846.3005 f 479.846.4614
bostonmountain.org

Recycling Grant Application



Boston Mountain
SOLID WASTE DISTRICT

Grant Name: E-Waste Coupons

Grant Number: FY16-01

APPLICANT: CITY OF FAYETTEVILLE

CONTACT: BRIAN PUGH

ADDRESS: 1560 S. HAPPY HOLLOW ROAD

CITY: FAYETTEVILLE

COUNTY: WASHINGTON

ZIP CODE: 72701

PHONE: (479) 718-7685

E-MAIL: BPUGH@FAYETTEVILLE-AR.GOV

PROJECT TYPE (CATEGORY)	GRANT FUNDS REQUESTED	MATCHING FUNDS COMMITTED	TOTAL PROJECT COST
ELECTRONICS RECYCLING	10,000	0	10,000

Select only one category

- Administrative
- Recycling Equipment
- Composting
- Planning
- Recycling Programs
- Education
- Transfer Station with Recycling
- Material Recovery Facility
- Waste Reduction Activities
- Electronics Recycling

- Other than Recycling Grant funds**, how are expenses for the continuation of this project to be funded (including maintenance, repairs, labor and operating expenses)? **Coupon redemption program is funded through grants and uses the recycling infrastructure in place at Washington County for acceptance of e-waste items. See attached narrative.**
- Who will manage the finances of this grant and how may s/he be contacted?** (Who is responsible for maintaining records of income and expenses related to this grant?) **Brian Pugh**

Please provide as detailed information as possible about your proposed recycling grant project. The more information and detail you are able to provide the better understanding the reviewers will have of your project. For questions regarding eligible applicants and/or grant projects please refer to the Boston Mountain Solid Waste District: Recycling Grant Program Guidelines 2016.

*All items must be completed and returned to the Boston Mountain Solid Waste District (District) by the close of business **July 29, 2016**. Electronic or paper copies are acceptable.*

APPLICATION CHECKLIST:

- ☐ Representative attend pre-application meeting
- ☐ Complete Project Summary and Budget Narrative
- ☐ Completed grant application signed by authorizer representative
- ☐ Submitted to Boston Mountain Solid Waste District by August 1st.

PROJECT DESCRIPTION & BUDGET

- *Limit to a two page narrative.*
- *Include any dimensions for facilities, equipment brochures, drawings, pictures, etc.*
- *For construction projects (including building modifications, parking lots and fencing), please tell us who owns the property.*

Applicants should provide an overview of the proposed project, what will be purchased, the project's purpose and scope and the specific methods and technologies that will be incorporated to implement the project. The summary should include a timeline in narrative form for the major project implementation events including securing of permits and/or licenses, construction of facilities and completion of service contracts. Include the specific material or initiative being targeted and projected tons or capacity rating forecasted. How do you keep the public informed about the recycling, waste reduction and educational opportunities provided by your program? Applicants should demonstrate the financial and operational rationale for the requested funding and provide supporting information. State how the proposed project supports the strategic and educational goals of the District and State solid waste management plans.

Include a detailed budget.

MINIMUM CONDITIONS OF RECYCLING GRANTS

GRANT RECIPIENTS AGREE TO:

- Comply with the guidelines and requirements of the *Boston Mountain Solid Waste District: Recycling Grant Program Guidelines*
- Actively develop a recycling program, as outlined in the grant application, and expend all grant funds in the three (3) years following the date of the grant award by the District.
- Actively seek to market or reuse the materials diverted under the recycling program from deposition in

- landfills in the period of three (3) years following the date of the grant award by the department.
- Start prior year grant project before July 29th, the date pre-applications for the next grant round are due to the department.
- Use facilities or equipment purchased with grant funds no less than 50 percent of the time on the purposes specified in the grant application.
- Ensure all applicable federal, state and local permits and licenses have been obtained.
- Use any interest earned on grant funds exclusively for recycling programs consistent with the District's Solid Waste Management Plan.
- Maintain an orderly accounting system to document that grant expenditures are made in accordance with project budget. This includes keeping copies of all bids, paid invoices, canceled checks, and other appropriate paperwork.
- Report for five years after receipt of grant funds or until all funds are expended, whichever is longer, as directed by statute and regulation.
- Conform to all state laws on the purchase, use or sale of equipment and facilities secured with grant funds.
- Seek competitive bids or requests for proposals (RFP) for purchase of equipment or services as required by state and local procurement laws.
- Receive written approval from the Board for any modifications to the grant, including requests for time extensions.
- Receive written consent from the Board and the department before selling, trading or transferring facilities or equipment.

The following items are not eligible for funding from recycling grants:

Taxes
Reimbursement of funds
Retroactive purchases

Legal fees
Licenses or permits

Vehicle registration
Utilities

ADMINISTRATIVE REQUIREMENTS

All grants are subject to audit. District personnel have the right of access to all records pertaining to grant-funded project or activity.

Grant application must include: answers to the Project Description questions and a complete Budget, as required. Incomplete grant applications will not be considered and may delay processing of grant funds.

THE BOSTON MOUNTAIN SOLID WASTE DISTRICT AGREES TO

Submit a list of all completed grant applications received by eligible applicants to the Boston Mountain Solid Waste District Grant Committee.

Publish a list of grants to be submitted to the Board with for public comment open for 30 days past publication. *Copies of any comments received regarding the grant request shall be forwarded to the Board. If no comments are received, send an e-mail stating such at the end of the comment period.*

Notify the Board in the event a recipient has not met conditions of the approved grant application.

Ensure that the project is compatible with the approved RSWMD plan on file with ADEQ or submit documentation demonstrating why a deviation is necessary.

Maintain copies of invoices, purchase orders, checks or other supporting documents for grant expenditures at the regional solid waste district office.

Compile annual reports as required.

SIGNATURE & CERTIFICATION

I certify that to the best of my knowledge, the information provided in this application and its attachments is correct and true. I understand and agree that if grant money is subsequently awarded as a result of this application, I will comply with all applicable statutory and regulatory provisions and with applicable terms, conditions, and procedures of the Recycling Grants program. I have read and agree to abide by the Minimum Conditions of Recycling Grants. I certify that all proposed activities will be carried out and that all grant money received will be utilized solely for the purposes for which it is intended unless written authorization is provided by the Regional Solid Waste Management District Board of Directors.


Applicants Authorized Representative Signature & Title

7-28-16
Date

THE ABOVE-REFERENCED GRANT IS HEREBY APPROVED.


BMSWD Director

9/26/16
Date


BMSWD Board Chair

9/27/16
Date

FOR DISTRICT USE ONLY:

DATE RECEIVED: 7/29/16

RECEIVED

BY: J Williams

APPLICATION
COMPLETE: 7/29/16

COMMENTS reed

IF NO,
RETURNED TO: _____

DATE: _____

Narrative and Budget

1. Describe your current e- waste recycling program. Explain how it fits into your local solid waste management program and the overall district solid waste plan.

The City of Fayetteville does not collect E-waste from residents or businesses; however, we encourage the use of the Washington County Office of Environmental Affairs as they have an e-waste program in conjunction with their Household Hazardous Waste program. The Washington county program is approved by the District and serves the public for recycling of e-waste.

2. How will the proposed project enhance or improve the current e-waste recycling program?

In 2012 the City applied for an e-waste grant for the creation of a coupon redemption program in which the city partners with the Washington County Office of Environmental Affairs and prints e-waste recycling coupons which can be redeemed at the Washington County HHW site in south Fayetteville where the e-waste is collected for recycling. The current charge for e-waste collected at this site is \$5 per unit. The coupons would be printed showing the \$5 value for recycling of e-waste at the site. Distribution began in 2013 and has proven highly successful. The coupons can also be handed out at promotional events, given out in appreciation for volunteer service with the recycling program, the Mayor's booth at the Farmers Market on the square, school recycling events and many other City and County related events.

3. What will the project accomplish and how will it be accomplished? How will success of the project be measured?

The program will accomplish giving residents a free recycling option for e-waste that currently is difficult to obtain. The success of the program will be measured through invoices received showing participation in the program.

4. What actions will be taken to begin the project before pre-applications for the next grant round are submitted to ADEQ (January 1)? What actions will be taken to complete the project and spend all grant funds within three years?

The coupons will be printed as soon as needed and distribution is currently happening. Distribution at various events and the Washington County HHW facility will drive the participation factor.

Narrative and Budget

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The City of Fayetteville does not collect E-waste from residents or businesses; however, we encourage the use of the Washington County Office of Environmental Affairs as they have an e-waste program in conjunction with their Household Hazardous Waste program. The Washington county program is approved by the District and serves the public for recycling of e-waste.

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The coupons will be printed as soon as needed and distribution is currently happening. Distribution at various events and the Washington County HHW facility will drive the participation factor.

5. Who will participate in and benefit from this project? How will they participate or benefit? If partnerships are involved, describe each partner's role in the project.

This program is for City of Fayetteville residents. When a resident brings an e-waste item for redemption to the Washington County HHW site, the County will accept the coupon and an invoice will be generated by the District for the quarterly amount of coupons received during the quarter.

6. How will the public be made aware of e-waste recycling or other opportunities provided by this project? Describe the educational message to be delivered and the method(s) of delivery. When available, provide a copy of any materials developed.

The City uses a community based social marketing campaign called "Recycle Something" for the promotion of the solid waste and recycling programs in Fayetteville. The City of Fayetteville has engaged the citizens in an effort to improve citizen participation in the recycling program resulting in an increase in diversion and reducing waste going to the landfill. This continued effort will promote educational awareness and strengthen the market brand for the recycling program. Many new recycling initiatives have recently been started which require personal interaction with residents and businesses to promote and establish long lasting behavioral change leading to sustained waste reduction and recycling.

Detailed Budget

Remaining Grant for E-waste Redemption as of 7-26-16	\$9,493.00
Predicted funds of coupons to be redeemed through remainder of 2016	\$9,000.00
Predicted remainder at the end of 2016	<u>\$ 493.00</u>
2016 Grant (if approved)	\$10,000.00
Total	<u>\$10,493.00</u>

Funding expected to last through September 2017 at averaged rate

2016 Boston Mountain Solid Waste
Recycling Grant
E-Waste Coupon Redemption
Program

City of Fayetteville Staff Review Form

2016-0360

Legistar File ID

N/A

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Brian Pugh

7/26/2016

Recycling & Trash Collection /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Mayor's signature on Application for a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for the continuing the E-Waste Coupon Redemption Program.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

7-28-16

Comments:



STAFF MEMO

TO: Mayor Lioneld Jordan

THRU: Jeff Coles, Recycling and Trash Collections Director

FROM: Brian Pugh, Waste Reduction Coordinator

DATE: July 27th, 2016

SUBJECT: Mayor's signature on Application for a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for continuing the E-Waste Coupon Redemption Program

RECOMMENDATION:

Obtain Mayor's signature to authorize application for a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for continuing the E-Waste Coupon Redemption Program.

BACKGROUND:

Each year the Arkansas Department of Environmental Quality collects revenue derived from landfill fees to issue recycling grants through local Solid Waste Districts to help fund recycling programs. The City has benefited from these grants in the past. The Boston Mountain Solid Waste District is now the entity responsible for administering the grant program and compiles the grant applications and submits them to their Grant Committee for review. The deadline to submit applications is end of day on Friday, July 29th.

DISCUSSION:

The program would continue the partnership with the Washington County Office of Environmental Affairs and the Boston Mountain Solid Waste District and print e-waste recycling coupons which can be redeemed at the Washington County HHW site in south Fayetteville where the e-waste is collected for recycling. The current charge for e-waste collected at this site is \$5 per unit. The coupons would be printed showing the \$5 value for recycling of e-waste at the site. Distribution would begin upon grant money being dispersed until the coupons are exhausted. The coupons could be handed out at promotional events, given out in appreciation for volunteer service with the recycling program, the Mayor's booth at the Farmers Market on the square, school recycling events and many other City and County related events.

BUDGET/STAFF IMPACT:

The recycling grant awards are not matching grants, so no City funds are obligated with this request. Upon approval and award of the grant a budget adjustment will be requested to recognize the grant revenue and a capital project will be created.

Attachments: 2016 Boston Mountain Solid Waste District grant application.

City of Fayetteville, Arkansas - Budget Adjustment Form

Budget Year 2016	Division /Org2 RECYCLING/TRASH COLLECTION (750) Requestor: Brian Pugh	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Accept Revenue from Boston Mountain 2016 Recycling Grant for \$10,000 for the E-Waste Coupon Redemption Program.

Division Head _____ Date _____ Department Director _____ Date _____ Chief Financial Officer _____ Date _____ Chief of Staff _____ Date _____	REQUEST DATE: 10/25/2016 <i>Barbara Fell</i> 10/26/2016 9:30 AM Budget Director _____ Date _____ TYPE: _____ DESCRIPTION: _____ GLDATE: _____ POSTED: /
--	--

TOTAL		10,000	10,000				v.20161021
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
5500.750.5080-5315.00	9,375	-	33028	1601	EX	Contract Services - :	
5500.750.5080-5200.00	625	-	33028	1601	EX	Supplies - Office/Printing	
5500.750.5080-4302.01	-	10,000	33028	1601	RE	State Grants - Operational	
	-	-					
	-	-					
	-	-					
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0513

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

DESTRUCTION OF CERTAIN RECORDS:

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS

WHEREAS, the Arkansas Code establishes the amount of time that the City is required to maintain accounting, court and other records and also provides a procedure for the destruction of records not required to be maintained permanently if the records to be destroyed have been microfilmed or scanned into the City's server or have been maintained for the amount of time required by state law.

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 Fayetteville City Clerk-Treasurer's Office to destroy the paper copies of certain accounting and other City records identified in the affidavits attached to this Resolution pursuant to the Arkansas Code relating to the maintenance and destruction of records.

City of Fayetteville Staff Review Form

2016-0513

Legistar File ID

11/15/2016

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

Gina Roberts

10/25/2016

City Clerk/Treasurer /
General Government Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION AUTHORIZING ADVANCED INFORMATION MANAGEMENT (AIM) TO DESTROY CITY RECORDS. THE RECORDS HAVE BEEN MICROFILMED OR SCANNED AND HAVE BEEN MAINTAINED FOR THE REQUIRED LENGTH OF TIME.

Budget Impact:

1010.1510.5315.00

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,000.00

Funds Obligated \$ -

Current Balance \$ 1,000.00

Does item have a cost? Yes

Item Cost \$ 500.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 500.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

THRU: Sondra E. Smith

FROM: Gina Roberts

DATE: October 25, 2016

SUBJECT: Advanced Information Management (AIM), Destruction of Records

RECOMMENDATION:

Staff recommends the destruction of records. All records have been microfilmed or scanned and have been maintained for the required length of time. Attached is a listing of records that are ready for destruction.

Attachments:

List of documents to be destroyed

LIST OF RECORD FOR DESTRUCTION

ACCOUNTING: (32-Boxes)

- 2003 A/P Vendor Files Box 1 -10 (A-Misc. thru Fuelman of Arkansas)
- 2002 A/P Vendor Files Box #18, 19 & 20
- 2002 A/P Vendor Files Box #25 & #26 (missed on last destruction)
- 2001 Payroll Time Sheets
- 2002 Payroll Time Sheets
- 2003 Payroll Time Sheets
- 2003 Payroll Register #3 & #25 1-20-03 thru 2-2-03 & 11-24-03 thru 12-7-03
- 2006 A/P P-Cards January A's thru July O's
- 2006 thru June 30, 2007 Check Register, Summary Payment & Refund Update Listing
- Cashiers Balance Report 2005, 2006, 2007, 2009 & 2010
- Outstanding Check Register, Summary Payment & Listing 1992, 1993, 1996
- Duplicate copies of City of Fayetteville Financial Statements 1980 to 1986
- Old Floppy Disk 7# @ \$.50 per pound \$3.50

AIRPORT: (2 Boxes)

- 1995 Paid Invoices
- 1995 A/R Register

CITY CLERK: (1 Box)

- Contract Files 1991 thru 1994 A-L

COMMUNITY RESOURCES: (1 Box)

- Community Development Project Files 1978

BUILDING SAFETY & PERMITS: (5 Boxes)

- Old Building Plans (putting extra copies of financial statement in with these boxes)

HUMAN RESOURCES: (8 Boxes)

- 2010 Applications Not Hired
- 1986 Terminated Employee Files
- 1993 Terminated Employee Files A-W
- 1997 Terminated Employee Files A-Y

INFORMATION MANAGEMENT: (2 Boxes)

- 1990 IT Back-up Printout

PURCHASING: (10 Boxes)

- 1999 Accident Reports
- 2000-2001 Accident Reports
- 2002 Accident Reports
- 2003 Accident Reports
- 2003 Bids #1-17
- 2003 Bids #34 to 85
- 2000 Purchase Orders
- 2001 Purchase Orders 00-800 thru 00-1599

UTILITY FINANCIAL SERVICES: (5 Boxes)

- Hilo Registers 1-2005 thru 10-2006

Branson, Lisa

From: Don Keller <don@aimrecords.com>
Sent: Tuesday, October 25, 2016 12:05 PM
To: Roberts, Gina
Subject: Certificate of Destruction

Hi Gina,

After the completion of your shred job we will give you a "Certificate of Destruction" to document the activity.

Thank You!

Don Keller, CRM
Managing Partner
Advanced Information Management
1720 East Highway 264
Springdale, AR 72764
479-751-8120
don@aimrecords.com
www.aimrecords.com

Branson, Lisa

From: Don Keller <don@aimrecords.com>
Sent: Tuesday, October 25, 2016 10:16 AM
To: Roberts, Gina
Subject: Shredding Details

Good morning Gina,

As I stated on the phone, our price for on-site shredding has a \$150.00 minimum which includes your first 23 boxes then it would be \$6.50 per box after that.

Another item I would like to bring up is that our company is "AAA" NAID Certified for security and confidentiality. This is the highest level of certification you can receive in our industry. You can look at www.naidonline.org to see how difficult this certification it is to achieve.

Please let me know if you have any further questions!

Don Keller, CRM
Managing Partner
Advanced Information Management
1720 East Highway 264
Springdale, AR 72764
479-751-8120
don@aimrecords.com
www.aimrecords.com

AFFIDAVIT OF DESTRUCTION OF CITY OF FAYETTEVILLE RECORDS

STATE OF ARKANSAS)
) SS:
COUNTY OF WASHINGTON)

I, Gina Roberts, Document Manager for the City of Fayetteville, do hereby certify that the records listed as Exhibit "A" have been retained for the required number of years. I further certify the following:

1. That the documents listed in Exhibit "A" attached hereto and made a part hereof are being destroyed by the City of Fayetteville as authorized by Fayetteville City Council Resolution No. _____ adopted on the ____ day of _____, _____.
2. These records have been maintained according to State statute and the Retention Schedule for the City of Fayetteville.
3. The method of destroying said documents was shredding.

Gina Roberts, Document Manger

City Council Member, Witness

Subscribed and Sworn to me, a Notary Public, this ____ day of _____, _____.

Notary Public

My Commission Expires: _____

SEAL



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0514

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$17,455.00 FOR SITE DRAINAGE IMPROVEMENTS RELATED TO THE FAYETTEVILLE SENIOR CENTER KITCHEN EXPANSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROJECT IN THE AMOUNT OF \$95,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 2 to the contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$17,455.00 for site drainage improvements related to the Fayetteville Senior Center Kitchen Expansion Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing Community Development Block Grant funds for the project in the amount of \$95,000.00.

City of Fayetteville Staff Review Form

2016-0514

Legistar File ID

11/15/2016

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

Wade Abernathy

10/25/2016

Facilities Management /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

To approve a budget adjustment to recognize funds from the CDBG Projects - NWAEDD for the kitchen upgrade at the Fayetteville Senior Activity and Wellness Center. These will be expended out of the Senior Center Kitchen Expansion Phase I per Resolution #109-16. Also approval of Change Order #2 to the Sr. Center Kitchen Expansion project for site drainage improvements and additional foundation pier depths in the amount of \$17,455.00

Budget Impact:

4470.900.9470-5315.00

Sales Tax Capital

Account Number

Fund

15010.1

Walker Park Senior Activity & Wellness Center

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 141,578.00

Funds Obligated \$ 138,251.23

Current Balance \$ 3,326.77

Does item have a cost? Yes

Item Cost \$ 95,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 95,000.00

Remaining Budget \$ 3,326.77

V20140710

Previous Ordinance or Resolution # 109-16

Original Contract Number: 42315

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor Lioneld Jordan

THRU: Paul A Becker, Chief Financial Officer
Connie Edmonston, Parks & Recreation Sr. Director

FROM: Wade Abernathy, Facilities Management/Building Construction Manager

DATE: October 25, 2016

SUBJECT: Resolution to recognize Grant Revenue from CDBG Projects in the amount of \$95,000 for the kitchen expansion at the Fayetteville Senior Activity and Wellness Center, and Approval of Change Order#2 to the Sr. Center Kitchen Expansion Contract with Ellingson Contracting for Site Drainage improvements in the amount of \$17,455.

RECOMMENDATION:

Staff recommends passing of a resolution to recognize grant funds from CDBG Projects for the Kitchen Renovation project. The funds will be expended out of the Senior Center Kitchen Expansion Phase 1. The funds will be used to move some of the project phase 2 items forward resulting in expediting the project. With the approval of the 2017 Budget, the funds will also allow some of the value engineering items to be added back into the project.

Approval of Change Order # 2 in the amount of \$17,455.00 is also recommended to correct an existing drainage issue on the north side of the center, and also additional drill pier depths for the foundation.

BACKGROUND:

At the meeting of June 7, 2016, Council Approved a Contract with Ellingson Contracting for Kitchen Renovations at the Fayetteville Sr. Activity and Wellness Center. Phase 1 in 2016 and Phase 2 (with council approval of 2017 Budget) in 2017. An existing site drainage issue was not a part of the original scope of work. Adding this work will help alleviate excessive water run off during large rain events.

DISCUSSION:

The grant funds will expedite the Sr. Center Kitchen Expansion project by allowing several phase 2 items to be completed this year.

Approval of change order #2 will provide trench drains, new storm drain, and site concrete which will correct an existing site drainage issues. It also includes increased drill pier depths required for proper foundation support as recommended by the geo tech engineer. Staff's review of the original price for the site drainage was not in line with industry standards. Staff

negotiated on scope and unit prices to decrease the original quote by \$3500. The new total for both items of \$17,544 which has been reviewed by Staff and the Architectural Consultant. Both find it reasonable.

BUDGET/STAFF IMPACT:

A budget adjustment for \$95,000 moving funds from 4470.900.9470-4309.00 Project 15010.1 Federal Grants-Capital to 4470.900.9470-5315.00 Project 15010.1 Contract services.

A budget adjustment will not be required for Change Order #2 amount of \$17,455.00

Attachments:

Change Order #2 with Ellingson Contracting



AIA® Document G701™ – 2001

Change Order

PROJECT: *(Name and address)*
Fay. Senior Center Renovation
Fayetteville, AR

CHANGE ORDER NUMBER: 002

DATE: 10/25/2016

ARCHITECT'S PROJECT NUMBER:
34415

OWNER ☒

ARCHITECT ☒

CONTRACTOR ☒

FIELD ☐

OTHER ☐

TO CONTRACTOR: *(Name and address)*
Ellingson Contracting
PO Box 7202
Siloam Springs, AR 72761

CONTRACT DATE: 6/7/2016

CONTRACT FOR: General Construction

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)

See attachments provided by Ellingson Contracting (COR #1 - Pier Drilling Extra Depth, COR #2 Trench Drain Drain Pipe and Concrete Work)

The original	(Contract Sum)	was	\$	287,300
The net change by previously authorized Change Orders			\$	-53,560
The	(Contract Sum)	prior to this Change Order was	\$	233,740
The	(Contract Sum)	will be (increased) by this Change Order in the amount of	\$	17,455
The new	(Contract Sum)	, including this Change Order, will be	\$	251,195

The Contract Time will be (unchanged) by (0) days.

The date of Substantial Completion as of the date of this Change Order, therefore, is unchanged

(NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.)

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

deMx architecture
ARCHITECT *(Firm name)*

104 N. East Ave.
Fayetteville, AR 72701
ADDRESS

Ellingson Contracting
CONTRACTOR *(Firm name)*

PO Box 7202
Siloam Springs, AR 72761
ADDRESS

City of Fayetteville
OWNER *(Firm name)*

113 West Mountain Street
Fayetteville, AR 72701
ADDRESS

BY *(Signature)*

Timothy W. Maddox, Principal
(Typed name)

10/25/2016
DATE

BY *(Signature)*

David Ellingson, President
(Typed name)

10/25/16
DATE

BY *(Signature)*

Lionel Jordan, Mayor
(Typed name)

DATE



Ellingson Contracting
PO Box 7202
Siloam Springs, AR 72761

CHANGE ORDER REQUEST

Date: October 17th, 2016

To: Tim Maddox or Seth Spradlin
DeMx Architects

Re: Fayetteville Senior Center Kitchen Addition
945 S. College Ave
Fayetteville, AR 72701

Change Order Request #2

Description of Proposed Change:

Cost for adding approximately 40' of high-density, Zurn Trench drain on the north side of the new Kitchen Addition. Cost for adding additional 170' of underground drain line to daylight on west side of building. Cost for demo of additional site concrete and repouring approximately 700 SF of new pavement that is pitched to drain properly. (cost of 500 SF of paving included in original bid)

The total cost of this proposal is as follows:

Labor	\$0.00
Material	\$0.00
Equipment	\$0.00
Subcontractor - Trench Drain	\$2,975.00
Subcontractor - Underground Drain Line	\$4,175.00
Subcontractor - Concrete Paving	\$6,615.00
Sub Total	\$13,765.00
Bond (2.6%)	\$357.89
OH & P (12.5%)	\$1,720.63
Lump Sum Total	\$15,486

Upon your approval, we intend to make this change/addition immediately.
If you have any questions please feel free to contact me.

Sincerely,

David R. Ellingson
Ellingson Contracting
Mobile: 479-215-6889

Acceptance of Change

Name TIM MADDOX

Signature [Signature]

Date 10/24/16

[Print](#) | [Close Window](#)

Subject: Re: Trench Cost Break-Out

From: josh johnson <jcplumbing-rich@hotmail.com>

Date: Thu, Sep 29, 2016 9:21 pm

To: David Ellingson <david@ellingsoncontracting.com>

Excavating approximate 170' to run 6" drain line, install 6" line with proper grade get inspected and backfill w/native soil. Estimate. Material 6" pipe, fittings, couplings, elbows & 45deg elbow. Material \$1,150.00 Backhoe \$300.00 Labor 3ea technicians \$2,725.00

Sent from my iPhone

> On Sep 29, 2016, at 3:26 PM, David Ellingson <david@ellingsoncontracting.com> wrote:
>
> Rich,
>
> Can you send me the break-out pricing on that trenching as soon as possible.
>
> Thanks!
>
> -David Ellingson
>
> Sent from my iPhone

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[Print](#) | [Close Window](#)

Subject: Re: Zurn flow trench drain

From: josh johnson <jcplumbing-rich@hotmail.com>

Date: Tue, Oct 04, 2016 1:05 pm

To: David Ellingson <david@ellingsoncontracting.com>

Estimate on trench drain \$57 a foot, 3 ea end caps \$24.00 ea. Labor is \$623

Sent from my iPhone

On Oct 4, 2016, at 8:52 AM, David Ellingson <david@ellingsoncontracting.com> wrote:

Rich,

I need that pricing break-out for the \$2,975 trench drain price in an e-mail today so I can submit it to the Owner.

Please reply back this morning with break-out.

Thanks,

David R. Ellingson, CPC, LEED AP, CPESC

Ellingson Contracting

PO Box 7202

Siloam Springs, AR 72761

Phone: 479.215.6889

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

Subject: RE: Zurn flow trench drain

From: "David Ellingson" <david@ellingsoncontracting.com>

Date: Tue, September 20, 2016 2:22 pm

To: "josh johnson" <jcplumbing-rich@hotmail.com>

Rich,

Owner has asked if you can itemize this \$2,975 cost at least by:

- Labor
- Material
- Equipment
- Subcontractor
- Overhead

Thanks,

David R. Ellingson, CPC, LEED AP, CPESC

Ellingson Contracting

PO Box 7202

Siloam Springs, AR 72761

Phone: 479.215.6889

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

Subject: Zurn flow trench drain

From: josh johnson <jcplumbing-rich@hotmail.com>

Date: Wed, September 07, 2016 9:50 pm

To: David Ellingson <david@ellingsoncontracting.com>

6" wide pre sloped system, high density poly, duct tile iron slotted drain. Zurn trench drain end cap, Zurn trench drain bottom out, Zurn trench drain end out. 40 ' long. Includes piping and labor \$2,975.00.
Thank you David

Sent from my iPhone

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[Print](#) | [Close Window](#)**Subject: RE: Added Concrete Paving Pricing****From: Mike Castagna <mcastagna@wincastconcrete.com>****Date: Tue, Sep 20, 2016 10:08 pm****To: David Ellingson <david@ellingsoncontracting.com>**

David,

As requested, please see breakdown listed below. I have gone ahead and broken it down as far as I could. This should give them what they need.

<u>Demolition</u>	New	1005
Equipment – 1,250	Values	960
Labor – 1,850		250
Haul Off – 450		

Pour Back

Forms/Expansion Joint – 155		
Gravel – 670		155
Equipment – 785		550
Wire Mesh – 455		653
Paving Prep Labor – 650		400
Concrete – 2,955		575
Place & Finish – 1,250		2264
Saw Cut – 250		1075
Cure – 100		200
Tools – 75		80
Strip Forms – 150		65
Power Wash – 400		120
Raised Curb – 450		375
Supervision – 750		450

Truck/Fuel – 125	Original	
O&P – 1,725	1500 SF	
	Total	650
Total - \$14,495	Cost	115

Mike Castagna • President
Wincast Concrete Services

Phone: 479-531-9990

Fax: 479-373-1424

Reduced to
1200 SF

→ \$11,592.00

Less
Plumber
Clean-Up
of \$250

Cost Split:
500 SF for Ellingson
700 SF for City

From: David Ellingson [mailto:david@ellingsoncontracting.com]**Sent:** Tuesday, September 20, 2016 12:30 PM**To:** Mike Castagna <mcastagna@wincastconcrete.com>**Subject:** RE: Added Concrete Paving Pricing

Owner has asked if you can break this down at least by:

-Labor

\$6,615

Cost to City of
Fayetteville for Demo
and Concrete Scope to
be put into COR #2

- Material
- Equipment
- Subcontractor
- Overhead

Thanks,

David R. Ellingson, CPC, LEED AP, CPESC

Ellingson Contracting

PO Box 7202

Siloam Springs, AR 72761

Phone: 479.215.6889

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

Subject: Added Concrete Paving Pricing

From: Mike Castagna <mcastagna@wincastconcrete.com>

Date: Mon, September 12, 2016 10:27 pm

To: David Ellingson <david@ellingsoncontracting.com>

David,

Please see attached pricing for your review.

Mike Castagna • President
Wincast Concrete Services

Phone: 479-531-9990

Fax: 479-373-1424

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Ellingson Contracting
PO Box 7202
Siloam Springs, AR 72761

CHANGE ORDER REQUEST

Date: September 19th, 2016

To: Tim Maddox or Seth Spradlin
DeMx Architects

Re: Fayetteville Senior Center Kitchen Addition
945 S. College Ave
Fayetteville, AR 72701

Change Order Request #1

Description of Proposed Change:

Cost for drilling west pier deeper than noted on plans. Plans indicated 15' pier depth. GTS Testing agency required a depth of 22' for the pier depth. Please see attached subcontractor break-out of costs.

The total cost of this proposal is as follows:

Labor	\$0.00
Material	\$0.00
Equipment	\$0.00
Subcontractors	\$1,750.00
Sub Total	\$1,750.00
Bond (2.6%)	\$45.50
OH & P (12.5%)	\$218.75
Lump Sum Total	\$1,969

Upon your approval, we intend to make this change/addition immediately.
If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David R. Ellingson'.

David R. Ellingson
Ellingson Contracting
Mobile: 479-215-6889

Acceptance of Change

Name TIM MADDOX

Signature [Signature]

Date 9/20/16

[Print](#) | [Close Window](#)

Subject: Drilled Pier Extra Breakdown

From: Mike Castagna <mcastagna@wincastconcrete.com>

Date: Fri, Sep 09, 2016 6:19 pm

To: David Ellingson <david@ellingsoncontracting.com>

David,

Please see breakdown below.

Drilling – 850

Rebar – 300

Concrete – 100

Spoils Haul Off – 50

Labor – 100

Supervision – 100

O&P – 250

Total - \$1,750

Mike Castagna • President
Wincast Concrete Services

Phone: 479-531-9990

Fax: 479-373-1424

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GTS, Inc.

Geotechnical & Testing Services

www.gtsconsulting.net

1915 N. Shiloh Dr, Suite 1
 Fayetteville, Arkansas 72704-6611
 office #: 479-521-7645
 fax #: 479-521-6232

Office Locations
 Fayetteville, Arkansas
 Fort Smith, Arkansas
 Tulsa, Oklahoma
 Dallas, Texas

Pier Field Record

Project:	Fayetteville Senior Center - Kitchen Add.	Date:	8/29/2016
Report No.	16-11262.1	Client:	Ellingson Contracting
Report By:	Jason Williams	Subcontractor:	Long's Drilling
Pier ID:	Pier #1 (West Pier)	Weather and Temperature:	88 °F, Sunny
Pier Location:	18'-6" East of Building	Excavation Method:	Auger
Pier Start and End Time:	1:05 PM 2:40 PM	Concrete Placement Method:	Free Fall
Rebar cage placed and set per drawings?	Yes	Relative Finished Floor Elev:	0'-0"

<u>Measurements</u>	<u>Per Plans/FFE</u>	<u>Actual EL</u>
Total Depth Drilled, feet	15.00	24.50
Top of Pier Elevation, feet	2.5 below FFE	2.5 below FFE
Bottom of Pier Elevation, feet	-	~24.5 below FFE
Top of Rock Elevation, feet	-	18.00
Shaft Diameter, inches	24	24
Rock Socket Required, feet	6 - 8	-
Rock Socket Drilled, feet	-	6.50
Total Pier Depth, Feet	-	22.00

Actual EL: ~ finish floor elevation

Reinforcing Steel Information

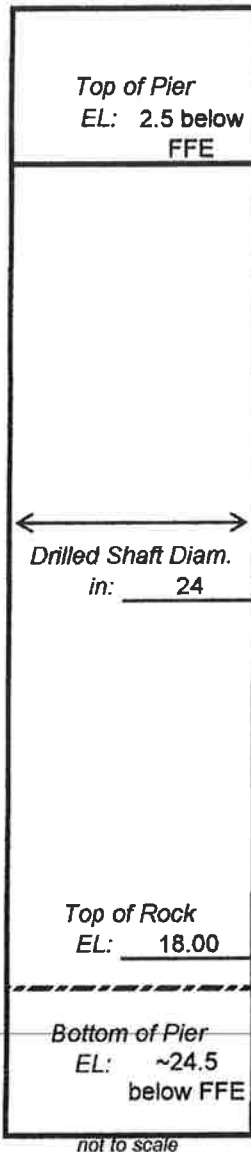
Vertical Bars:	10	#6
Tie Bars:	12" O.C.	#3

General Soil Description

Gravel with Clay (very moist)*
Brown Lean to Fat Clay with Gravel (water)*
Brown Shaley Clay (Water)*
Brown Clayey Weathered Shale (Water)*

*Water observed to be washing cuttings off auger during pier excavation

Comments: Pier excavation was observed to be in the existing grease trap. Pier excavation was observed to cave in during drilling operations. Water was observed in excavation beginning at a depth of 7 ft. Cuttings generally observed to be clays mixed with gravel material used as backfill around grease trap and adjacent utility lines. Measurement could not be obtained during drilling due to cave in and cuttings in bottom of pier excavation. Drill operator indicated harder drilling conditions beginning at a depth of approximately 18 feet below adjoining soil grades. Drilled pier contractor utilized a cleanout bucket to remove the water and cuttings from pier excavation. Approximately 7 cleanout passes performed to remove cuttings and final pier depth was measured to be 24.5 feet below adjoining soils grades. Water observed to be less than 3 inches and pier excavation stable immediately prior to installation of reinforcing steel cage.



GTS, Inc.

Geotechnical & Testing Services

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1915 N. Shiloh Dr, Suite 1
Fayetteville, Arkansas 72704-6611
office #: 479-521-7645
fax #: 479-521-6232**Office Locations**
Fayetteville, Arkansas
Fort Smith, Arkansas
Tulsa, Oklahoma
Dallas, Texas**Pier Field Record**

Project:	Fayetteville Senior Center - Kitchen Add.	Date:	8/29/2016
Report No.	16-11262.2	Client:	Ellingson Contracting
Report By:	Jason Williams	Subcontractor:	Long's Drilling
Pier ID:	Pier #2 (East Pier)	Weather and Temperature:	88 °F, Sunny
Pier Location:	37'-10" East of Building	Excavation Method:	Auger
Pier Start and End Time:	3:19 PM 3:35 PM	Concrete Placement Method:	Free Fall
Rebar cage placed and set per drawings?	Yes	Relative Finished Floor Elev:	0'-0"

Measurements	Per Plans/FFE	Actual EL
Total Depth Drilled, feet	15.00	17.00
Top of Pier Elevation, feet	2.5 below FFE	2.5 below FFE
Bottom of Pier Elevation, feet	-	~17' below FFE
Top of Rock Elevation, feet	-	9.50
Shaft Diameter, inches	24	24
Rock Socket Required, feet	6 - 8	-
Rock Socket Drilled, feet	-	7.50
Total Pier Depth, Feet	-	14.70

Actual EL: ~ finish floor elevation

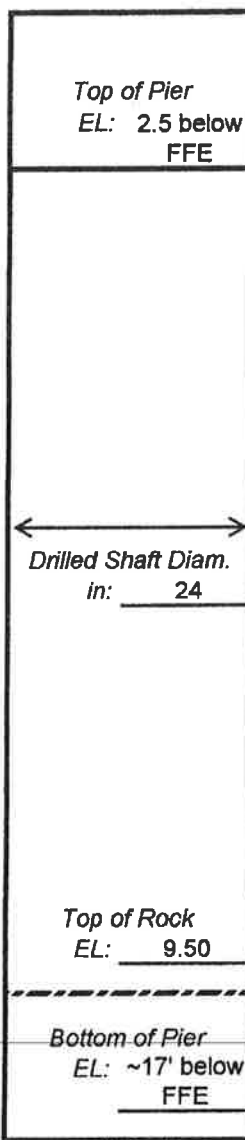
Reinforcing Steel Information

Vertical Bars:	10	#6
Tie Bars:	12" O.C.	#3

General Soil Description

Gravel with Clay (Fill)
Brown Clay
Brown Clay with Shale Fragments
Brown Clayey Weathered Shale

Comments: Contractor initially began drilling pier at 1:00 pm, but encountered utility lines at 3 feet below grade. Contractor drilled second pier while remedial work performed to de-energize power lines.
No water encountered during pier excavation at referenced pier location.



not to scale

Budget Year	Division	Adjustment Number
2016	PARKS & RECREATION (520)	
	/Org2	
	Requestor: Wade Abernathy	

To recognize grant revenue from CDBG for the kitchen renovation at the Senior Center.

	COUNCIL DATE:	11/15/2016
	LEGISTAR FILE ID#:	2016-0514
	<i>Barbara Fell</i>	
	<i>10/26/2016 1:27 PM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0512

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

2016 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$13,237.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a fifty percent (50%) matching grant award from the 2016 Bulletproof Vest Partnership Grant Program for the replacement of body armor vests for Fayetteville police officers.

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

City of Fayetteville Staff Review Form

2016-0512

Legistar File ID

11/15/2016

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

Greg Tabor
Submitted By

10/24/2016
Submitted Date

Police /
Police Department
Division / Department

Action Recommendation:

Staff recommends acceptance of a 50% matching grant award from the 2016 Bulletproof Vest Partnership (BVP) Grant Program for the replacement of thirty-four (34) body armor vests for our police officers and approval of a budget adjustment in the amount of \$13,237 to recognize grant funding. Matching funds in the amount of \$13,237 are budgeted within Police Bulletproof Vest (project #13011-1) of the Capital Improvements Program.

Budget Impact:

1010.200.2920-5302.00

General

Account Number

Fund

37042-2016

Bulletproof Vest Partnership - 2016

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ **13,237.00**

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ **13,237.00**

Remaining Budget \$ **13,237.00**

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police 
DATE: October 24, 2016
SUBJECT: 2016 Bulletproof Vest Partnership Grant Program Award

RECOMMENDATION:

Staff recommends acceptance of a 50% matching grant award from the 2016 Bulletproof Vest Partnership (BVP) Grant Program for the replacement of thirty-four (34) body armor vests for our police officers and approval of a budget adjustment in the amount of \$13,237 to recognize grant funding. Matching funds in the amount of \$13,237 are budgeted within Police Bulletproof Vests (project #13011-1) of the Capital Improvements Program.

BACKGROUND:

The BVP, created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1998, the Fayetteville Police Department has obtained grant funding in excess of \$166,000 for the purchase of body armor vests through this partnership. The BVP program provides an important component to the continuing health and welfare of our police officers. Each body armor vest has a guaranteed life of five years. All state-of-the-art body armor is custom made to the exact specifications of the wearer. This ensures all officers have our required level of protection.

DISCUSSION:

The total cost to replace thirty-four (34) body armor vests is \$26,474. This grant funding by BVP will provide reimbursement of 50% (or \$13,237) of the City's expenses for the replacement of body armor vests for our police officers. The Police Department has planned for this grant matching requirement as evidenced by budgeted funds in the Capital Improvements Program's Police Bulletproof Vests (#13011-1) project.

BUDGET/STAFF IMPACT:

The City must match 50% (or \$13,237) of the total projected cost of \$26,474. Currently, matching funds are budgeted in the Capital Improvements Program's Police Bulletproof Vests (#13011-1) project. There is no staffing impact related to this grant application.

Attachments:

- Budget Adjustment
- Grant Award Notice
- Grant Award Summary

Newman, Willie

From: owner-bvp-list@ojp.usdoj.gov on behalf of BVP <bvp@usdoj.gov>
Sent: Friday, October 07, 2016 2:31 PM
Subject: Fiscal Year 2016 BVP Awards

Dear BVP applicant,

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2016 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP System. A complete list of FY 2016 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>.

The FY 2016 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2016. The deadline to request payments from the FY 2016 award is August 31, 2017, or until all available funds have been requested. Awards will not be extended past that date, and any unused funds will be forfeited.

Please see the following websites for a list of NIJ compliant vests:

Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>

Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

As a reminder, all jurisdictions that applied for FY 2016 BVP funding certified that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP System. For more information on the BVP mandatory wear policy, please see the BVP Frequently Asked Questions document: <http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVP MandatoryWearPolicy.pdf>

Finally, please visit the following page for checklists and guides for each step of the BVP process: <http://ojp.gov/bvpbasi/bvpprogramresources.htm>

For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

Thank you

BVP Program Support Team
Bureau of Justice Assistance

APPLICATION DETAILS

APPLICATION PROFILE

Participant FAYETTEVILLE CITY

Fiscal Year 2016

Number of Agencies Applied 0

Total Number of Officers for Application 127

Number of Officers on Approved Applications 127

APPLICATION PROFILE

Fiscal Year 2016

Vest Replacement Cycle 5

Number of Officers 127

Number of Stolen or Damaged 0

Emergency Replacement Needs  **Number of Officer** 11

Turnover

APPLICATION DETAILS

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
AXIIIA	34	\$762.00	\$25,908.00	\$565.40	\$26,473.40
Grand Totals	34		\$25,908.00	\$565.40	\$26,473.40

AWARD SUMMARY FOR FY2016 REGULAR FUND

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$26,473.40	\$13,236.70	08/18/16	Approved by BVP
Grand Totals:	\$26,473.40	\$13,236.70		

RETURN

Budget Year	Division	Adjustment Number
2016	POLICE (200)	
	/Org2	
	Requestor: W. Newman	

Establish a revenue and expense budget for the 2016 Bulltproof Vest Partnership grant award for the replacement of thirty-four (34) body armor vests for our police officers.

	COUNCIL DATE:	11/15/2016
	LEGISTAR FILE ID#:	2016-0512
	<i>Barbara Fell</i> 10/25/2016 8:39 AM	
	Budget Director	Date
	TYPE:	
DESCRIPTION:		
GLDATE:		
POSTED:	/	
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0432

Agenda Date: 11/15/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

(LEFT ON THE SECOND READING)

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

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

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

City of Fayetteville Staff Review Form

2016-0432

Legistar File ID

10/4/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

9/16/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362): Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, Residential Agricultural.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council

FROM: Andrew Garner, Planning Director

DATE: September 16, 2016

SUBJECT: **RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

The City Planning staff recommend approval of an ordinance to rezone the property to CS, Community Services and R-A, Residential Agricultural, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for approximately 73.37 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings.

Request: The request is to rezone the property to CS, Community Services (45.90 acres) and R-A, Residential Agricultural (27.47 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would help support the surrounding uses noted above.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030 that designates the majority of the property as **City Neighborhood Area**, with the Hamestring Creek riparian corridor as **Natural Area**, area south of Hamestring Creek as **Civic and Private Open Space/Parks** (assumed that the Links at Fayetteville golf

course might expand into this area), and a small portion of **Residential Area** in the southeastern portion of the site.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that could realize this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks non-residential goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal for CS at this future busy intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 27 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

DISCUSSION:

On September 12, 2016 the Planning Commission forwarded the applicant's request for a rezoning to the City Council with a recommendation for approval by a vote of 7-1-0 (Commissioner Selby voted 'no'). At the meeting four member of the public spoke opposed to the request, primarily citing concerns with increased traffic that would result from the rezoning.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

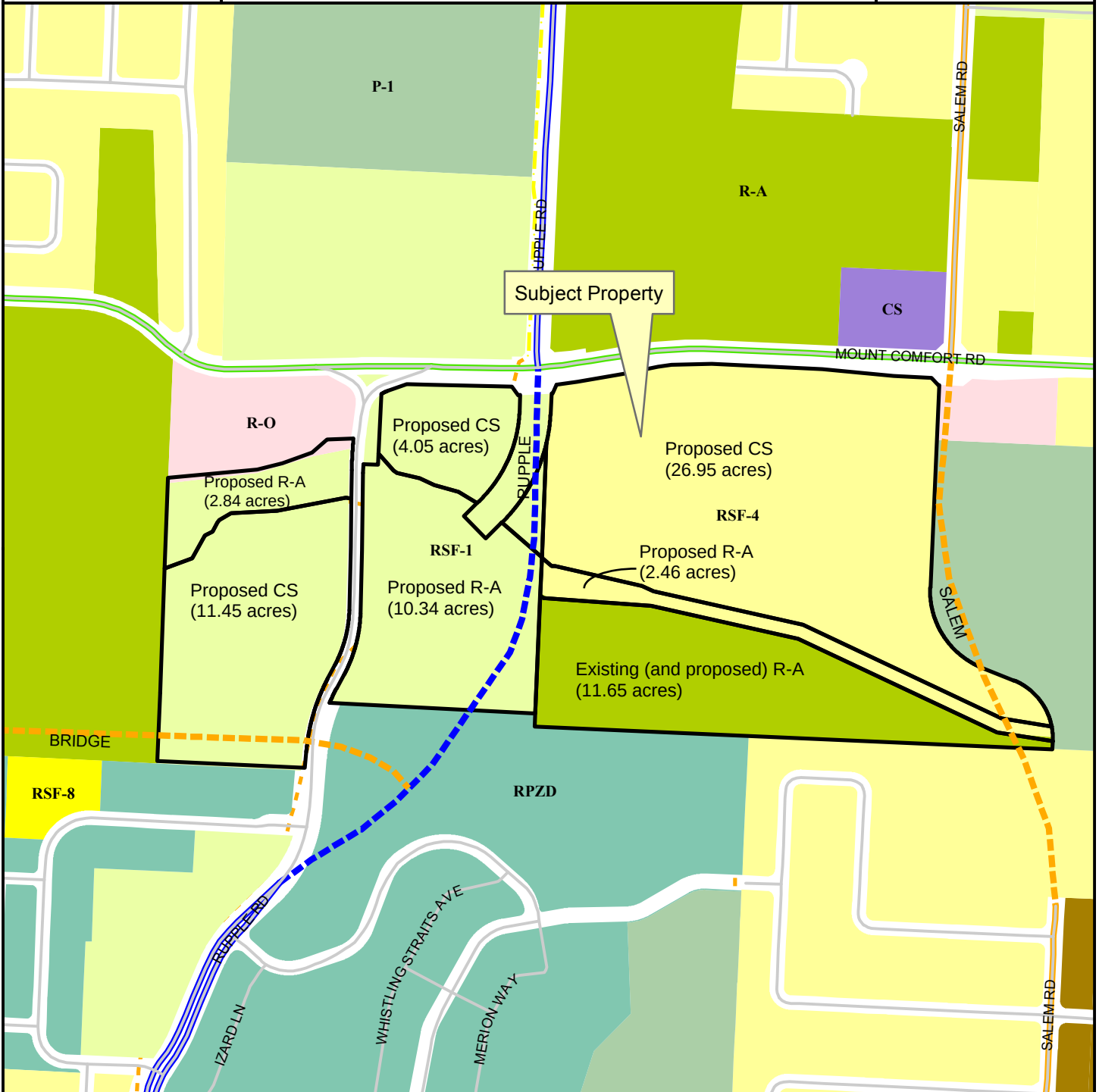
EXHIBIT 'A'

RZN 16-5550

HAZEN



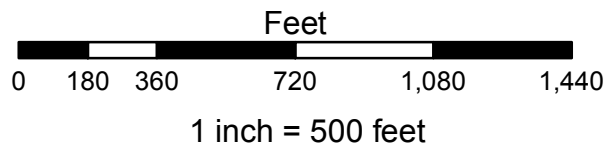
Close Up View



Legend

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

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



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

EXHIBIT 'B'
RZN 16-5550

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

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

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

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

LEGAL DESCRIPTION: (RA TO REMAIN RA)

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

LEGAL DESCRIPTION: (RSF-1 TO CS)

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

LEGAL DESCRIPTION: (RSF-1 TO RA)

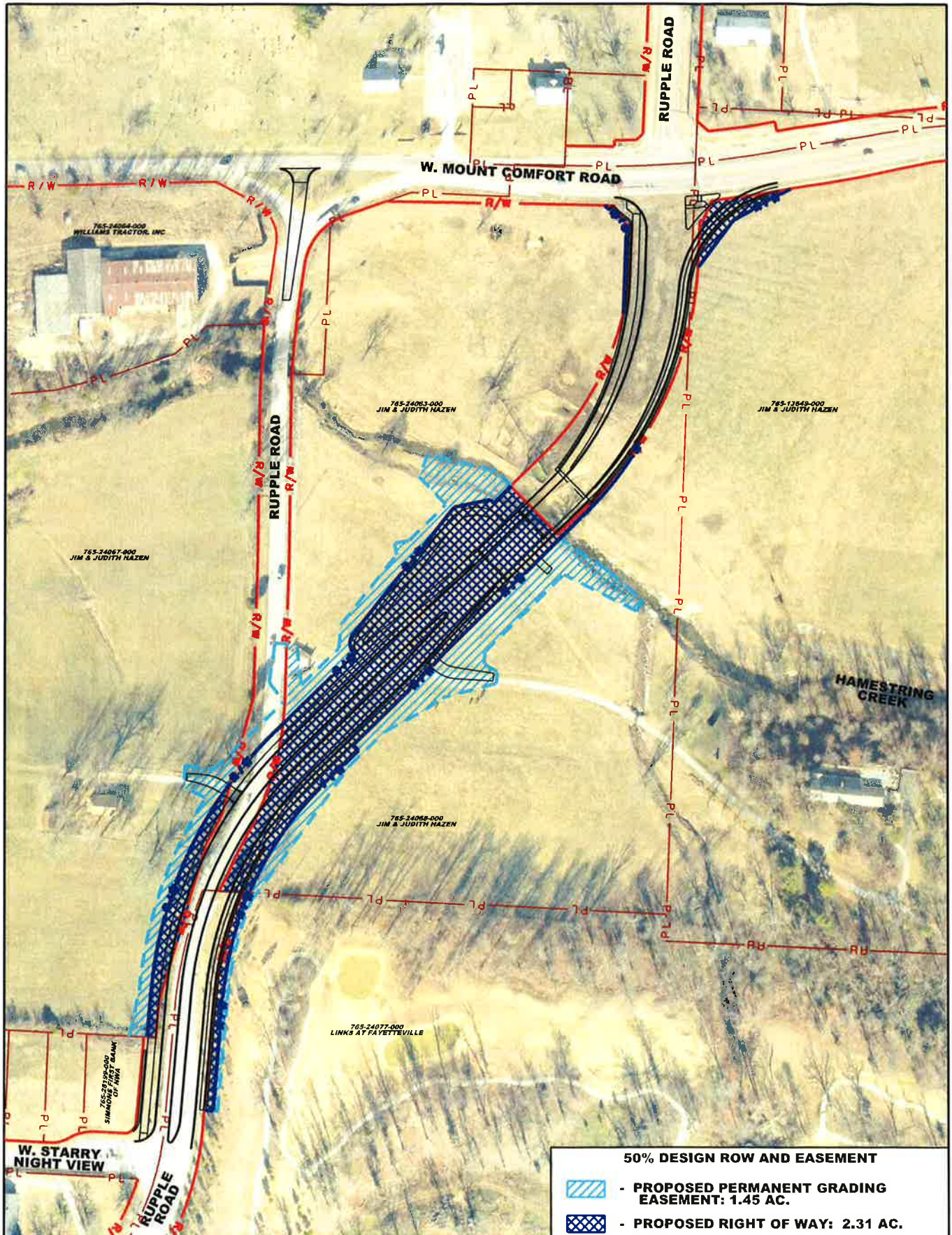
A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence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

LEGAL DESCRIPTION: (RSF-4 TO CS)

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

LEGAL DESCRIPTION: (RSF-4 TO RA)

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



0 50' 100' 200' 300'

(IN FEET)

LEGEND

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

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

AHTD JOB NO. 040657
WASHINGTON COUNTY, ARKANSAS

CityClerk

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

Hi Sondra,

Can you forward this to the council members?

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

Sincerely,

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

Begin forwarded message:

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

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

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

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

Thanks so much!
Marilyn

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5550

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

361/362

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

Application:

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

Applicant (person making request):

Name: James & Judith Hazen

Address: 2160 N. Ruppel Rd.
Fayetteville, AR 72704

E-mail: _____

Phone: _____
(479) 521-0715

Fax: _____
()

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

Name: Jorgensen + Associates

Address: 124 W. Sunbridge Dr. Ste 5
Fayetteville, AR 72703

E-mail: justin@jorgensenassoc.com

Phone: _____
(479) 442-9127

Fax: _____
()

Site Address / Location: SE & SW Corner of Ruppel Rd & Mount Comfort

Current Zoning District: RSF-1, RSF-4, R-A

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property: 765-24063-000, 765-13649-000, 765-13648-000, 765-24068-000
765-24067-000

FINANCIAL INTERESTS

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

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

Name (printed): _____ Date: _____

Signature: _____

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

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

Name (printed): JAMES L. HAZEN Address: 2160 N. RUPPLE RD
Signature: James L. Hazen FAYETTEVILLE AR 72704
Date: 7.13.16 Phone: (479) 521 0715

Name (printed): JUDITH A. HAZEN Address: 2160 N. RUPPLE RD
Signature: Judith A. Hazen FAYETTEVILLE AR 72704
Date: 7.13.16 Phone: (479) 521 0715

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: September 12, 2016 *(Updated with Planning Commission results)*

SUBJECT: **RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, Residential Agricultural.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5550** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is for approximately 73.37 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential; agricultural; church; cemetery	RSF-1; R-A; CS
South	Links at Fayetteville golf course; Oakbrooke Subdivision	R-PZD (Links at Fayetteville); R-PZD (Oakbrooke)
East	Pathway Baptist Church	R-O; P-1
West	Agricultural	R-A

Request: The request is to rezone the property to CS, Community Services (45.90 acres) and R-A, Residential Agricultural (27.47 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcels have access to Mount Comfort Road (Minor Arterial) and Ruppel Road (Principal Arterial). Mount Comfort Road has been fully improved east of these parcels, but for most of the parcels' frontage it remains an unimproved two-lane road with open ditches. Ruppel Road is also unimproved along most of this parcel frontage, however, the city currently has projects in process to complete improvements on Ruppel Road all the way to Mount Comfort Road, routing the road east through the subject property with a planned traffic signal at the intersection of Mount Comfort/Ruppel. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the site. There is an existing 12" water main on the south side of Mount Comfort Road and an existing 6" water main on the east side of Ruppel Road.

Sewer: Sanitary Sewer is available to the site. There is an existing 24" sewer main available running through the properties along Hamestring Creek. There is also an 8" sewer main bisecting the property and another running on the west side of Ruppel Road. A 24" sewer force-main also follows Hamestring Creek, but is not available for connections.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. Large portions of these properties are identified as FEMA regulated floodplains and floodways. Floodplain Development permits would be required at time of development. Hamestring Creek is a protected stream that runs east-west through these parcels. No portions of these parcels lies within the Hillside-Hilltop Overlay District. However, large areas of these parcels contain 'Hydric soils' which can be an indicator of wetlands. At time of development a wetland delineation would be required to ensure compliance with all Army Corps of Engineers regulations.

Fire: This development will be protected by Ladder 7 located at 835 N. Ruppel Rd. It is 1.0 miles from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the majority of the property as **City Neighborhood Area**, with the Hamestring Creek riparian corridor as **Natural Area**, area south of Hamestring Creek as **Civic and Private Open Space/Parks** (assumed that the Links at Fayetteville golf course might expand into this area), and a small portion of **Residential Area** in the southeastern portion of the site. City Plan 2030 generally defines these designations as follows:*

- **Natural Areas** consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and

preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

- **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.
- **City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.
- **Civic and Private Open Space/Parks Areas** are sites that are permanently dedicated to open space or park land.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Land Use Compatibility:* The proposed zoning is compatible with surrounding land use in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would help support the surrounding uses noted above.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that result in realizing this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks non-residential goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal for CS

at this future busy intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 27 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate development of this area that has been anticipated in the City's comprehensive plan for several years. The proposed CS zoning will encourage appropriate commercial or residential development at the future busy intersection in an area that has seen intense development over the last decade, largely residential in nature. The CS District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes.

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

Finding: A CS zoning allows a wide range of commercial activity and unlimited residential density. The proposed rezone would create the potential to substantially increase traffic in the area over the existing zoning. However, with the re-alignment of Ruppel Road through the site and the future traffic signal at Mount Comfort/Ruppel, increased traffic has been anticipated will be able to be accommodated. Further, non-residential goods and services that would be permitted under the CS zoning would not likely be a regional draw but would primarily accommodate people living in the area.

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

Finding: Rezoning a majority of the property to CS could significantly alter population density in the area. CS zoning allows a wide range of commercial activity and unlimited residential density. The rezone request is not likely to undesirably increase load on public services given the existing and anticipated infrastructure improvements, as discussed throughout this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding **RZN 16-5550** to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03 (R-A); 161.05 (RSF-1); 161.07 (RSF-4); 161.20 (CS)
- Fire Marshal Comments
- Request letter
- Rezone exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 12, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Hoskins</u>			
Second: <u>Hoffman</u>			
Vote: <u>7-1-0 (Selby voted 'no')</u>		Note: <u>recommend approval</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: _____	☐ Approved	☐ Denied	

161.03 - District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

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

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses.*

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

(D) *Conditional Uses.*

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

(E) *Density.*

Units per acre	1
----------------	---

(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

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

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

(I) *Building Area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

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

161.20 - Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

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

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

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

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

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



To: Andrew Garner

From: Captain J. Ashley; Assistant Fire Marshal

Date: 8/12/16

Re: RZN 16-5550 / 2155 N. Ruppel

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

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

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

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

Captain Jeremy Ashley

Fayetteville Fire Department



JORGENSEN
+ASSOCIATES
Civil Engineering • Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 6, 2016

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Hazen Property Rezoning

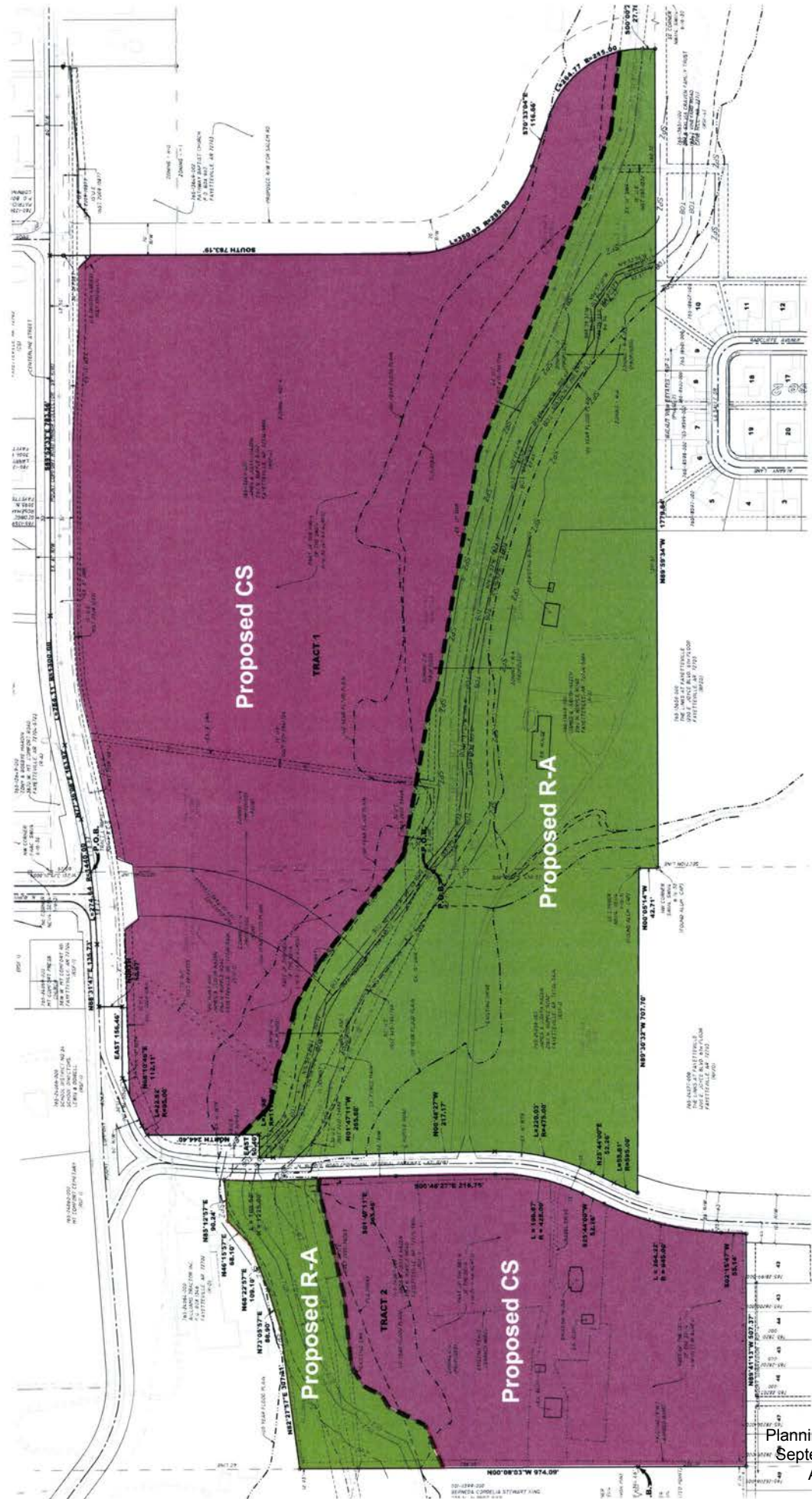
This letter is in regards to a proposed rezoning and the following required information:

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

Sincerely,

Justin L. Jorgensen, PE

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



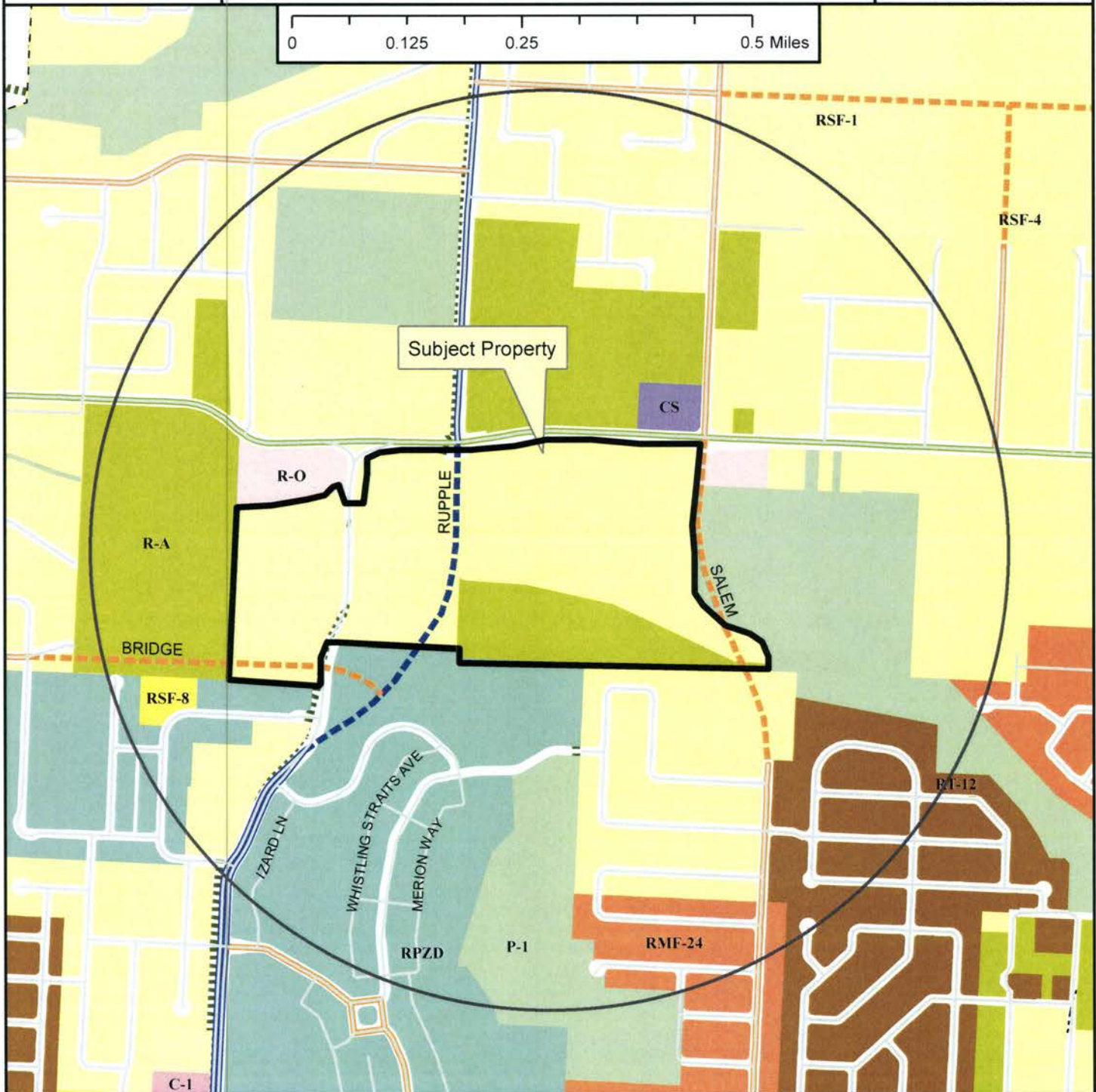
RZN 16-5550

One Mile View

2155 N. RUPPLE/HAZEN



0 0.125 0.25 0.5 Miles



Legend

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



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

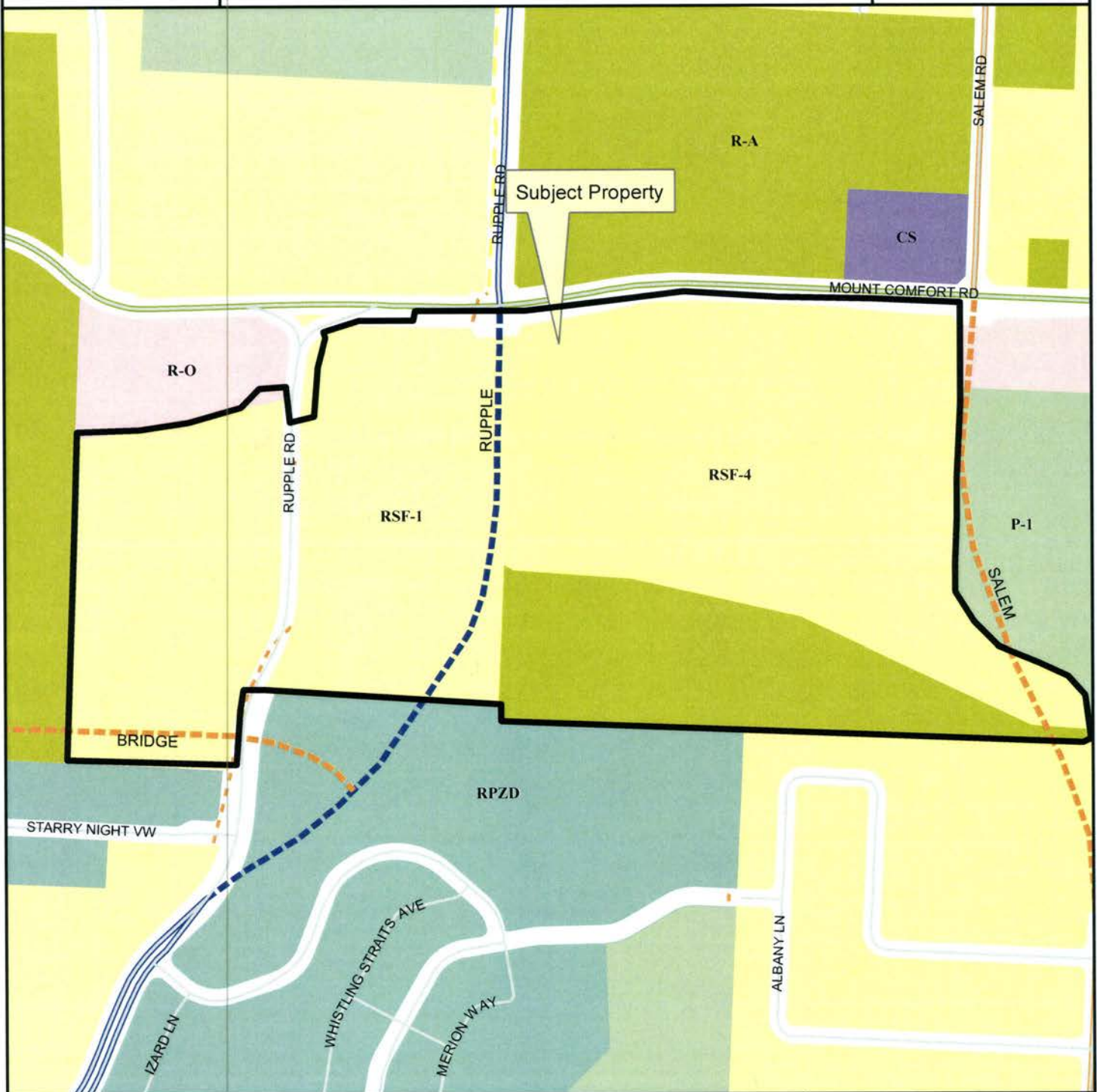
Planning Commission
September 12, 2016

Agenda Item 14
16-5550 Hazen
Page 16 of 19

RZN 16-5550

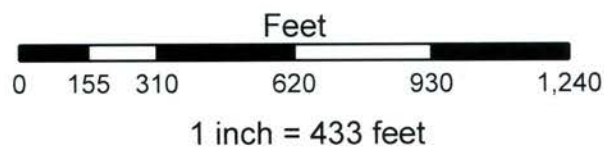
Close Up View

2155 N. RUPPLE/HAZEN



Legend

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



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

RZN 16-5550

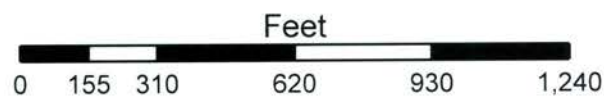
Current Land Use

2155 N. RUPPLE/HAZEN



Legend

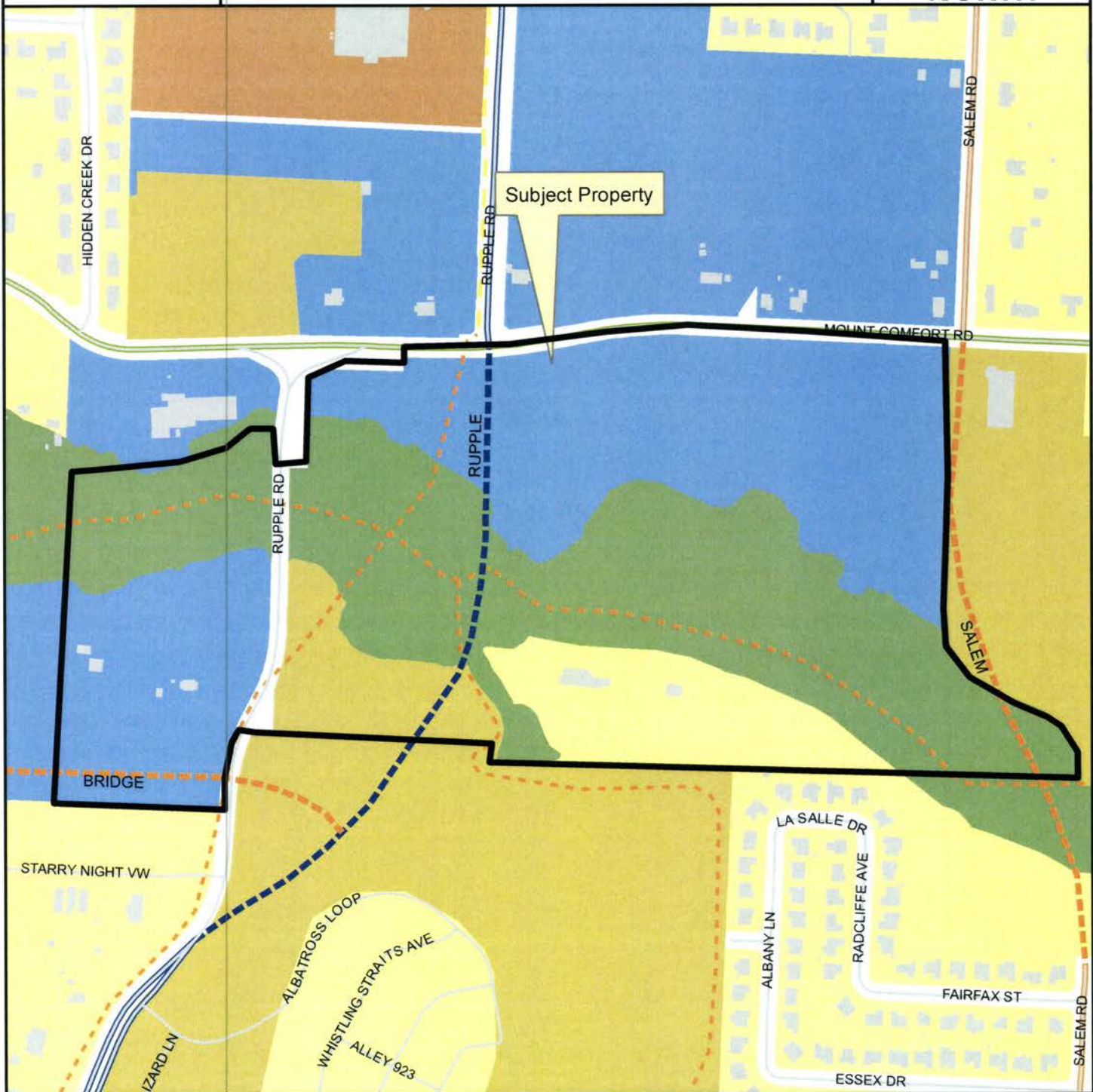
- Street
- Streets Planned**
- MSP Class**
- COLLECTOR
- PRIN ARTERIAL PKWY
- Streets Existing**
- MSP Class**
- COLLECTOR
- MINOR ARTERIAL
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)



RZN 16-5550

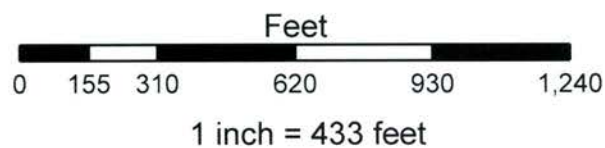
Future Land Use

2155 N. RUPPLE/HAZEN



Legend

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



FUTURE LAND USE 2030

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



City Neighborhood Areas:

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

City Neighborhood Areas encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.



Three Sisters Building



Chestnut Lofts



Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.

- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
- f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Encourage properties to redevelop in an urban form.
- j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.



Summerhill Townhouses



Hill Place Apartments



Girl Scouts Building



Sycamore Lofts





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **November 2, 2016**

RE: **RZN 16-5550 Hazen off Mount Comfort Road**

As I have explained previously to you, I believe the 4.05 acre parcel west of the proposed new Ruppel Road that adjoins Mt. Comfort Road and is north of the creek should not be rezoned from RSF-1, Residential Single Family, 1 per acre to CS, Community Services. My primary concern is that this parcel lies several feet below Mt. Comfort Road and abuts the new Ruppel Road extending from Mt. Comfort to a tall bridge over the creek. This road will be constructed atop a fairly high retaining wall along this 4 acre parcel making access to Ruppel Road very difficult and expensive

The 4 acre parcel will also have some difficulty accessing Mt. Comfort Road especially for a form based zone that requires the building to cover at least 50% of the street frontage into a build-to zone of 10 to 25 feet from the road. Rezoning this to Community Services would make this a commercial/apartment zoned parcel with unlimited density. Such a high density zone would require substantial access to adjoining streets, all several feet above this 4 acre creekside parcel.

On the other hand, the current RSF-1, Residential Single Family, 1 unit per acre parcel does not have such access problems. Four homes could be built along

the creek and access Mt. Comfort or the existing Ruppel Road with a couple of gently sloping driveways. Just leaving the existing RSF-1 zoning as is for this 4 acre parcel seems like the wisest decision. After Ruppel Road has been constructed. Mr. and Mrs. Hazen could request a rezoning when the exact height and alignment of the new Ruppel Road is a reality rather than just an abstract plan. The City Council would then be in a better position to decide whether a rezoning to Community Services or another zoning district makes sense.

Attached is a proposed ordinance with exhibits A and B (which could be better shown by Planning) if the City Council wishes to rezone only 66 of 70 acres proposed by the owners to be rezoned. I should note that the owners still want this 4.05 acre parcel rezoned Community Services and may be able to explain why their low lying land will not have the access issues I discussed above.

This rezoning request should be considered like all others presented to you and analyzed with the zoning considerations I have explained in several memos to you.

SUMMARY OF CONSIDERATIONS FOR A REZONING REQUEST

Factors that may be legally considered in rezoning issues:

1. Compatibility with adjacent zones (avoiding spot zoning)
2. Public opposition that is logical and reasonable
3. Traffic (safety and congestion)
4. Safety and Fire protection
5. Good civic design and efficiency
6. Adequacy of public facilities (sewage, water, streets)
7. Noise
8. Litter
9. Decrease in value of adjoining land
10. Appropriate and best use of land
11. City's need or lack of need for more land to be zoned as requested
12. 2030 Plan objectives

ORDINANCE NO.

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 66 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A except the 4.05 acre parcel adjoining Mount Comfort Road and west of the proposed new location of Ruppel Road and north of the creek) and the legal description (Exhibit B except the fourth legal description of the 4.05 acre parcel) both attached to the Planning Department's Agenda Memo from RSF-1, Residential Single Family, 1 Unit Per Acre; RSF-4, Residential Single Family, 4 Units Per Acre and R-A, Residential Agricultural to CS, Community Services and R-A, Residential Agricultural.

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

PASSED and APPROVED this 1st day of November, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

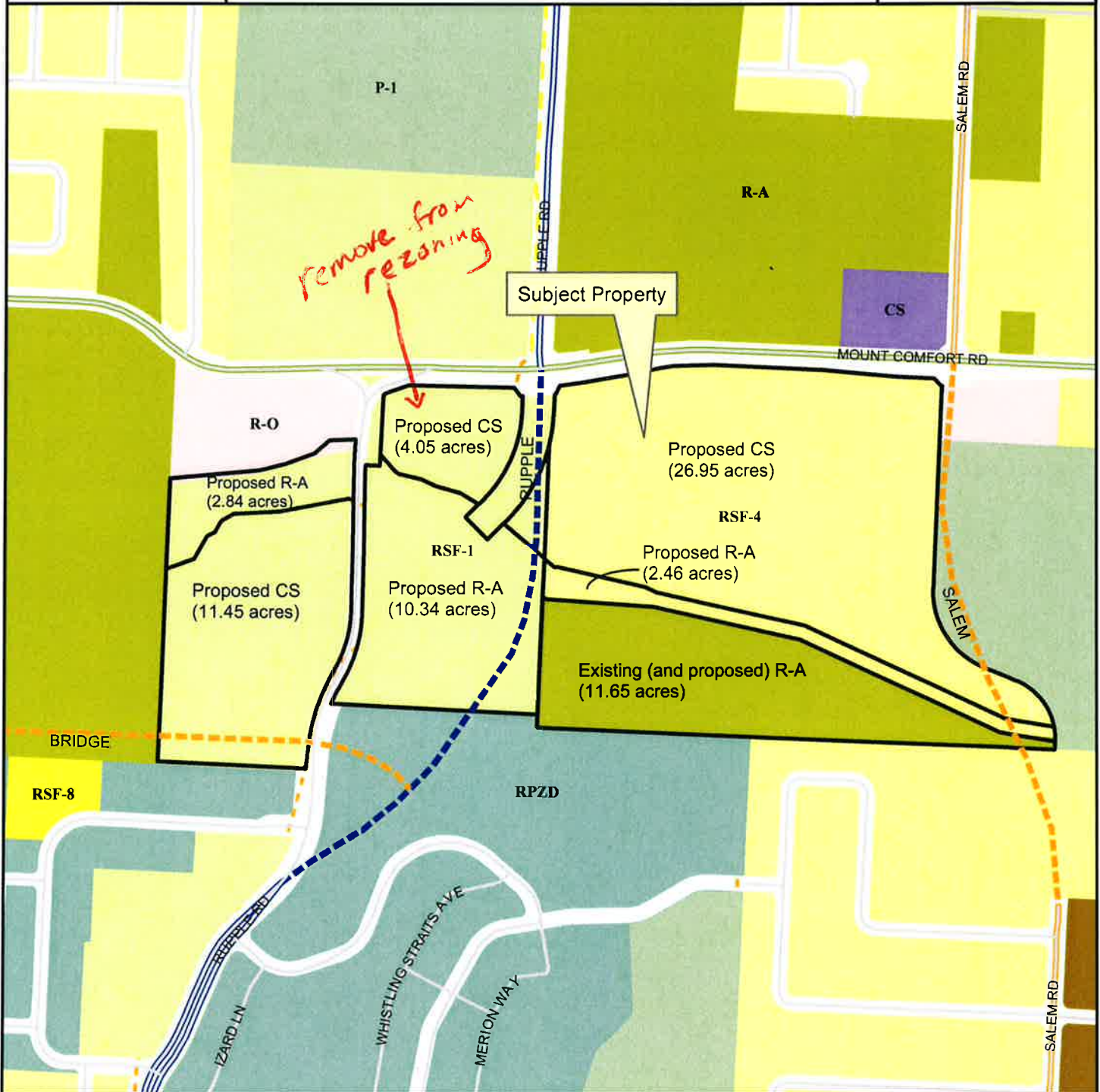
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT 'A'

RZN 16-5550

Close Up View

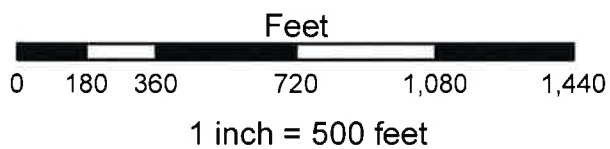
HAZEN



Legend

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

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



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

EXHIBIT 'B'
RZN 16-5550

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

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

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

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

LEGAL DESCRIPTION: (RA TO REMAIN RA)

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

LEGAL DESCRIPTION: (RSF-1 TO CS)

Remove

Remove

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

LEGAL DESCRIPTION: (RSF-1 TO RA)

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

Branson, Lisa

From: Smith, Sondra
Sent: Wednesday, November 02, 2016 2:38 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Rosa Edwards
Subject: FW: Mount Comfort and Ruppel Road rezoning

From: Rosa Edwards [mailto:rosajedwards@gmail.com]
Sent: Wednesday, November 02, 2016 1:11 PM
To: Longward4@gmail.com; La Tour, John <ward4_pos1@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Mount Comfort and Ruppel Road rezoning

Good afternoon;

I saw in the paper the details of the rezoning at Mt. Comfort and Ruppel. I was unaware of the scope of this rezoning and thought previously that it was just related to the road reconstruction. I live one mile east of this area and strongly OPPOSE this rezoning for these reasons :

- 1) We, like many along this road, intentionally selected an area to purchase a home that was not commercially developed. We could have easily purchased a home on Wedington Dr. if we wanted to be closer to these businesses. Please do not push all of us who prefer a more rural view out of the city and into the smaller surrounding towns. We love this area off the Porter Road and find it to be one of the hidden gems of the city.
- 2) The sidewalks along this road are extremely popular with walkers and the bike lanes with bicyclists. A commercial development would adversely affect this alternative transportation by increasing traffic and changing the general nature of the area.
- 3) The nearness of this commercial area to the Mount Comfort Cemetery, where my mother-in-law is buried, is particularly disconcerting. We chose that cemetery in part for its peaceful setting.
- 4) The proposal allows for multifamily homes. As I have noted in opposition to Macey Dr Townhouses, Fayetteville doesn't need more of these. We need more affordable, single family housing. Any rezoning that takes us away from that type of housing toward apartments and duplexes is concerning.

Please vote NO on November 15 to the Mount Comfort & Ruppel Road rezoning and also to the Macey Drive Townhouses as previously noted.

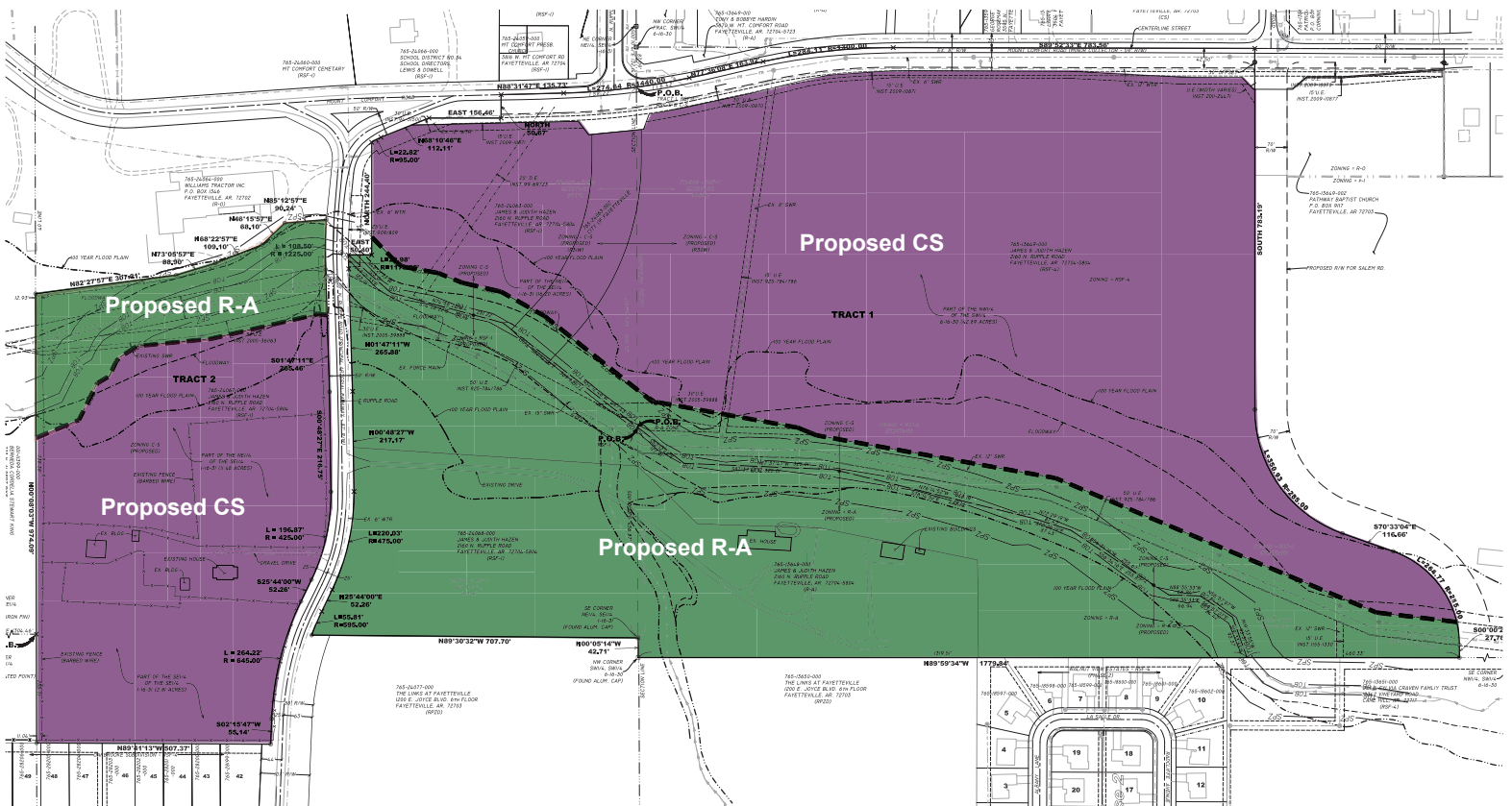
--

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

This exhibit was replaced with an updated exhibit

EXHIBIT 'A' RZN 16-5550

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



LEGAL DESCRIPTION: (RSF-4 TO RA)

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

LEGAL DESCRIPTION: (RSF-4 TO CS)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 87.09 feet to the POINT OF BEGINNING; thence along a curve to the left 116.42 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N79°55'06"E 116.39 feet, thence N77°36'08"E 163.92 feet, thence along a curve to the right 284.11 feet, said curve having a radius of 1,300.00 feet and a chord bearing and distance of N83°51'48"E 283.55 feet, thence S89°52'33"E 783.56 feet, thence South 783.19 feet, thence along a curve to the left 350.93 feet, said curve having a radius of 285.00 feet and a chord bearing and distance of S35°16'32"E 329.18 feet, thence S70°33'04"E 116.66 feet, thence along a curve to the right 214.67 feet, said curve having a radius of 215.00 feet and a chord bearing and distance of S41°56'49"E 205.87 feet, thence N83°16'06"W 175.24 feet, thence N67°16'00"W 754.49 feet, thence N79°51'00"W 525.87 feet, thence N67°38'50"W 44.07 feet, thence N79°43'00"W 306.10 feet, thence S88°20'17"W 11.46 feet, thence N51°32'47"W 44.52 feet, thence N00°10'53"W 656.17 feet to the POINT OF BEGINNING: Containing 28.78 acres more or less subject to easements and right of way of record.

This exhibit was replaced with an updated exhibit

LEGAL DESCRIPTION: (RSF-1 TO RA)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence N89°30'32"W 707.70 feet, thence along a non tangent curve to the right 55.81 feet, said curve having a radius of 595.00 feet and chord bearing and distance of N23°02'47"E 55.79 feet, thence N25°44'00"E 52.26 feet, thence along a curve to the left 220.03 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of N12°27'47"E 218.07 feet, thence N00°48'27"W 217.17 feet, thence N01°47'11"W 265.88 feet, thence along a curve to the right 29.98 feet, said curve having a radius of 1,175.00 feet and a chord bearing and distance of N01°03'19"W 29.98 feet, thence East 50.40 feet, thence North 38.91 feet, thence S44°18'07"E 77.56 feet, thence S55°39'31"E 15.26 feet, thence S79°48'14"E 78.84 feet, thence S68°01'04"E 56.27 feet, thence S76°59'25"E 86.03 feet, thence S60°42'59"E 108.04 feet, thence S51°32'47"E 257.04 feet to the POINT OF BEGINNING: Containing 10.52 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RSF-1 TO CS)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet to the POINT OF BEGINNING, thence S00°10'53"E 656.17 feet, thence N51°32'47"W 257.04 feet, thence N60°42'59"W 108.04 feet, thence N76°59'25"W 86.03 feet, thence N68°01'04"W 56.27 feet, thence N79°48'14"W 78.84 feet, thence N55°39'31"W 15.26 feet, thence N44°18'07"W 77.56 feet, thence North 205.49 feet, thence along a non tangent curve to the right 22.82 feet, said curve having a radius of 95.00 feet and chord bearing and distance of N61°17'56"E 22.76 feet, thence N68°10'46"E 112.11 feet, thence East 156.46 feet, thence North 50.67 feet, thence N88°31'47"E 135.73 feet, thence along a curve to the left 158.22 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N85°22'55"E 158.14 feet to the POINT OF BEGINNING: Containing 5.67 acres more or less subject to easements and right of way of record.

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

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

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

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

LEGAL DESCRIPTION: (RA TO REMAIN RA)

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

Branson, Lisa

From: Mulford, Patti
Sent: Friday, November 04, 2016 9:18 AM
To: Branson, Lisa; Gray, Adella; Jordan, Lioneld; Kinion, Mark; La Tour, John; Long, Alan; Marsh, Sarah; Pennington, Blake; Petty, Matthew; Schoppmeyer, Martin; Smith, Lorinda; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Hazen Rezoning

From: Williams, Kit
Sent: Thursday, November 03, 2016 4:44 PM
To: 'Thomas Terminella' <tterminella@aol.com>
Cc: Mulford, Patti <pmulford@fayetteville-ar.gov>
Subject: FW: Hazen Rezoning

Tom,
We will send this out tomorrow to the City Council.

Kit Williams
Fayetteville City Attorney
479.575.8313



From: Williams, Kit
Sent: Thursday, November 03, 2016 4:37 PM
To: Mulford, Patti <pmulford@fayetteville-ar.gov>
Subject: FW: Hazen Rezoning

Patti,
Please forward this to the City Council.

City Council,

Mr. Terminella has stated below that he and his clients understand the elevation problems affecting access to this 4 acre site and plan to fill this area to take care of any such access issue. I do not have the expertise to know whether or not this will be effective and feasible, but I must assume that Mr. Terminella and his clients have such expertise and are certain that access problems caused by elevation differences can be fixed as he describes. Therefore, you probably should consider the whole proposed rezoning and all recognized rezoning considerations and finally determine whether you believe such rezoning is in the best interests of Fayetteville.

Kit Williams
Fayetteville City Attorney
479.575.8313



From: Thomas Terminella [<mailto:tterminella@aol.com>]
Sent: Thursday, November 03, 2016 10:56 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Hazen Rezoning

Hi Kit:

Thanks for your email this morning and the correspondence attached thereto. In short, your proposal regarding the 4.05 acre site does not work for the owners.

We acknowledge the elevation differences that now exist on this site when compared to Mt. Comfort Road and the proposed new Ruppel Road section to be constructed adjoining this site. And we concur that, at the existing elevations, entering and leaving this site to access either road would be both difficult and unsafe.

Our solution is a very simple one: this site will be filled and brought to an elevation grade that is consistent with Mt. Comfort Road and Ruppel Road, with sufficient slope to drain the site as needed. Any foreseeable future development that will occur on this 4-acre site would require that the site be filled as described in the preceding sentence. Accordingly, the owners have no problem including that requirement as a condition to the rezoning.

Please reply at your earliest convenience with your thoughts. I would like to reach an agreement on a solution here well in advance of the next city council meeting.

Thank you, Tom Terminella
The Terminella Company Inc.
tterminella@aol.com

479-841-1621

24 East Meadow Street, Fayetteville, AR. 72701



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0467

Agenda Date: 11/15/2016

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):

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

(LEFT ON THE SECOND READING)

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described street is not required for corporate purposes; and

WHEREAS, Van Asche Drive has recently been built to four lane boulevard standards to replace Jupiter Drive and to connect McGuire Street and Ball Street; and

WHEREAS, all property owners along Jupiter Drive have requested that Jupiter Drive be vacated from McGuire Street to the AEP Substation.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates Jupiter Drive from McGuire Street to the AEP Substation as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following conditions:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water line that is located along Jupiter Drive. Any relocation of this water line shall be at the owner/developer's expense.
3. The Cox fiber line within the Jupiter Drive right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.
4. All of the owners of the vacated right of way property shall contractually agree in writing that upon or before 50% or more of the property they now own north of Van Asche Drive that is within the city limits of Fayetteville is approved by Final Plat or Large Scale Development, they will construct a public street connection between Ball Street and McGuire Street north of Van Asche Drive.

City of Fayetteville Staff Review Form

2016-0467

Legistar File ID

10/18/2016

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

Jeremy Pate

9/30/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5571: Vacation (WEST JUPITER DR./JUPITER DRIVE, 171): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located on WEST JUPITER DRIVE. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 18, 2016

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: September 30, 2016

SUBJECT: **VAC 16-5571: Vacation (WEST JUPITER DR./JUPITER DRIVE, 171):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SE OF JUPITER ST. & MCGUIRE ST. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

RECOMMENDATION:

Planning Division staff and the Planning Commission recommend approval of **VAC 16-5571** with the following conditions:

Condition of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water line the is located along Jupiter Drive.
3. The Cox fiber line within the Jupiter Street right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.
4. A public street connecting Ball Street and McGuire Street, north of Van Asche Drive, shall be provided at the time of development.

BACKGROUND:

The subject property is the western portion of Jupiter Street in the northwest corner of the Fayetteville adjacent to the City of Johnson. Jupiter Street is an unimproved two-lane asphalt road providing an east-west connection between S. McGuire Street and S. Ball Street. The subject portion of street is located from McGuire Street to the SWEPCO electric substation on the north side of Jupiter Street; about 2,000 linear feet of street totaling 1.79 acres. Approximately one year ago the City of Fayetteville completed construction of Van Asche Drive from N. Gregg Avenue to Garland Avenue (State Highway 112) with a four and five lane sections and a median in some portions, 5-foot sidewalk along the north side of the roadway and a 10-foot shared use trail with

a 5-foot sidewalk along the south side of the roadway. This new portion of Van Asche Drive parallels the subject portion of Jupiter Street.

As depicted on attached Exhibits 'A' and 'B', the applicant proposes close the subject section of Jupiter Street and vacate the right-of-way to facilitate future development of the area.

DISCUSSION:

On September 26, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-1-0 (Commissioner Quinlan) voted 'no'. Some commissioners discussed concerns with closing this active street prior to another street being constructed to provide additional connectivity, or at least being in the planning stages.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

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

FEE: \$200.00
Sign Fee: \$5.00
S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: TOM TERMINELLA

Address: 24 East Meadow St
Fayetteville, Ar 72703

Phone: () _____

Email: _____

Fax: () _____

Site Address / Location: Jupiter Street (McGuire to West
SIDE OF SUPER Electric Substation)

Legal description of area to be vacated (attach separate sheet if necessary):

Attached

Current Zoning District: R/W

Assessors Parcel Number(s) for subject property: ADJACENT = 765-15773-800

FINANCIAL INTERESTS

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

DAVID McCLINTON & TOM TERMINELLA

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

Name (printed): _____

Date: _____

Signature: _____

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

Owners (attach additional info if necessary):

Name (printed):

Signature:

Date:

Address:

Phone:

Name (printed):

Signature:

Date:

Address:

Phone: ()

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
 - \$200.00 application fee
 - \$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

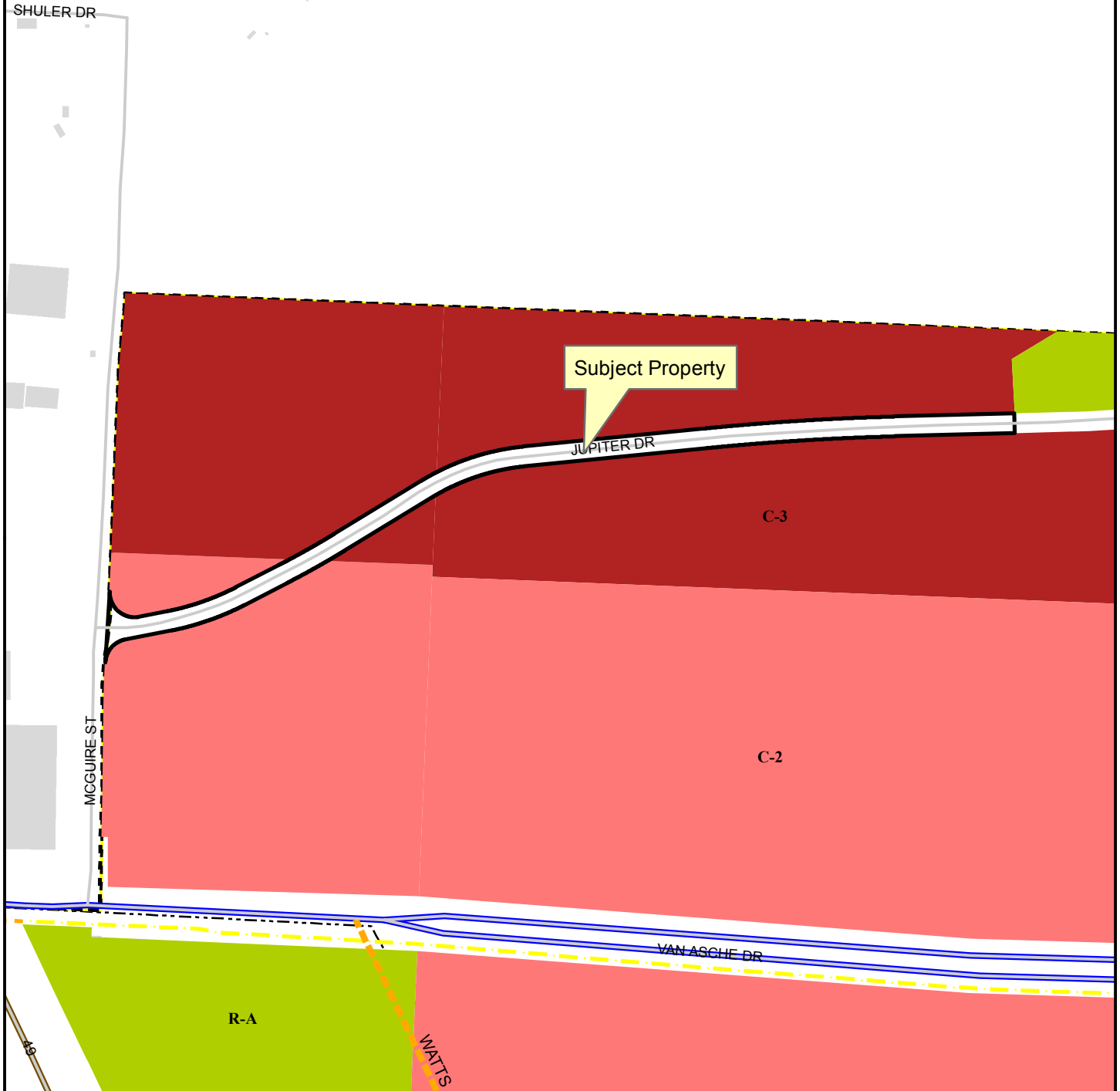
16-5571
EXHIBIT 'A'

VAC 16-5571

JUPITER STREET

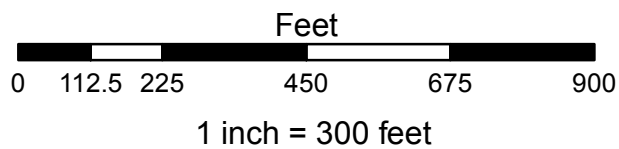


Close Up View



Legend

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



- Residential-Agricultural
- C-2
- C-3

16-5571

EXHIBIT 'B'

LEGAL DESCRIPTION: (RIGHT OF WAY VACATION)

A part of the SW1/4 of the NW1/4 and a part of the SE1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows:
Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 502.42 feet, thence S87°30'43"E 3.63 feet to the POINT OF BEGINNING, thence N03°30'46"E 143.63 feet, thence along a non tangent curve to the left 90.39 feet, said curve having a radius of 50.00 feet and chord bearing and distance of S49°21'21"E 78.57 feet, thence N78°51'24"E 57.16 feet, thence along a curve to the left 148.53 feet, said curve having a radius of 530.00 feet and a chord bearing and distance of N70°49'42"E 148.04 feet, thence N62°48'00"E 96.43 feet, thence along a curve to the left 132.03 feet, said curve having a radius of 1,780.00 feet and a chord bearing and distance of N60°40'31"E 132.00 feet, thence N58°33'01"E 203.88 feet, thence along a curve to the right 219.91 feet, said curve having a radius of 490.00 feet and a chord bearing and distance of N71°24'27"E 218.07 feet, thence N84°15'54"E 366.53 feet, thence along a curve to the right 388.27 feet, said curve having a radius of 5,220.00 feet and a chord bearing and distance of N86°23'45"E 388.18 feet, thence N88°31'36"E 243.33 feet, thence S01°28'24"E 40.00 feet, thence S88°31'36"W 243.33 feet, thence along a curve to the left 385.29 feet, said curve having a radius of 5,180.00 feet and a chord bearing and distance of S86°23'45"W 385.20 feet, thence S84°15'54"W 366.53 feet, thence along a curve to the left 201.96 feet, said curve having a radius of 450.00 feet and a chord bearing and distance of S71°24'27"W 200.27 feet, thence S58°33'01"W 203.88 feet, thence along a curve to the right 135.00 feet, said curve having a radius of 1,820.00 feet and a chord bearing and distance of S60°40'31"W 134.97 feet, thence S62°48'00"W 96.43 feet, thence along a curve to the right 159.74 feet, said curve having a radius of 570.00 feet and a chord bearing and distance of S70°49'42"W 159.21 feet, thence S78°51'24"W 93.76 feet, thence along a non tangent curve to the left 65.62 feet, said curve having a radius of 50.00 feet and chord bearing and distance of S41°15'35"W 61.01 feet to the POINT OF BEGINNING: Containing 1.79 acres more or less.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: September 26, 2016 *(Updated with Planning Commission results)*

SUBJECT: **VAC 16-5571: Vacation (WEST JUPITER ST./JUPITER STREET, 171):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SE OF JUPITER ST. & MCGUIRE ST. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5571** with conditions of approval.

BACKGROUND:

The subject property is the western portion of Jupiter Street in the northwest corner of the Fayetteville adjacent to the City of Johnson. Jupiter Street is an unimproved two-lane asphalt road providing an east-west connection between S. McGuire Street and S. Ball Street. The subject portion of street is located from McGuire Street to the SWEPCO electric substation on the north side of Jupiter Street; about 2,000 linear feet of street totaling 1.79 acres. Approximately one year ago the City of Fayetteville completed construction of Van Asche Drive from N. Gregg Avenue to Garland Avenue (State Highway 112) with a four and five lane sections and a median in some portions, 5-foot sidewalk along the north side of the roadway and a 10-foot shared use trail with a 5-foot sidewalk along the south side of the roadway. This new portion of Van Asche Drive parallels the subject portion of Jupiter Street. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	C-2, Thoroughfare Commercial; C-3, Central Commercial
South	Undeveloped/New Van Asche Drive corridor	C-2, Thoroughfare Commercial; C-3, Central Commercial
East	Undeveloped (City of Johnson)	City of Johnson (I, Industrial)
West	Industrial (City of Johnson)	City of Johnson (I, Industrial)

Proposal: The applicant proposes close the subject section of Jupiter Street and vacate the right-of-way to facilitate future development of the area.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the adjoining property owners, City utility departments and applicable franchise utilities, with the following responses:

Adjoining Property Owners

David Clark McClinton	No objections
-----------------------	---------------

Southwestern Electric Power	No objections
-----------------------------	---------------

Utility

Response

Cox Communications	No objections with conditions
--------------------	-------------------------------

Southwestern Electric Power	No objections
-----------------------------	---------------

Ozarks Electric	No objections
-----------------	---------------

Black Hills Energy	No objections
--------------------	---------------

AT&T	No objections
------	---------------

Ozarks Electric	No objections
-----------------	---------------

City of Fayetteville

Response

Water/Sewer	No objections with conditions
-------------	-------------------------------

Transportation	No objections
----------------	---------------

Recycling and Trash	No objections
---------------------	---------------

The construction of Van Asche Drive was intended to serve the same east-west connection as the subject section of Jupiter Street. Given the completion of Van Asche it is appropriate to vacate Jupiter Street. The property owners that would be directly affected by the street closure do not object to the proposal. At the time the surrounding land develops, the City will review street access and connectivity as needed.

Public Comment:

No public comment has been received.



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

8/3/16

City of Fayetteville
113 W Mountain Str.
Fayetteville, AR. 72701

Att: Planning Dept.
Re: Vacate R/W of Jupiter Street

This is information pertaining to the vacation of right of way of Jupiter Street from McGuine Street to the West side of the SWEPCO Electric Substation. All adjacent utilities easements will remain. The electric substation will still have access.

Please call concerning any questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

PETITION

PETITION TO VACATE JUPITER STREET RIGHT-OF-WAY FROM MCGUIRE STREET TO WEST SIDE OF
SWEPKO ELECTRIC SUBSTATION, CITY OF FAYETTEVILLE, ARKANSAS

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the Right-of-Way hereinafter
sought to be abandoned and vacated, lying in the City of Fayetteville, Arkansas, a municipal corporation,
petition to vacate said Right-of-Way which is described as follows:

(SEE ATTACHMENT – EXHIBIT 'A')

That the abutting real estate affected by said abandonment would not be adversely affected by this
abandonment.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above described
right of way (not the utility easements), and that the above described real estate be used for their
respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully request that the governing body of the City of
Fayetteville, Arkansas, abandon and vacate the above described real estate, and that title to said real
estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to
that particular land the owners be free from the use of said Right-of-Way.

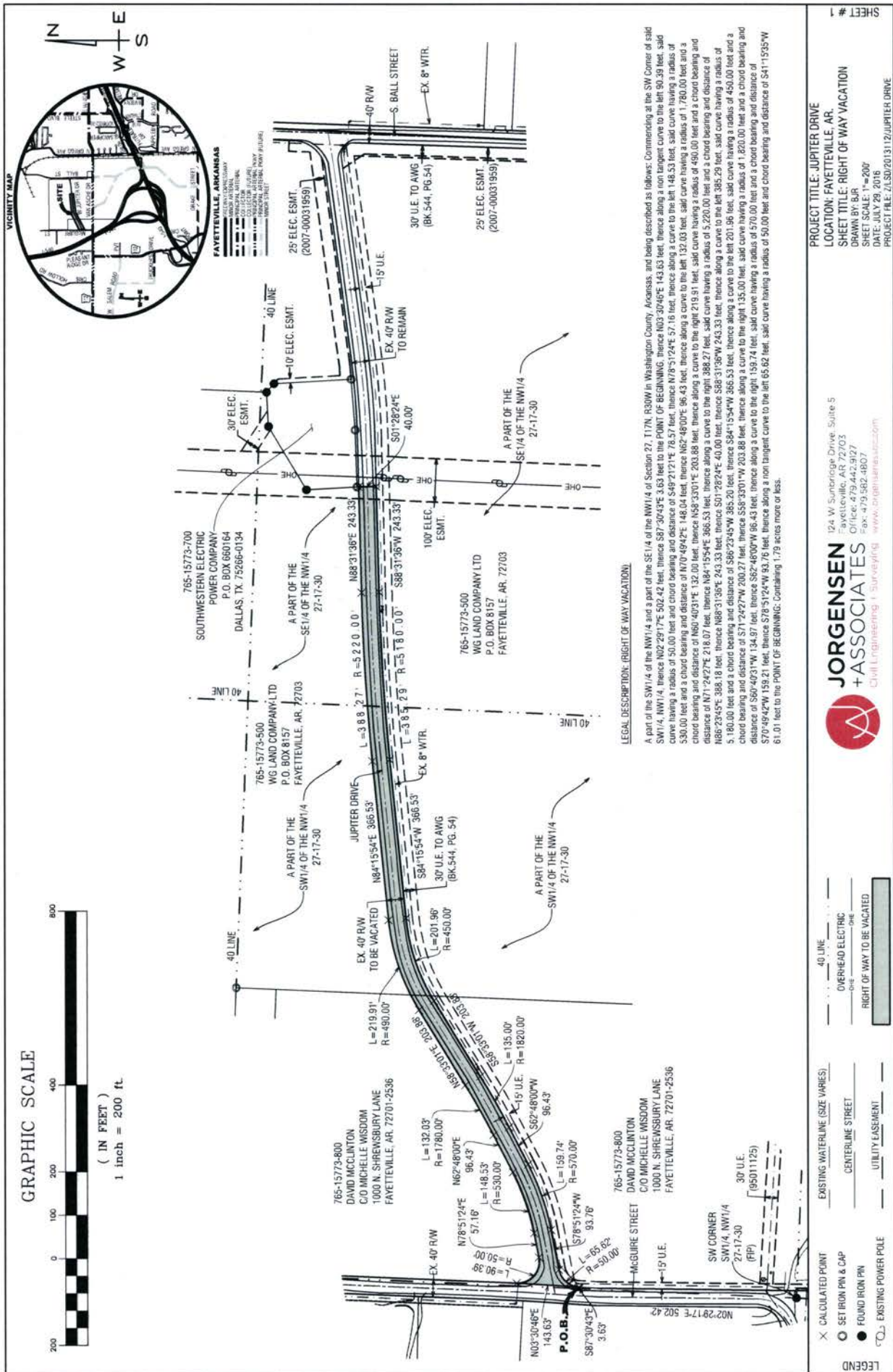
Dated this 9th day of August, 2016.

W.G. Land Co.
Printed Name W.G. Land Co.

Gerrard F. Jones
Printed Name Gerrard F. Jones

Gerrard F. Jones
Signature

Printed Name



ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/18/16

Address / location of vacation: Vacation of Jupiter Rd.

Adjacent property address: _____

Lot: _____ Block: _____ Subdivision: _____

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

Project Name

DAVID McCLINTON

Name of Adjacent Property Owner (printed)

David C McClinton

Signature of Adjacent Property Owner

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/10/16
Address / location of vacation: Jupiter Street R/W Vacation
Adjacent property address: _____
Lot: Block: Subdivision:

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

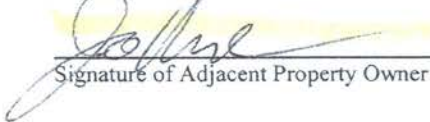
ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
☒ I do not object to the vacation described above.
☐ I do object to the requested vacation because:

Project Name

MAYNARD INC. POPS, LLC

Name of Adjacent Property Owner (*printed*)


Signature of Adjacent Property Owner

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/9/16
Address / location of vacation: Jupiter R/W Vacation
Adjacent property address: _____
Lot: 1 Block: 1 Subdivision: 1

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
☒ I do not object to the vacation described above.
☐ I do object to the requested vacation because:

Project Name

ARKOLA / APAC
Name of Adjacent Property Owner (printed)

M. E. Clive
Signature of Adjacent Property Owner

Murray E. Clive / G.M.
Applicant Name

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/10/16

UTILITY COMPANY: OZARKS Electric

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN S

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. FROM McGuire Street
EAST TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Wesley Mahaffey
Signature of Utility Company Representative

Staking Tech. III
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-8-16

UTILITY COMPANY: AEP SWEPco

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN 5

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
PAST TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Tom L

Signature of Utility Company Representative

DISTRIBUTION Engineer

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 08/05/2016

UTILITY COMPANY: AT&T

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
If any AT&T facilities are damaged or require relocation will be the responsibility
of the property owner/ developer.

JEFF HAMILTON

Digitally signed by JEFF HAMILTON
DN: cn=JEFF HAMILTON, o=AT&T, ou=CONSTRUCTION/ ENGINEERING,
email=jhs430@att.com, c=US
Date: 2016.08.05 10:15:48 -0500

Signature of Utility Company Representative

MGR OSP Plng & Engrg Design
Title

December 2014
Page 5

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/8/2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN ↗

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Pr. From McGuire Street
PART TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
Our fiber line within this Right of Way must be relocated at the developers expense before we can
approve this vacate. Until that time this Right of Way must remain.



Signature of Utility Company Representative

Construction & Planning Manager

Title

December 2014
Page 5

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/5/2016

UTILITY COMPANY: Black Hills Energy

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
East to West Side of Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

John Harte
Signature of Utility Company Representative

Supervisor Gas Operations
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/8/2016

UTILITY COMPANY: CoF- Recycling & Trash Collections

APPLICANT NAME: TAM TERMINELLA APPLICANT PHONE: 442-9627
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

☐ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Comm. Services Mgr -
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-10-16

UTILITY COMPANY: City of Fayetteville (Transportation)

APPLICANT NAME: TAM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
East to West Side of Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Joey Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/22/2016
UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER
APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN 
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

WATER LINE EASEMENT SHOULD BE RETAINED 10'
BOTH SIDES OF EXISTING WATER LINE

- ☐ No objections provided the following conditions are met:



Signature of Utility Company Representative
W&S OPERATIONS MANAGER

Title

VAC 16-5571

Close Up View

JUPITER STREET



SHULER DR

Subject Property

JUPITER DR

C-3

C-2

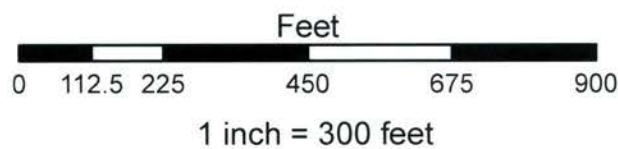
VAN ASCHIE DR

R-A

WATTS

Legend

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

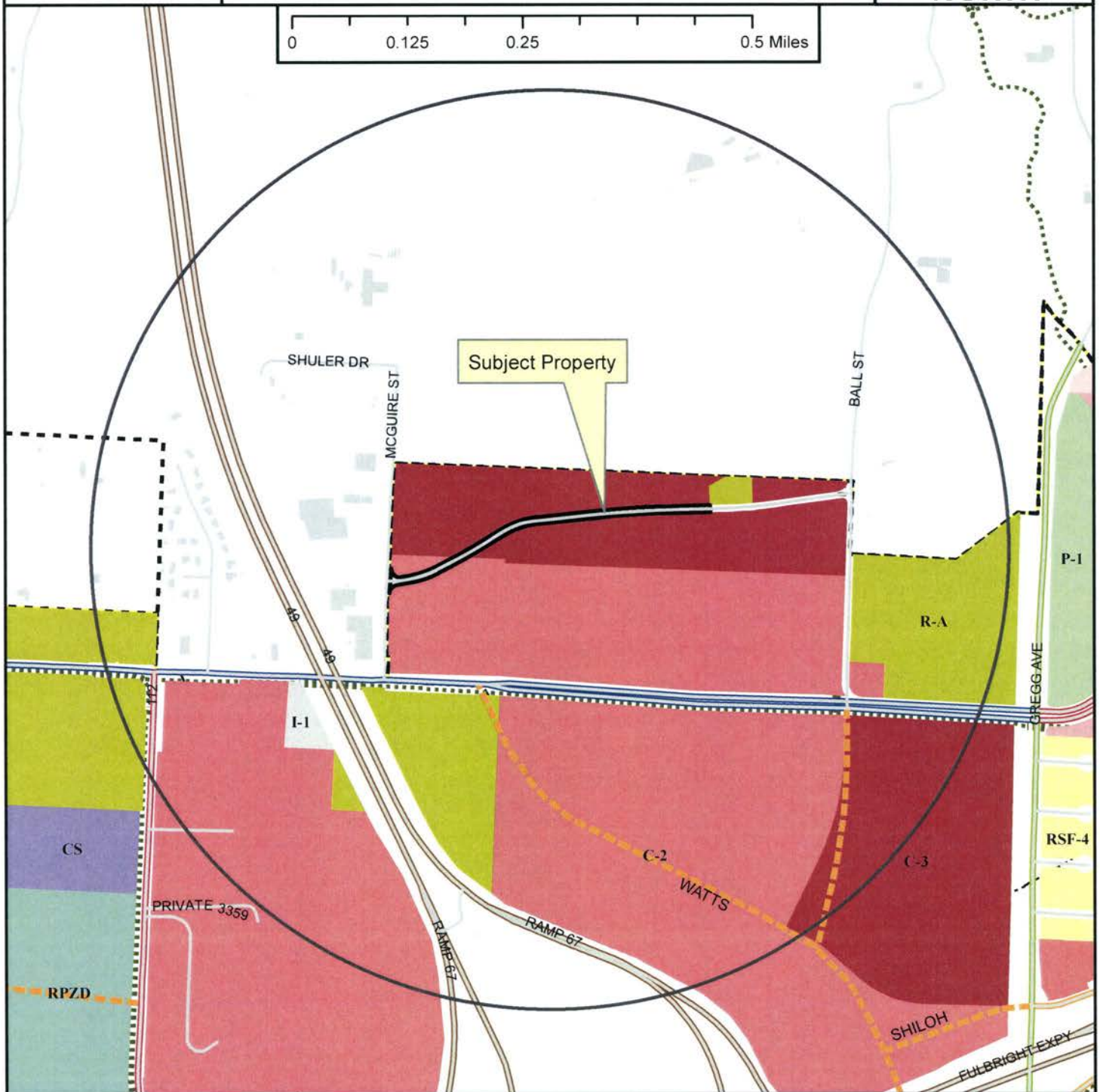
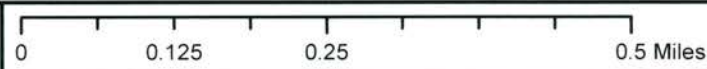


- Residential-Agricultural
- C-2
- C-3

VAC 16-5571

One Mile View

JUPITER STREET



Legend

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



- | | |
|---|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> RSF-5 Residential-Agricultural RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RT-12 Residential Two and Three-family RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial I-2 General Industrial | <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> Residential-Office C-1 C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
|---|---|



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **October 31, 2016**

RE: **Proposed Jupiter Road Vacation**

Attached please find the proposed Vacation Ordinance for a portion of Jupiter Road. I have made the four conditions of approval more detailed and clear after learning more details of the status of our current water main in the right of way.

Everyone should realize that if this Vacation Ordinance is granted, all of the conditions of this vacation must be accomplished by the developer/owner/applicant at their cost BEFORE the Vacation Ordinance is final and any grading is performed that could affect the usability of Jupiter Road, the water main or the Cox cable. Similarly, while no new street construction will be required before the vacation is final, the written agreement (as submitted by the City) for such construction must be signed by all property owners and provided to the City before the Vacation Ordinance is final.

If the attached modified Vacation Ordinance is acceptable to the City Council, a member should move to amend to this version. If this amendment is passed, I will then read the revised ordinance in full.

ORDINANCE NO. _____

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

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described street is not required for corporate purposes; and

WHEREAS, Van Asche Drive has recently been built to four lane boulevard standards to replace Jupiter Drive and to connect McGuire Street and Ball Street; and

WHEREAS, all property owners along Jupiter Drive have requested that Jupiter Drive be vacated from McGuire Street to the AEP Substation.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates Jupiter Drive from McGuire Street to the AEP Substation as described in Exhibit B attached to the Planning Department's memo subject to the conditions in Section 3.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following conditions of approval which all must be completed by the applicant to the satisfaction of the City prior to this vacation becoming final and prior to any damage or removal of the portion of Jupiter Drive to be vacated:

1. Any relocation or damage to utilities that could be caused by the removal or relocation of Jupiter Drive shall be at the owner/developer/applicant's expense. Any relocation of utilities shall be placed into a new easement satisfactory to the City. Owner/developer/applicant shall dedicate to the City any such new easement at owner/developer/applicant's expense.
2. The existing water main within or near the Jupiter Drive right of way must be maintained in good operational order until the owner/developer/applicant has at its expense properly constructed a replacement water main acceptable to the City with a properly dedicated easement and received formal acceptance of such fully functional and operational water main by the City. The owner/developer/applicant may not grade excavate or do other activities near the existing water main that could damage the water main until the City has accepted the replacement water main.

3. The Cox fiber line within or near the Jupiter Drive right of way shall be relocated at the owner/developer/applicant's expense and to Cox's satisfaction prior to any work being done on or near Jupiter Drive that could endanger this fiber line.

4. All of the owners of the vacated right of way property shall contractually agree in writing that upon or before 50% or more of the property they now own north of Van Asche Drive that is within the city limits of Fayetteville is approved by Final Plat or Large Scale Development, they will construct at their expense and dedicate to the City a public street connection between Ball Street and McGuire Street north of Van Asche Drive. Such contract, acceptable by the City, must be signed by all owners and/or authorized representatives of the owners of all land adjoining the current Jupiter Drive section to be vacated before this vacation can be final.

PASSED and **APPROVED** this 1st day of November, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

Blake E. Pennington
Assistant City Attorney

Patti T. Mulford
Paralegal

Phone 479.575.8313
cityattorney@fayetteville-ar.gov



113 W. Mountain Street, Suite 302
Fayetteville, AR 72701-6083

November 2, 2016

Mr. Tom Terminella
The Terminella Company, Inc.
24 East Meadow Street
Fayetteville, AR 72701

Via email only: tterminella@aol.com

Re: Jupiter Drive Vacation Conditions

Dear Tom:

I have been advised by Utilities Director Tim Nyander of the necessity to keep the existing water main in service until a replacement can be installed and made operational. The reason for this is that this main currently provides Loop Service to several important water customers that need continued water service for their businesses.

A Loop Service provides customers water from both directions so that if a leak occurs, the City can usually continue to provide necessary water pressure and flow from the other side of the leak. In contrast, without a Loop System (which would be lost if the water main along Jupiter Road was inoperative) water customers would only be served by a dead end line. This means if a leak occurs in that dead end main, all water service would likely be lost until the leak could be repaired and the water main put back in service.

This temporary loss of water service can be very inconvenient to a residential customer like me, but not necessarily intolerable if water service can be restored without tremendous delay. However, certain water customers such as hospitals, some factories and large users like Zero Mountain, Inc. would be so adversely affected that the City has worked hard to provide Loop Service to them to try to prevent loss of water service. The City's policy would normally never

allow the voluntary dismantling of Loop Service to such customers who vitally need substantial and continual water service.

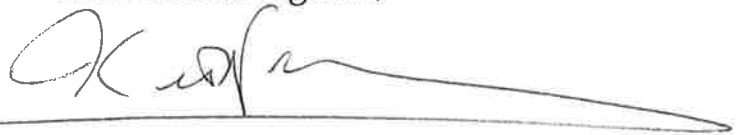
Before the City could consider removing our current Loop Service provided by the Jupiter Road main, you would have to establish two things:

1. You would have to demonstrate the vital necessity to remove the existing water main before constructing its replacement by showing clear evidence that constructing the replacement main now is not possible or feasible, and
2. You would have to provide to the City written and signed agreements from:
 - a. Zero Mountain, Inc.
 - b. Glory Transportation
 - c. Maynard, Inc.
 - d. McClinton-Anchor (ARAC)
 - e. Smurfit Kappa Orange

that:

- a. Request you be allowed to take the City water main out of service which ends Loop Service protection for these water customers.
- b. Agrees to waive any and all possible claims against the City for loss or reduction of water flow or pressure while the Loop Service has been terminated by you.

With kindest regards,

A handwritten signature in dark ink, appearing to read 'Kit Williams', is written over a horizontal line.

KIT WILLIAMS

Fayetteville City Attorney

cc: Mayor Jordan
Tim Nyander, Utilities Director
City Council



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0445

Agenda Date: 11/15/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 3

APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:

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

WHEREAS, Tim Brisiel of Legacy Ventures presented his proposed Large Scale Development 16-6488, Macey Drive Townhomes to the Planning Department; and

WHEREAS, this Large Scale Development proposed was reviewed by the Planning Department after consultations with the Engineering Division, Fire Department, Recycling and Trash Division, and others; and

WHEREAS, the Planning Department determined that Large Scale Development 16-5488 Macey Drive Townhomes complied with all applicable development regulations in the Unified Development Code and would not create or compound a dangerous traffic condition and therefor recommended its approval by the Planning Commission; and

WHEREAS, a majority of the Planning Commission denied the Large Scale Development arguing the design of the Pine Valley Subdivision's street network would create a dangerous traffic condition if more traffic from this development was allowed to access those streets which were the only feasible access to Mount Comfort Road.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Tim Brisiel of Legacy Ventures and approves Large Scale Development 16-5488, Macey Drive Townhomes as compliant with all of the Unified Development Code's requirements. This approval is subject to the conditions of approval recommended by the Planning Department.

September 19, 2016

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

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

To Whom It May Concern,

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

Our justification for the appeals is as follows:

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

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

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

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

Sincerely,



Tim Brisiel





CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Harry Davis, Planner

DATE: September 16, 2016

SUBJECT: **LSD 16-5488: Large Scale Development (2900 BLOCK OF MT. COMFORT RD./MACEY DR. TOWNHOMES, 363):** Submitted by SWOPE CONSULTING for properties located in the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR (24) UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR (4) UNITS PER ACRE, containing approximately 6.51 acres. The request is for 11 new structures with 57 multi-family units and associated parking.

RECOMMENDATION:

The City Planning staff recommend approval with conditions of a proposed multi-family development in the 2900 block of Mount Comfort Road as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'. Planning Commission has denied the proposal based on traffic safety. The applicant has appealed this decision to City Council.

BACKGROUND:

The subject property is an undeveloped portion of land south of a tributary to Hamestring Creek and north of Pine Valley Subdivision. The property on which the proposed Large Scale Development is located is a 6.51 acre flag lot off Mount Comfort Rd. The development will be accessed from Macey Dr. through Pine Valley Subdivision.

Request: The proposal is to develop eleven new residential structures with 57 multi-family units and associated parking. As part of the project, the applicant will be extending Macey Dr. approximately 150 feet into the site to provide street frontage for the development.

Public Comments: At the August 11, 2016 Subdivision Committee, members of the public spoke that are concerned about the density in this project and the likely increase in traffic on Mount Comfort Rd. Subdivision Committee forwarded this project to Planning Commission in order to let the full commission discuss traffic impacts as a result of this development.

At the September 12, 2016 Planning Commission meeting, a member of the public spoke in favor of the development upon understanding that the project would not front directly onto Mount Comfort Rd. The citizen then stated that more traffic in Pine Valley would slow down car speeds.

DISCUSSION:

This project was tabled at the August 22, 2016 Planning Commission to allow the applicant to modify architectural elevations and for staff to use traffic accident data and analysis to determine if this project will compound or create a traffic hazard.

Upon reviewing data for the intersection of Mount Comfort and Shiloh in comparison to other similar intersections across Fayetteville, Planning and Engineering staff find that this new development will not compound or create a dangerous traffic hazard (see attached data spreadsheets). Accident data in Fayetteville is based on proximity to intersections. For example, although there were 5 accidents near the corner of Mount Comfort and Shiloh in 2014, those accidents may have happened along Mt. Comfort going east or west. They may also have taken place north of said intersection. It is not conclusive that accidents originate from traffic generated in the direction of Pine Valley.

Staff also reviewed accident data within the Pine Valley Subdivision in order to assess conditions within the neighborhood (see attached data spreadsheets) and have made the same conclusions. This proposed project will not compound or create a dangerous traffic hazard. Planning staff have collectively toured this neighborhood and developed an opinion that the winding and topographically-varying nature of Wildwood Dr., W. Glen Meadow, and W. Marigold Dr. would contribute to traffic calming. This would be to the benefit of both current residents and future drivers seeking to go from the proposed development to Shiloh Dr.

Planning and Engineering staff would like to further address concerns related to making the developer cross the creek to the north and connect with Mount Comfort Rd. by stating that the connection would not be reasonable. The cost to cross the creek and connect would be economically infeasible for a project of this size. Bridging the creek and building nearly a fifth of a mile of roadway, even at the bare minimum of streets without storm drains and curbs, would not be a reasonable requirement for 57 new dwelling units. Many potential users of that connection would still need to use the Mount Comfort and Shiloh intersection, thereby not substantially diverting traffic away from the perceived issue in question.

On September 12, 2016, the Planning Commission heard the proposed project for a second time with the new traffic analysis information. Commissioners generally had the same concerns and attempted to table the project to allow the applicant more time for additional information. The motion to table failed with 3-5-0. A motion was made to approve the project, which also failed with 3-5-0.

CONDITIONS OF APPROVAL:

1. Planning Commission approval of compliance with the Urban Residential Design Standards. *Subdivision Committee gave no recommendation on this issue. Staff finds that, with the revisions provided by the project architect, the 11 proposed multi-family buildings provide enough variation between building types. UDC Section 166.23(D)(2) requires that no building type may be repeated more than three times in a development. Staff finds that the applicant's proposal gives adequate variation between building types.*
2. Planning Commission approval of parkland dedication or payment of fees in lieu. *Subdivision Committee made no recommendation on this issue. On June 29, 2016 the Parks and Advisory Board reviewed this project and recommended accepting money in lieu of land dedication to satisfy the park land dedication ordinance, Parks fees in the*

amount of \$31,920 for 57 new residential units are due prior to signing the final plat. Final fees will be assessed dependent on the total number of units actually constructed.

3. Planning Commission approval of street improvements. *Subdivision Committee gave no recommendation on this issue. Staff recommends that this project extend Macy Drive into the site approximately 150 feet into the site as proposed on the submitted site plans.*
4. Right-of-way dedication is required in the amount of 50 feet in width for the extension of Macy Drive into the site. Right-of-way dedication is not required along Mount Comfort Road as adequate street frontage exists along this road.
5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto.
6. Revisions shall be made prior to construction as outlined in the attached redline and department commentary documents.

STANDARD CONDITIONS OF APPROVAL:

7. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, and Cox Communications).
9. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
10. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
11. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
12. Large scale development shall be valid for one calendar year
13. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
14. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. Exterior lighting package must be provided to the Planning Division.

- c. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - d. Separate easement plat for this project that shall include tree preservation areas.
 - e. Project Disk with all final revisions.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
 - g. Completion of an easement plat.
-

BUDGET/STAFF IMPACT:

N/A

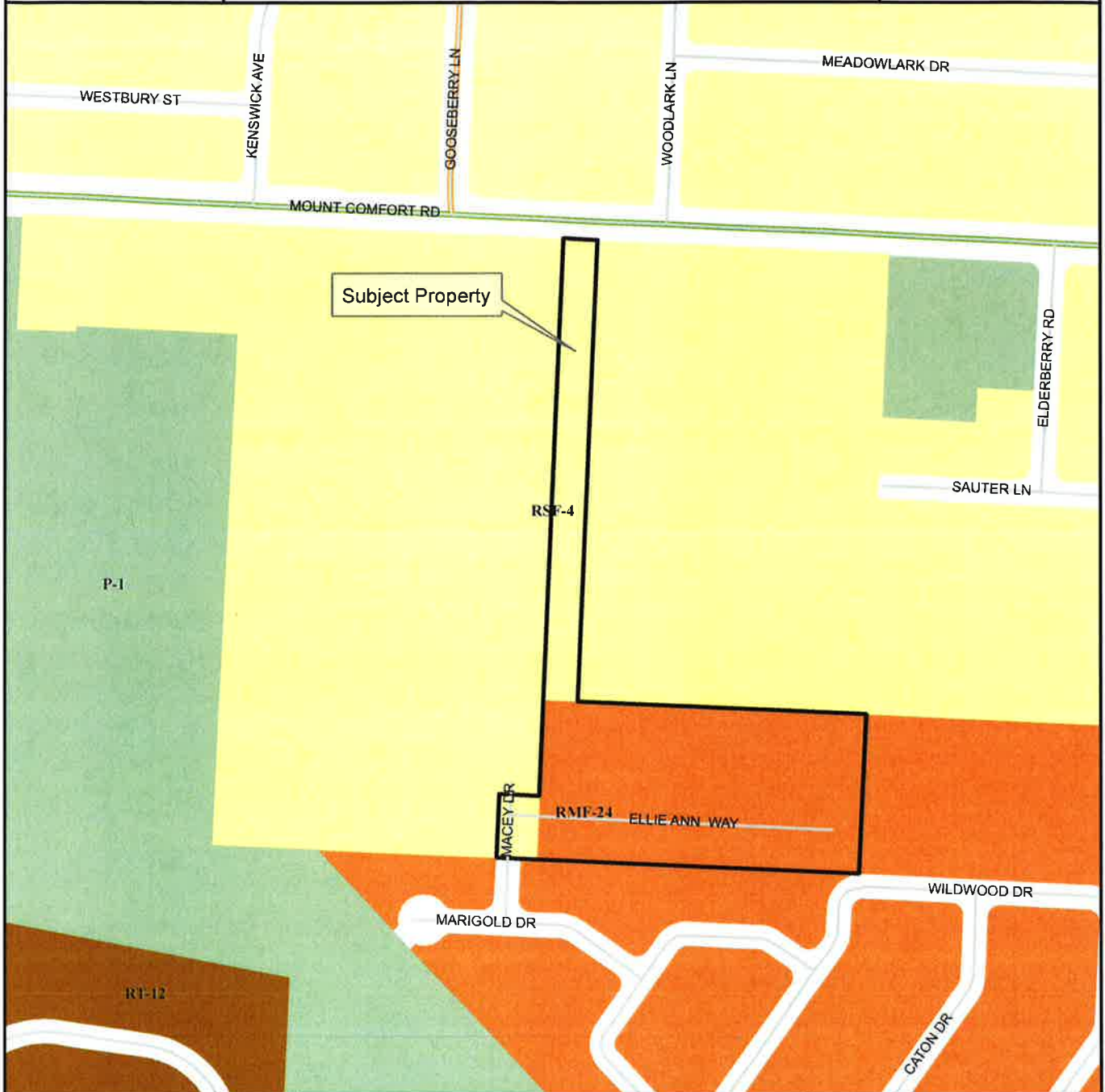
Attachments:

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

LSD 16-5488

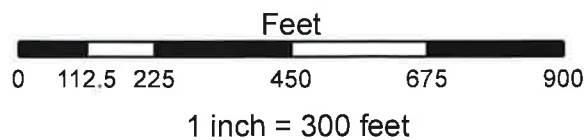
Close Up View

MACEY DR TOWNHOMES EXHIBIT 'A'



Legend

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



- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- P-1

EXHIBIT 'B'

REVISED TRACT "B" SURVEY DESCRIPTION

A PART THE WEST 1/2 OF THE NW 1/4 OF THE SE1/4 OF SECTION 06, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT LOCATED ON THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE BEING S02°11'26"W 38.52 FEET AND S87°15'56"E 70 FEET FROM THE NORTHWEST CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 6; THENCE ALONG SAID RIGHT -OF- WAY S87°15'56"E 252.92 FEET TO A 1/2" REBAR; THENCE LEAVING SAID RIGHT -OF- WAY AND RUNNING S03°19'25"W 255.16 FEET TO A 1/2" REBAR; THENCE S85°23'52"E 209.48 FEET TO A 1/2" REBAR; THENCE N03°19'25"E 261.99 FEET TO A 1/2" REBAR LOCATED ON THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE; THENCE S87°15'56"E 137.46 FEET ALONG SAID RIGHT -OF- WAY TO A 1/2" REBAR LOCATED ON THE EAST LINE OF SAID 20 ACRE TRACT; THENCE S02°53'02"W 950.19 FEET ALONG SAID EAST LINE TO A 1/2" REBAR; THENCE LEAVING SAID EAST LINE AND RUNNING N87°21'57"W 593.87 FEET TO A 1/2" REBAR; THENCE N02°31'33"E 951.24 FEET TO THE POINT OF BEGINNING; CONTAINING 11.78 ACRES, MORE OR LESS.

SUBJECT TO THE CITY OF FAYETTEVILLE UTILITY EASEMENT FILED IN BOOK 888 AT PAGE 897, THAT RUNS EAST TO WEST THROUGH THE CENTER OF SAID PROPERTY, A CITY OF FAYETTEVILLE UTILITY AND DRAINAGE EASEMENT FILED IN BOOK 2005 AT PAGE 26510 THAT RUNS PARTIALLY ALONG THE EAST LINE, A FIFTEEN FOOT WIDE UTILITY EASEMENT SOUTH OF AND CONTIGUOUS TO THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE THAT RUNS ALONG THE NORTH LINE (BOOK 2009,PAGE 10904), AND ANY OTHER RIGHTS-OF-WAY, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

CITY OF FAYETTEVILLE, ARKANSAS

LARGE SCALE DEVELOPMENT

FOR STAFF USE ONLY

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

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

S-T-R:
 PP#:
 Zone:

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

APPLICATION:

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

Applicant (person making request):

Name: Tim Brisiel

E-mail: tim@legacyventuresnwa.com

Address: Legacy Ventures
PO Box 8216

Phone: 479-790-3315

Fax: _____

Site Address / Location: 765-13627-000

Current Zoning District: RSE-4/RMF-24

Date of Preliminary Plat: N/A

Assessor's Parcel Number(s) for property: 765-13627-000

Total Acreage: 6.76 Number of Lots: 1 Number of Dwelling Units: 58

FINANCIAL INTERESTS

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

Legacy Ventures

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

Name (printed): Tim Brisler Date: 6/15/2016

Signature: [Signature]

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

Name (printed): Debbie Cawood Address: 4124 Front Porch View Fayetteville

Signature: Debbie Cawood

Date: 6-14-16 Phone: 479 530-0474

Name (printed): _____ Address: _____

Signature: _____

Date: _____ Phone: _____

LSD Checklist:

Attach the following items to this application:

- | | | | |
|-----|---|--|--------------|
| (1) | Payment in full of applicable fees for processing the application: | | |
| | LSD | | |
| | Non-Residential | Non-residential (5000 square feet or less) | \$400.00 |
| | | Non-residential (More than 5000 square feet) | \$800.00 |
| | Residential | Residential (10 residential units or less) | \$200.00 |
| | | Residential (25 residential units or less) | \$400.00 |
| | | Residential (More than 25 residential units) | \$800.00 |
| | Technical Plat Resubmittal (tabled items only) | | \$200.00 per |
| | Tree Preservation | | \$120.00 |
| | Public Notification Sign Fee (per sign) | | \$5.00 |
| (2) | Correspondence in the form of a written letter to Planning Staff describing the scope, nature and intent of the proposal. Variances from requirements of the Unified Development Code will be reviewed and processed in accordance with the procedures set forth therein. Please indicate in the letter to staff if any variances are sought and if so, justification for the request. Most variances require a Planning Commission decision. | | |
| (3) | A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map. | | |
| (4) | A copy of the written decision from the Parks and Recreation Advisory Board regarding park land dedication requirements (residential projects only). | | |

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

Name (printed): _____ Date: _____

Signature: _____

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Name (printed): Debbie Cawood Address: 4124 Front Porch View
 Signature: Debbie Cawood Fayetteville
 Date: 6-14-16 Phone: (479) 530-0474

Name (printed): JACK HENRIST Address: 2901 Mt Comfort
 Signature: Jack Henrist FAYETTEVILLE
 Date: 6-23-16 Phone: 479-442-7025

LSD Checklist:

Attach the following items to this application:

- | | | | |
|-----|---|--|--------------|
| (1) | Payment in full of applicable fees for processing the application: | | |
| | LSD | | |
| | Non-Residential | Non-residential (5000 square feet or less) | \$400.00 |
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| | Residential | Residential (10 residential units or less) | \$200.00 |
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| (4) | A copy of the written decision from the Parks and Recreation Advisory Board regarding park land dedication requirements (residential projects only). | | |

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

Name (printed): _____ Date: _____

Signature: _____

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

Name (printed): Dan F. Henke Address: 543 N. Tournament Dr
 Signature: [Signature] Fayetteville, AR 72704
 Date: 6-23-16 Phone: 479-595-2577

Name (printed): Marsha Wood Address: 2499 N. Center St.
 Signature: Marsha Wood Fayetteville, AR 72701
 Date: 6-24-16 Phone: 479-443-3801

LSD Checklist:

Attach the following items to this application:

- | | |
|-----|---|
| (1) | Payment in full of applicable fees for processing the application: |
| | LSD |
| | Non-Residential |
| | Non-residential (5000 square feet or less) \$400.00 |
| | Non-residential (More than 5000 square feet) \$800.00 |
| | Residential |
| | Residential (10 residential units or less) \$200.00 |
| | Residential (25 residential units or less) \$400.00 |
| | Residential (More than 25 residential units) \$800.00 |
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| (3) | A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map. |
| (4) | A copy of the written decision from the Parks and Recreation Advisory Board regarding park land dedication requirements (residential projects only). |



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner
Jonathan Ely, Staff Engineer
John Scott, Urban Forester

MEETING: September 12, 2016 **UPDATED WITH PC RESULTS**

SUBJECT: **LSD 16-5488: Large Scale Development (2900 BLOCK OF MT. COMFORT RD./MACEY DR. TOWNHOMES, 363):** Submitted SWOPE CONSULTING for properties located in the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR (24) UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR (4) UNITS PER ACRE, containing approximately 6.51 acres. The request is for 11 new structures with 57 multi-family units and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD 16-5488** based on findings contained herein.

AUGUST 22nd DISCUSSION AND RESPONSE:

This project was tabled at the August 22, 2016 Planning Commission to allow the applicant to modify architectural elevations and for staff to use traffic accident data and analysis to determine if this project will compound or create a traffic hazard.

Upon reviewing data for the intersection of Mount Comfort and Shiloh in comparison to other similar intersections across Fayetteville, Planning and Engineering staff find that this new development will not compound or create a dangerous traffic hazard (see attached data spreadsheets). Accident data in Fayetteville is based on proximity to intersections. For example, although there were 5 accidents near the corner of Mount Comfort and Shiloh in 2014, those accidents may have happened along Mt. Comfort going east or west. They may also have taken place north of said intersection. It is not conclusive that accidents originate from traffic generated in the direction of Pine Valley.

Staff also reviewed accident data within the Pine Valley Subdivision in order to assess conditions within the neighborhood (see attached data spreadsheets) and have made the same conclusions. This proposed project will not compound or create a dangerous traffic hazard. Planning staff have collectively toured this neighborhood and developed an opinion that the winding and topographically-varying nature of Wildwood Dr., W. Glen Meadow, and W. Marigold Dr. would contribute to traffic calming. This would be to the benefit of both current residents and future drivers seeking to go from the proposed development to Shiloh Dr.

Planning and Engineering staff would like to further address concerns related to making the developer cross the creek to the north and connect with Mount Comfort Rd. by stating that the connection would not be reasonable. The cost to cross the creek and connect would be

economically infeasible for a project of this size. Bridging the creek and building nearly a fifth of a mile of roadway, even at the bare minimum of streets without storm drains and curbs, would not be a reasonable requirement for 57 new dwelling units. Many potential users of that connection would still need to use the Mount Comfort and Shiloh intersection, thereby not substantially diverting traffic away from the perceived issue in question.

BACKGROUND:

The subject property is an undeveloped portion of land south of a tributary to Hamestring Creek and north of Pine Valley Subdivision.

The property on which the proposed Large Scale Development is located is a 6.51 acre flag lot off Mount Comfort Rd. The development will be accessed from Macey Dr. through Pine Valley Subdivision. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped, Single-Family Homes	RSF-4, Residential Single-Family – 4 units per acre
South	Pine Valley Subdivision	RMF-24, Residential Multi-Family, 24 units per acre
East	Pine Valley Subdivision	RMF-24, Residential Multi-Family, 24 units per acre
West	Undeveloped, Single-Family Homes	RSF-4, Residential Single-Family – 4 units per acre

Proposal: The proposal is to develop eleven new residential structures with 57 multi-family units and associated parking. As part of the project, the applicant will be extending Macey Dr. approximately 150 feet into the site to provide street frontage for the development.

INFRASTRUCTURE:

Water and Sewer System: The site has access to public water and public sewer.

Adjacent streets and right-of-way: This parcel currently has frontage onto Mount Comfort Rd., but the development will extend Macey Dr. from the south to create frontage and access. Adequate right-of-way exists on Mount Comfort Rd. and the extended Macey Dr. is to be dedicated as a public street, with 50 feet of right-of-way.

Street Improvements: Mount Comfort Rd. is fully improved. The Macey Dr. extension will be fully improved and meets Master Street Plan requirements. The applicant shall construct new street lights at a spacing of no less than 300 feet between lights.

Tree Preservation:

Canopy minimum requirement: 20%

Existing canopy: 63.4%

Preserved canopy: 24.6%

Mitigation required: 1,800 Sq. Ft. (Eight 2-inch caliper trees planted on-site)

Access Management/Connectivity: Access to the site will be provided through an extension of Macey Dr. from the south with a curb cut off this extension. The proposed street design and curb cut meet the access management requirements for curb cut separation. The applicant is not proposing connectivity to nearby properties within the development. The extended Macey Dr. will

dead-end at the back of a parcel, which will allow for a future extension to the west across the creek to the north, if desired.

Public Comments: At the August 11, 2016 Subdivision Committee, members of the public spoke that are concerned about the density in this project and the likely increase in traffic on Mount Comfort Rd. Subdivision Committee forwarded this project to Planning Commission in order to let the full commission discuss traffic impacts as a result of this development.

approving

RECOMMENDATION: Staff recommends ~~forwarding~~ LSD 16-5488 with the following conditions of approval:

Conditions of Approval:

1. Planning Commission approval of compliance with the Urban Residential Design Standards. *Subdivision Committee gave no recommendation on this issue. Staff finds that, with the revisions provided by the project architect, the 11 proposed multi-family buildings provide enough variation between building types. UDC Section 166.23(D)(2) requires that no building type may be repeated more than three times in a development. Staff finds that the applicant's proposal gives adequate variation between building types.*
2. Planning Commission approval of parkland dedication or payment of fees in lieu. *Subdivision Committee made no recommendation on this issue. On June 29, 2016 the Parks and Advisory Board reviewed this project and recommended accepting money in lieu of land dedication to satisfy the park land dedication ordinance, Parks fees in the amount of \$31,920 for 57 new residential units are due prior to signing the final plat. Final fees will be assessed dependent on the total number of units actually constructed.*
3. Planning Commission approval of street improvements. *Subdivision Committee gave no recommendation on this issue. Staff recommends that this project extend Macy Drive into the site approximately 150 feet into the site as proposed on the submitted site plans.*
4. Right-of-way dedication is required in the amount of 50 feet in width for the extension of Macy Drive into the site. Right-of-way dedication is not required along Mount Comfort Road as adequate street frontage exists along this road.
5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto.
6. Revisions shall be made prior to construction as outlined in the attached redline and department commentary documents.

Standard conditions of approval:

7. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, and Cox Communications).

9. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
 10. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
 11. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
 12. Large scale development shall be valid for one calendar year
 13. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
 14. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. Exterior lighting package must be provided to the Planning Division.
 - c. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - d. Separate easement plat for this project that shall include tree preservation areas.
 - e. Project Disk with all final revisions.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
 - g. Completion of an easement plat.
-

Planning Commission Action: ☐ Approved ☒ Denied ☐ Tabled	
Meeting Date: <u>September 12, 2016</u>	MOTION TO APPROVE
Motion: Brown	Motion: Autry, Second: Hoskins
Second: Autry	3-5-0
Vote: 3-5-0	MOTION FAILS, PROJECT DENIED

BUDGET/STAFF IMPACT:

None.

Attachments:

- City Attorney memo
- Planning Division comments
- Engineering Division comments
- Urban Forestry Division comments
- Parks Division comments
- Addressing comments
- Accident data
- Applicant's request letter
- Site Plans
- Elevations
- Close Up Map
- One Mile Map

Site Plan Notes:

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

PROPERTY INFORMATION

PROPOSED SITE AREA: 204,445 S.F. OR 4.74 ACRES
PROPOSED DEDICATED ROW: 10,877 S.F. OR 0.25 ACRES
NET SITE AREA: 203,568 S.F. OR 4.69 ACRES
ZONING: RMF/24.2.0 ACRES RSF-4 1.76 ACRES

Public Street Information:

Street/Classification	Local/Other
Main Drive	Local
Local ROW	27'
ROW to ROW / Parallel Parking	30'
Shoulder	5'

SITE INFORMATION	SQ FT	AC	% OF SITE TOTAL
SITE AREA LESS DEDICATED RIGHT-OF-WAY	263,567.95 S.F.	6.07 ACRES	100%
STREET PAVED AREA	33,569 S.F.	0.77 ACRES	
SIDEWALK AREA	4,417 S.F.	0.10 ACRES	
BUILDING & DRIVEWAY AREA	59,000 S.F.	1.35 ACRES	
TOTAL HARDSCAPE AREA	137,000 S.F.	3.14 ACRES	46.4%
SOFTSCAPE AREA	146,567 S.F.	3.37 ACRES	51.0%

PARING INFORMATION

NUMBER OF BEDROOMS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
REQUIRED PARKING SPACES PER BEDROOM	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
PROVIDED	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
REQUIRED ADA ACCESSIBLE SPACES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
PROVIDED	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
REQUIRED BIKE RACKS 100 UNITS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
PROVIDED	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
REQUIRED SCOOTER 125 UNITS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
PROVIDED	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100



Date: August 8, 2016

Planning Commission Staff Memo

To: Harry Davis, Planner

From: Jonathan Ely
Development and Construction Manager
Engineering Division

Re: Plat Review Comments

Development: LSD 16-5488 Macy Dr. Townhomes

Engineer: Swope Consulting

Plan Comments:

1. On street parking showing on the west side of Macy Drive, will not be striped as shown. Removing striping from site plan.
2. Show all adjacent topographic information within 100 feet of the property boundary. This should include buildings, driveways, sidewalks, streets, fences, utilities, landscaping, etc...
3. A portion of the property is located within the floodplain, so an elevation certificate will likely be required, unless pad elevation is shown to be in excess of 10 feet above the BFE. Coordinate with Alan Pugh for further information.

Drainage Comments:

1. Site Design Credit for Vegetated Channel does not meet the minimum criteria as proposed on the drawings. In order to obtain this credit, the criteria listed in section 4.3.2.3 of the Drainage Criteria Manual must be met. Otherwise, the water quality calculations will need to be adjusted to accommodate the full water quality volume.
2. Post Developed Drainage Map must show the contributing area to the Vegetated Channel, and bioretention area.
3. Runoff Curve Numbers and time of concentrations calculations for each basin must conform to tables and guidelines established in Chapter 3 of the Drainage Criteria Manual. There are discrepancies in the drainage report that must be corrected prior to engineering approval of the project.
4. There is a small section of new impervious area shown in Post Developed Area B. This area must meet minimum standard #1, or provide justification for why it is not feasible to capture and treat this area for water quality.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense

3. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
4. Fire Line monthly fees will be applied based on the size of the riser penetrating the slab. See Chapter 51.136 of the Unified Development Code for table of fees associated with pipe diameter.
5. Commercial structures that may require a fire sprinkler system must obtain a fire flow study submitted and approved by the fire department prior to approval of the project.
6. Prior to engineering approval of the **building permit**, either the required public improvements must be installed and accepted, or performance bonds in the amount of 150% of the construction cost for all public improvements must be submitted, accompanied by a unit price estimate approved by the Engineering Division.
7. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - o Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - o Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - o Waterline fittings, callouts, or utility conflicts
 - o Street profiles
 - o Fine grading/spot elevations
8. The Engineer of Record shall:
 - a. Review and approve material submittals. Approved submittals shall be submitted to the City for concurrence before grading permit is issued.
 - b. Perform "Full Time" Inspection for the utility installation and shall be "In- Charge" of the approval testing.
 - c. Provide a qualified representative for all testing and inspection.
 - d. Schedule testing with the Public Works Inspector.
 - e. Authorize geotechnical testing laboratory to provide reports directly to City in PDF format. Reports shall be submitted in a timely manner.
 - f. Prepare material data sheets and test reports required by the specifications.
 - g. Insure that daily inspection reports and data sheets are submitted to the City of Fayetteville's public works inspector weekly in PDF format.
9. 2012 Standard Water & Sanitary Sewer Specifications & Details apply
10. Demolition shall not begin until the appropriate erosion control measures and required tree preservation fencing are installed
11. Prior to **Project Acceptance** (Final Plat, Certificate of Occupancy, or Temporary Certificate of Occupancy) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - h. The work shown on the civil site package must be complete and the items on the final punch list completed.
 - i. Vegetation must be established and perimeter erosion controls removed.
 - j. One (1) set of as-built drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
 - i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.
 1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
 - ii. Sanitary Sewer, and Storm Drainage (Including Private) elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
 - iii. Street Centerline, Width, Profiles and Cross slopes shall be verified.

1. More than 6 inches deviation of design alignment of shall require new right of way dedication or adjustment of the street section.
- iv. Adequate verification survey to confirm accuracy of drainage report.
- v. As-builts should include the following information in a table: Linear Feet of new public streets, sidewalk (categorized by width), waterline, and sanitary sewer. Square feet of newly dedicated right-of-way.
- k. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements; 50% of water & sewer infrastructure.
- l. Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...
- m. Certification that the designed retaining walls were installed per approved plans and City of Fayetteville requirements (Inspection and Testing Reports required);
- n. Cross Sections, Volume Calculations, and Certification Retention/Detention Ponds are in accordance with the approved Drainage Report.
- o. Surveyor's Certification of Compliance for monuments and property pins.
- p. The As- Built Final Drainage Report in PDF format updated per as-built invert, slope, inlet opening, road profile, cross slope, etc...
- q. Bond, guarantee, or letter of credit for all sidewalks not constructed prior to final plat approval (150% of the estimated cost of construction);
- r. Cross Sections, contours, spot elevations, and Certification that the site has been graded per the approved MRLGP within the right of way, drainage easements, and utility easements.

- All trees and natural areas shown on this plan to be preserved shall be protected during construction with temporary fencing. Protective fencing shall be installed around the entire length of frost-free/active standards for tree protection.
- Protective fences shall be installed prior to the start of any site preparation work and shall be maintained throughout all phases of construction and until removal from project area.
- Erosion and sedimentation control barriers shall be installed or maintained in a manner which does not result in soil build-up adjacent to the project area.
- Protective fences shall surround the trees or groups of trees and will be located at the distance 1' from natural areas; protective fences shall follow the limit on construction in order to prevent the following:
 - Soil compaction in the root zone of area resulting from vehicular traffic or storage of equipment
 - Root zone disturbances due to grade changes (greater than 2" root trenching and no more than 6" for roots)
 - Wounds to exposed trunk, trunk or limbs by mechanical equipment
 - Soil compaction detrimental to trees such as concrete storage, concrete truck cleaning and trucks
- Exceptions to installing fences at tree distances may be permitted in the following cases:
 - Where there is to be an approved grade change, impermeable paving surface, tree well, or other such site development
 - Where the permeable paving is to be installed within a tree's drip-line area (since the drip line's interior of the permeable paving area for use for wet grading so this area is graded sequentially prior to paving installation to minimize root damage)
 - Where trees are close to proposed buildings, erect the fence

7. Where there are severe space constraints due to tract size or other special requirements.
8. Where any of the above exceptions result in a fence being closer than 4 feet to a trunk, provided the trunk with stepping on protrusion to touch 6 feet (or 6 feet 6 inches if over branching) in addition to the reduced fencing required.
9. Trunks exposed for removal shall be removed in a manner which does not impact trunks to be preserved.
10. Any trunks exposed by construction activity shall be pruned back to the trunk's natural leafless condition and good quality pruned at a minimum 2 years. If exposed root trunks are not backfilled within 120 days, cover with organic material in a manner which reduces soil temperature and minimizes water loss due to capillary action.
11. Any trenching required for the installation of landscape irrigation shall be placed as far from existing trunk trunks as possible.
12. No trenching, post driving greater than 1/4 inches shall be permitted within the drip line of trunks. No cut in permitted on the root flare of any trunk.
13. Any trenching, post driving or other structures, including traffic, or equipment shall take place before construction begins.
14. All finished pruning must be done according to recognized American National Standard (ANSI) standards for pruning.
15. Approved standards must be in place (reference the American National Standard, ANSI A300-2006, "Pruning Operations"). A city certified tree pruner must be retained to make all pruning cuts 1 foot of scuffed tree pruner is available from the urban forest department. The above standards may be considered evidence violations if there is a substantial non-compliance or if these standards damage to a result.

Year	Age	Sex	Occupation	Marital Status	Religion	Education	Income	Health	Life Expectancy
1900	20	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	25	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	30	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	35	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	40	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	45	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	50	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	55	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	60	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	65	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	70	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	75	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	80	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	85	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	90	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	95	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	100	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	105	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	110	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	115	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	120	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	125	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	130	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	135	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	140	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	145	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	150	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	155	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	160	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	165	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	170	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	175	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	180	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	185	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	190	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	195	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	200	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	205	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	210	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	215	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	220	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	225	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	230	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	235	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	240	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	245	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	250	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	255	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	260	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	265	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	270	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	275	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	280	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	285	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	290	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	295	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	300	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	305	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	310	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	315	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	320	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	325	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	330	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	335	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	340	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	345	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	350	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	355	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	360	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	365	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	370	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	375	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	380	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	385	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	390	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	395	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	400	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	405	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	410	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	415	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	420	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	425	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	430	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	435	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	440	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	445	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	450	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	455	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	460	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	465	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	470	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	475	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	480	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	485	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	490	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	495	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	500	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	505	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	510	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	515	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	520	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	525	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	530	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	535	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	540	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	545	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	550	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	555	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	560	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	565	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	570	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	575	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	580	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	585	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	590	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	595	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	600	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	605	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	610	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	615	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	620	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	625	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	630	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	635	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	640	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	645	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	650	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	655	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	660	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	665	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	670	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	675	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	680	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	685	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	690	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	695	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	700	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	705	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	710	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	715	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	720	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	725	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	730	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	735	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	740	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	745	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	750	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	755	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	760	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	765	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	770	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	775	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	780	M	Teacher	Single	Protestant	College	\$2,000	Good	75.0
1900	785	F	Nurse	Single	Catholic	College	\$2,000	Good	75.0
1900	790	M	Engineer	Married	Protestant	College	\$3,000	Good	75.0
1900	795	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	800	M	Farmer	Married	Protestant	High School	\$1,000	Good	75.0
1900	805	F	Homemaker	Married	Catholic	High School	\$1,000	Good	75.0
1900	810	M	Teacher</						

[illegible]

Wetland Requirements			
Larvae show oligoneurine life	Perennially flooded	Openland area only	Number of 1' larvae times 10 is factor 2
1	high flooding	218	6
2	mid flooding	261	0
3	low flooding	436	0
Wet Ponds is defined as backwater, oligoneurine inhabited, open water with emergent vegetation and a soft bottom.	Wet Ponds is defined as open water with emergent vegetation, no backwater, and a soft bottom.	Wet Ponds is defined as open water, no backwater, no emergent vegetation, and a soft bottom.	

Line	Presumption Calculation	Dollar Test	Percent of yte
Total Vol Area "Netus Right of Way and Easements"		226,512	100%
Less: "Dedication" (same below with drop down arrow)			
Neted 24 M-01 Family Ownership Farming Fair Acres Fee		46,262	20%
Added "Arbitr" Settlement with Drop Down Arrow			
		0	0%
Total Carriage for Minimum Presumption Requirements		66,262	29.2%
Lessing True Carriage "M-01 Right of Way and Easements"		(12,163)	5.4%
True Carriage Presumption		54,100	23.8%
True Carriage Assessed "Up Side"		6,246	2.8%
True Carriage Assessed "Down Side"		1,406	0.6%
True Carriage Assessed Total		7,652	3.4%
Remaining Below Min-Amount		11,450	5.0%
Allocation Requirements			

[illegible]

Land Use	Land Use Requirements	Stormwater Fees	Stormwater Fees	Stormwater Fees
Office	Area of 3000 sq. ft. or less is measured from the top contour plus 10 feet	Stormwater Fees (Stormwater or Sewerage)	Stormwater Fees (Stormwater or Sewerage)	Stormwater Fees (Stormwater or Sewerage)
	222	2	10	10

PLANNING & ZONING DEPARTMENT
MOUNTAIN VIEW CITY
1250 N. CANBY
MOUNTAIN VIEW CITY, OKLAHOMA
74049

(3) (2)

Paper

One Hundred (100) Sheets, 8 1/2" x 11"

Drawings

Property Line
Offset Property Line
Right Of Way Line
Setback
Zones / Drive Centerline
Curb And Gutter
Easement Plan (See Detail)

Thickened Edge Of Pavement
Edge Of Gravel
Pavement Slipping
Asphalt Pavement (See Detail)
Subgrade Pavement Structure
Intersect Pavement (See Detail)
Shoulder Pavement Structure
Concrete Sidewalk
(See Note Plan For Dimensions)

See Utility Plan In Lane Sizes

C/S&W Water Line
Water Line
& Sewer
Fire Hydrant & Assembly
SR Single Water Header
Sanitary Sewer Line
Sanitary Sewer Service
Sanitary Sewer Manhole

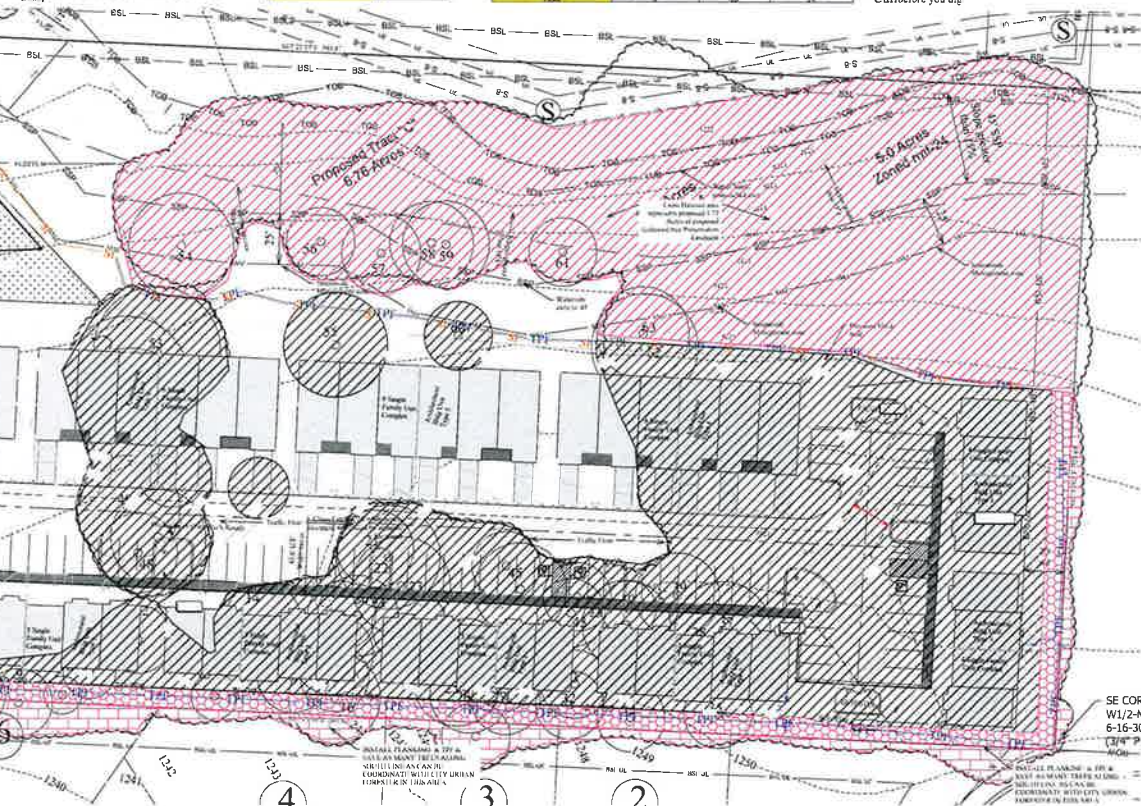
Notes:

See Cover Sheet For Abbreviations List



DATE

[illegible]



Know what's below
Call before you dig

Large Scale Development of
MACEY DR. TOWNHOMES
Development for
Legacy Ventures NWA c/o Tim Brisel
PO Box 8216
Fayetteville, AR 72712
Ph. 479.400.4001



SWOPE CONSULTING
the 4th dimension

10001 Old Hwy.
 Houston, TX 77036
 281-461-4400

Project No.	16-205	Scale	1"=30'
Date	6/11/2016		
Sheet Description	TREE PRESERVATION PLAN		
Sheet #	C1.2		



TREE PRESERVATION AND PROTECTION – Chapter 167

To: Tim Brisiel, Legacy Ventures NWA

From: John Scott, Urban Forestry

CC: Jonathan Curth, Senior Planner

Date: August 15, 2016

Subject: LSD 16-5488: NE of Marigold Dr. and Macey Dr. | Macey Dr. Townhomes | Planning Commission

Requirements Submitted:

N	Initial Review with the Urban Forester
NA	Site Analysis Map Submitted (if justification is needed)
NA	Site Analysis Written Report Submitted (justification is needed)
Y	Complete Tree Preservation Plan Submitted
Y	Tree Mitigation Table on Plans
NA	Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	226,512	100%
Zoning Designation * Select Below with drop down arrow		
RMF-24 Multi-Family Residential-Twenty-Four Units Per Acre	45,302	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	45,302	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	143,603	63.4%
Tree Canopy Preserved	55,765	24.6%
Tree Canopy Removed *On Site	87,838	38.8%
Tree Canopy Removed *Off Site	1,800	
Tree Canopy Removed Total	89,638	39.6%
Removed Below Minimum	0	
Mitigation Requirements	1,800	

- Total Site Area* is property line minus Master Street Plan ROW, existing easements, and Dedicated Parkland
- Existing Tree Canopy* is total tree canopy minus Master Street Plan ROW and existing easements

Tree Canopy Mitigation: 8 trees will be required for mitigation. Staff has determined the best location for the mitigation trees to offset the impact of the development is on the north side of the parking lot as shown on the landscape plan. 167.04 I 7

Canopy Below Required	Preservation Priority/Type	Forestation Base Density (ft2)	Number of 2" caliper trees to be planted
1800 ft2	High Priority	218	8
0	Mid Priority	290	0
	Low Priority	436	0
Total Mitigation			8

Mitigation Type Requested	Qty	Each	Total Cost
On-site Mitigation			
Off-site Mitigation			
Tree Escrow		\$675	
Total Mitigation			

Mitigation Type Requested:

☒ On-Site ☐ Off-Site ☐ Tree Escrow ☐ Not Requested Yet

Mitigation Type Requested Approved: ☒ YES ☐ NO

TREE PROTECTION PLAN CHECKLISTS AND COMMENTS:

Plan Checklist:

NA = not applicable

Yes = submitted by applicant

I = incomplete

No = required by City Code but not included on submitted plan

The Site Analysis Plan [167.04(H)(1)]

Tech Plat	SD	PC	Site Analysis Plan Components
Y	Y	Y	5 year aerial check on existing trees
Y	Y	Y	Property Boundary
Y	Y	Y	Natural Features 100ft beyond property line shown
Y	Y	Y	Existing Topography with slopes $\leq$ 15% highlighted
N	Y	Y	Soils
Y	Y	Y	Significant Tree(s): 24", 18" and 8" DBH
Y	Y	Y	Table listing Sig. Trees with species, size, health, priority.
Y	Y	Y	Grouping of Trees: all other trees that do not meet significant requirements.
Y	Y	Y	Table listing Grouped Trees with average species, size, health, priority
Y	Y	Y	All existing utilities
Y	Y	Y	All perennial and intermittent streams with approximate center line
Y	Y	Y	Floodplains/Floodways
Y	Y	Y	Existing street, sidewalk or bike path ROW
NA	Na	Na	Submitted Site Analysis Plan

The Analysis Plan Report [167.04(H)(4)]

Tech Plat	SD	PC	Analysis Plan Report Components
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NA	N/A	N/A	Detail Design Approaches used to minimize damage to OR removal of existing canopy
NA	N/A	N/A	Justification for removal of individual or groupings of trees/canopy
NA	N/A	N/A	Details providing information on on-site mitigation OR off-site alternatives
NA	N/A	N/A	Submitted Analysis Report/Statement – Note the process, iterations, and approaches with tree preservation in mind. Use email from owner/developer that was provided as reference.

Tree Preservation Plan [167.04(H)(2)]

Tech Plat	SD	PC	Tree Preservation Plan Components
Y	Y	Y	Shows ALL Proposed Site Improvements
Y	Y	Y	Delineates trees/canopy to be preserved and removed
Y	Y	Y	Delineates existing and proposed grading
Y	Y	Y	Depict limits of soil disturbance
N	Y	Y	Detail methods that will be used to protect trees during construction:
N	Y	Y	1. Tree Protection Fencing
NA	N/A	N/A	2. Limits of Root Pruning
N	Y	Y	3. Traffic flow on work site
N	Y	Y	4. Location of material storage
N	Y	Y	5. Location of concrete wash out – move outside of trees to be saved
N	Y	Y	6. Location of construction entrance/exit
Y	Y	Y	Location of ALL existing and new utility/drainage easements

Conditions of Approval:

Urban Forestry recommends approval of the Landscape Plan with the following conditions of approval:

1. Address items above marked "No" and all Redlines provided.
2. Add the following notes:
 - a. Prior to Building Permit approval, an easement plat depicting tree preservation areas must be signed by Urban Forestry.
 - b. Prior to request for final landscape inspection by Urban Forester, Landscape Architect of Record shall inspect site and direct Contractor to make changes to meet approved plans and details. No changes to the approved landscape plan may be made without Urban Forester approval.



LANDSCAPE REGULATIONS – Chapter 177

To: Tim Brisiel, Legacy Ventures NWA

From: John J. Scott, Urban Forestry

CC: Jonathan Curth, Senior Planner

Date: August 15, 2016

Subject: LSD 16-5488: NE of Marigold Dr. and Macey Dr. | Macey Dr. Townhomes | Planning Commission

Applicable Requirements:

Y	Site Development & Parking Lot Standards
Y	Street Tree Planting Standards
NA	Stormwater Facilities

Plan Checklist:

Yes = submitted by applicant

No = required by City Code but not included on submitted plan

N/A = not applicable

Tech Plat	SC	PC	All Landscape Plans
Y	Y	Y	Irrigation notes either automatic or hose bib 100' o.c. (177.03A.7.g & 177.04.B.3.a)
Y	Y	Y	Species of plant material identified (177.03.A.7.d & e)
Y	Y	Y	Size of plant material at time of installation indicated minimum size 2" caliper for trees and 3 gal. shrubs (177.03.A.7.b & c)
Y	Y	Y	Soil amendments notes include that soil is amended and sod removed (177.03.C.6.b)
Y	Y	Y	Mulch notes indicate organic mulching around trees and within landscape beds (177.03.C.6.c & d)
N	N	N	LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer (177.03.B)
Y	Y	Y	Planting bed contained by edging (177.03.C.6.f)
Y	Y	Y	Planting details according to Fayetteville's Landscape Manual (177.03.C.6.g)

Tech Plat	SC	PC	Site Development & Parking Lot Standards
NA	Na	Na	Wheel stops/ curbs (177.04.B.1)
N	Y	Y	Interior landscaping (177.04.C) Narrow tree lawn (8' min width, 37.5' min length/ 1 tree per 12 spaces) <u>OR</u> Tree island (8' min. width, 18.7' min. length/1 tree per 12 spaces) All parking lot trees must be deciduous (177.04.C.3)
Y	Y	Y	Placement of Trees (177.04.C.2) Either side at points of access (entrance/exit)
Y	Y	Y	Perimeter landscaping (177.04.D) Side and rear property lines (5' wide landscaped) Front property line (15' wide landscape) (177.04.D.2.a) Shade trees planted on south and west sides of parking lots (177.04.D.2.e) Parking lot adjacent to R.O.W. - continuous row planting of shrubs - 50% evergreen. Remaining landscaping to be ground cover and / or turf.) (177.04.D.4a) NOTE: Shade trees are described in street tree planting standards
Tech Plat	SC	PC	Street Tree Planting Standards (time of F.P. or permit) (177.05)
N	NA	NA	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
Y	Y	y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA	Na	Na	Urban Tree Wells-urban streetscape only- 8' sidewalk , trees every 30 L.F. (177.05.B.3 a-f)
NA	Na	Na	Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan and inspected at time of construction.
NA	Na	Na	Timing of planting indicated on plans (subdivisions only) (177.05.A.4)
NA	Na	Na	Written description of the method for tracking plantings (177.05.A.4.e)
Y	Y	y	Plan contains 3-year Maintenance and Monitoring Agreement. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. (177.05.A.2.e)
Tech Plat	SC	PC	Stormwater Facilities (time of F.P. or permit) (177.06.A – C)
Y	Y	Y	1 deciduous or evergreen tree/ 3000 square feet
Y	Y	Y	4 large shrubs or small trees (3 gal) / 3000 square feet
Y	Y	Y	6 shrubs or grasses (1 gal) / 3000 square feet
Y	Y	Y	Ground cover unless seed or sod is specified
Y	Y	y	50% of facility planted with grass or grass like plants

Landscape Requirements Table		
8	Mitigation Trees	3-year surety required
5	Street Trees 156/30	3-year surety required
7	Parking Trees (24/12) = Provided	
2	Detention Large Trees	
10	Detention Small Trees / Large Shrubs	

Conditions of Approval:

Urban Forestry recommends approval of the Landscape Plan with the following conditions of approval:

1. Address all items above marked "N".
2. Plan must be stamped by a Licensed Landscape Architect.
3. Add the following notes:
 - a. Prior to Building Permit approval, all required landscaping will require a performance bond and a completed Landscape Surety Form for all required landscaping. Submit an itemized landscape estimate for review at time of construction plan review.
 - b. Prior to Certificate of Occupancy, a 3-year Maintenance Plan must be submitted with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form for all required street and mitigation trees.
 - c. Landscape Architect of Record shall inspect site and direct Contractor to make changes to meet approved plans and details prior to Urban Forester Certificate of Occupancy inspection. No changes to the approved landscape plan may be made without Urban Forester approval.



TO: Planning Division
FROM: Ken Eastin, Park Planner II
DATE: August 8, 2016
SUBJECT: Parks & Recreation Technical Plat Review Comments

Meeting Date: Subdivision Committee on August 11, 2016
Item: 16-5488 LSD NE of Marigold Dr. and Macey Dr. (Macey Dr. Townhomes) 363
Park District: NW
Zoned: RSF-4, RMF-24
Billing Name & Address: Tim Brisiel
Legacy Ventures
PO Box 8216
Fayetteville, AR 72701

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ 0.023 acre per unit = _____ acres	_____ @ \$920 per unit = \$ _____
Multi-Family	_____ @ 0.014 acre per unit = _____ acres	57 @ \$560 per unit = <u>\$31,920</u>

COMMENTS:

- On June 6, 2016, PRAB reviewed the project and recommended accepting money in-lieu for 57 multi-family units to satisfy the park land dedication ordinance due to the development's proximity to Salem Park, Gary Hampton Softball Complex, Hamestring and Clabber Creek Trails, and Bryce Davis Community Park.
- Fees in the amount of \$31,920 are due for the proposed 57 multi-family units prior to the issuing of building permits
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this development will be used to fund future park acquisitions and improvements within this park quadrant.
- The actual amount of fees will be determined by the actual number of units and the parks fee formula at the time of Planning Commission approval of the LSD.

Macey Drive Townhomes

APPROVED

By Dainah Gilbert at 12:10 pm, Aug 04, 2016

50 Feet



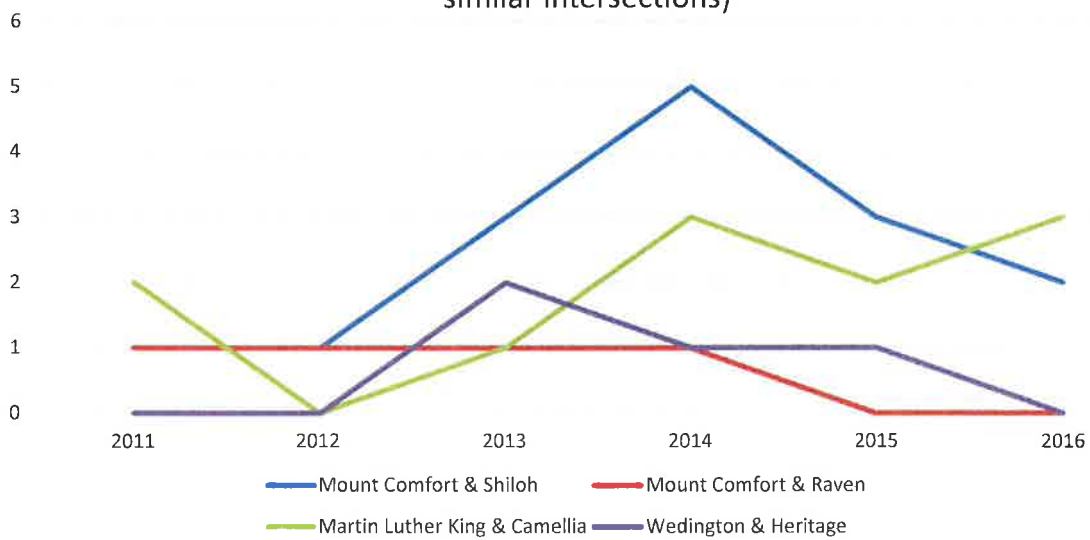
- Preliminary Address
- Street
- Project Area
- County Parcel

Vicinity Map



	Mount Comfort & Shiloh	Mount Comfort & Raven	Martin Luther King & Camellia	Wedington & Heritage
2011	1	1	2	0
2012	1	1	0	0
2013	3	1	1	2
2014	5	1	3	1
2015	3	0	2	1
2016	2	0	3	0

2011-2016 Accident Totals by Year for Mt. Comfort & Shiloh (and similar intersections)



Mount Comfort & Shiloh

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101300	20110723	134700	MOUNT COMFORT	SHILOH
201200411	20120305	74900	MOUNT COMFORT	SHILOH
201301712	20130826	72800	MOUNT COMFORT	SHILOH
201302004	20130918	174800	SHILOH	MOUNT COMFORT
201302232	20131016	125900	MOUNT COMFORT	SHILOH
201400880	20140505	75400	MOUNT COMFORT	SHILOH
201401271	20140624	14900	MOUNT COMFORT	SHILOH
201401418	20140724	162600	MOUNT COMFORT	SHILOH
201402378	20141107	73900	MOUNT COMFORT	SHILOH
201402494	20141117	94500	MOUNT COMFORT	SHILOH
201500249	20150207	172500	MOUNT COMFORT	SHILOH
201500527	20150305	152200	SHILOH	MOUNT COMFORT
201500720	20150330	74800	MOUNT COMFORT	SHILOH
201600123	20160104	151300	MOUNT COMFORT	SHILOH
201601168	20160504	75600	MOUNT COMFORT	SHILOH

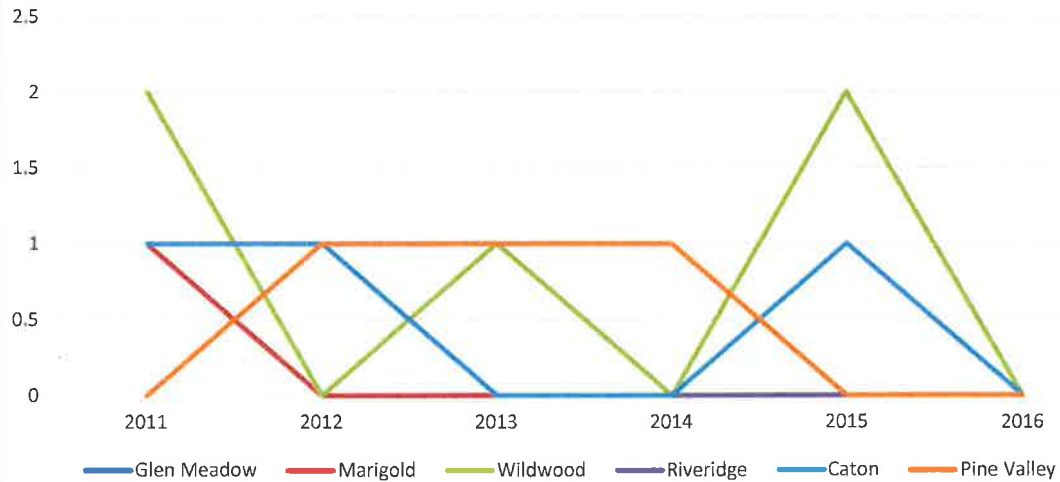
ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101894	20111003	75200	MOUNT COMFORT	RAVEN
201202027	20121012	143700	MOUNT COMFORT	RAVEN
201300191	20130201	161500	MOUNT COMFORT	RAVEN
201401856	20140915	75500	MOUNT COMFORT	RAVEN

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101095	20110614	42800	MARTIN LUTHER KING	CAMELLIA
201101564	20110824	181600	MARTIN LUTHER KING	CAMELLIA
201300414	20130301	141800	MARTIN LUTHER KING	CAMELLIA
201400769	20140402	121000	MARTIN LUTHER KING	CAMELLIA
201402066	20141007	180700	MARTIN LUTHER KING	CAMELLIA
201402609	20141203	600	MARTIN LUTHER KING	CAMELLIA
201500708	20150328	201400	MARTIN LUTHER KING	CAMELLIA
201503119	20151211	113100	MARTIN LUTHER KING	CAMELLIA
201600090	20160114	183900	MARTIN LUTHER KING	CAMELLIA
201600679	20160313	195100	MARTIN LUTHER KING	CAMELLIA
201601825	20160715	191800	MARTIN LUTHER KING	CAMELLIA

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201302830	20131207	110900	WEDINGTON	HERITAGE
201300907	20130508	112200	HERITAGE	WEDINGTON
201400439	20140304	80000	HERITAGE	WEDINGTON
201502701	20151025	160600	HERITAGE	WEDINGTON

	Glen Meadow	Marigold	Wildwood	Riveridge	Caton	Pine Valley
2011	1	1	2	0	1	0
2012	0	0	0	1	1	1
2013	0	0	1	0	0	1
2014	0	0	0	0	0	1
2015	0	0	2	0	1	0
2016	0	0	0	0	0	0

2011-2016 Accidents Totals by Street per Year (in Pine Valley Subdivision)



GlenMeadow

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100819	20110504		GLENMEADOW	MARIGOLD

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100440	20110306	2962	MARIGOLD	

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100437	20110227		WILDWOOD	N WILDWOOD
201102526	20111221	2852	WILDWOOD	
201300288	20130214		WILDWOOD	RIVERRIDGE
201500202	20150130		WILDWOOD	RIVERRIDGE
201501168	20150518		WILDWOOD	CATON

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201200885	20120505		RIVERRIDGE	GLENMEADOW

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201201422	20120722		CATON	
201100408	20110303		CATON	RIVERRIDGE
201501396	20150613		CATON	RIVERRIDGE

06/17/2016

Planning Division
City of Fayetteville
Fayetteville, Arkansas 72701

ATTN: Planning Staff

RE: Macey Street Townhomes

Dear Planning Staff,

Please accept this letter accompanying our Large Scale Development plans for the Macey Drive Townhomes. We have submitted the full set of plans and look forward to working with the City of Fayetteville to transition the plans to reality.

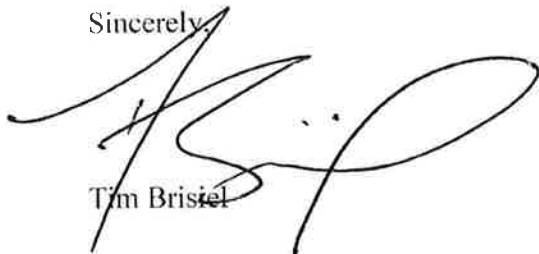
This development consists of 58 townhome units that will each be two bedrooms and two and a half baths and approximately 1300 square feet each. They will be traditional in style and design with the use of variations of James Hardie siding, brick, and stone. The objective is to make each unit look different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

The topography of the site may be slightly challenging from a developmental standpoint but feel in the end it will add to the uniqueness of the development and make it very attractive for residents.

The development seems to meet or exceed all City of Fayetteville requirements and we are hopeful that we can work through the process together quickly.

We appreciate your time and hope you will give this proposal careful consideration. We are looking forward to completing this subdivision and together leaving our *Legacy* one *Venture* at a time.

Sincerely,



Tim Bristol



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

Mazda Drive	
Street Classification	Good Value
Total RPO	\$0*
RPO to RPO w/ Parallel Parking	\$0*
Citizenship	0
Subtotal	0

SITE INFORMATION	ACRES	% OF SITE TOTAL
STREET PAVED AREA	23,360 S F OR 0.537 ACRES	
SIDEWALK AREA	4,447 S F OR 0.101 ACRES	
BUILDING & DRIVEWAY AREA	89,600 S F OR 2.072 ACRES	
TOTAL Hardscape AREA	137,407 S F OR 3.14 ACRES	48.4%
SOFTSCAPE AREA	146,581 S F OR 3.37 ACRES	51.6%

GROSS SITE AREA	294.485 6 S F OR 6.78 ACRES
PROPOSED DEDICATED ROW	10.877 56 S F OR 0.25 ACRES
NET SITE AREA	283.587 95 S F OR 6.51 ACRES
ZONING	RMF224 30 Area 283.5 S F 6.51 ACRES

REQUIRED PARKING SPACES 1 PER BEDROOM PROVIDED	17
REQUIRED ADA ACCESSIBLE SPACES PROVIDED	4
REQUIRED BIKE RACKS 1/30 UNITS PROVIDED	3
REQUIRED SCOOTER 125 UNITS PROVIDED	3

FRONT	15 1/2 c
RESIDENTIAL SIDE	9 1/2 c
REAR	15 1/2 c

PMF-14 TRACKING

REAR DRUM BRAKES 20 IN.
REAR SINGLE LAMINATES 10

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

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



Know what's below.
Call before you dig.

[illegible]

- ✗ Private driveway intersecting Maury Dr shall reference the C.U.C. Commercial driveway
- ✗ All Street Lights to be placed Directly behind sidewalk
- ✗ Sidewalks adjacent to Maury Dr are 5' in width
- ✗ Sidewalks adjacent to parking lots are 5'
- ✗ Sidewalks to building are 4' wide

- * All new utilities shall be placed underground, and all existing utilities under 12 KV shall be re-located underground.
- * All structural and safety equipment located on the wall or on the ground shall be secured. All roof-mounted utilities and structural equipment shall be secured by attaching bracing systems from the exterior utilizing methods compatible with the supporting materials. Machinery and safety equipment less than 30 inches in height shall meet building setbacks. Structural ground-mounted equipment may be secured with tall pipe or struts
- * Each unloader shall be secured in three sides with materials complementary in and compatible with the principal structure, with access visible from the street. An elevation depicting the materials and load capacity of the wheel will be required to be approved by Planning Division before permit
- * All signs by separate permit



Order Department of
MACEY DR. TOWNHOMES
Attn: Legacy Ventures NWA C/O Tim Bristol
PO Box 8216
Fayetteville, AR 72712



SWOPE CONSULTING
Real Time Consulting
 10000 Highway 100, Suite 100
 Dallas, TX 75243
 Phone: 972.343.8800
 Fax: 972.343.8801
 Email: info@swopeconsulting.com
 Website: www.swopeconsulting.com

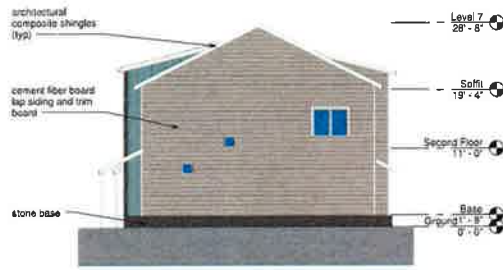
Project No.	16-205	Scale	1"=50'
Date	8/9/2016		
Sheet Description	SITE PLAN		
Sheet #	C1.0		



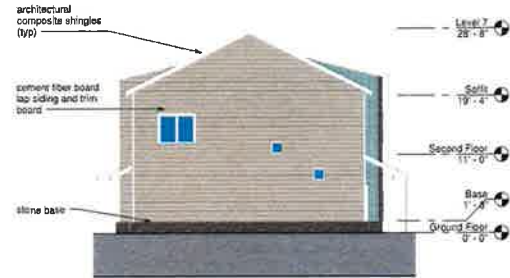
1 North Elevation
1/4" = 1'-0"



2 South Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 East Elevation
1/8" = 1'-0"

8-30-2016

Macey Drive Townhomes

5 Unit Townhouse-Elevation 1

8-30-2016

HENRY ARCHITECTURE

1722N COLLEGE AVE SUITE C • BOX 153
FAYETTEVILLE, AR 72704
PHONE: 479.534.9923 EMAIL: chery@henryarchitecture.com

DESIGNED BY: JH
CHECKED BY: JH

16-007

Fayetteville, AR

EL-1



1 North Elevation
1/8" = 1'-0"



2 South Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 East Elevation
1/8" = 1'-0"

830-2016

Macey Drive Townhomes

5 Unit Townhouse- Elevation 2

830-2016

EL-2

HENRY ARCHITECTURE

1724 N. COLLEGE AVE., SUITE C - BOX 15

FAIRFAX, VA 22031

PHONE: 478.530.9883 EMAIL: henry@henryarchitecture.com

DRAWN BY: A.C.
CHECKED BY: J.S.

16-007

Fayetteville, AR





1 North West Elevation
1/8" = 1'-0"



2 South East Elevation
1/8" = 1'-0"



3 East South Elevation
1/8" = 1'-0"



4 West North Elevation
1/8" = 1'-0"



7-19-2016

Macey Drive Townhomes

4 Unit Townhouse-Elevation 1

7-19-2016

HENRY ARCHITECTURE

1725 N. COLLEGE AVE. SUITE C BOX 153
FAYETTEVILLE, AR 72701
PHONE: +1 501 538 9633 EMAIL: henry@henryarchitecture.com

DRAWN BY: AC
CHECKED BY: AS

15-007

Fayetteville, AR



DATE	15-007
DESCRIPTION	4 Unit Townhouse-Elevation 1
BY	AC
CHECKED	AS

EL-3



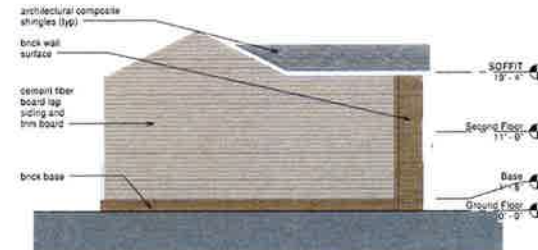
1 South Elevation
1/4" = 1'-0"



2 North Elevation
1/8" = 1'-0"



3 East Elevation
1/8" = 1'-0"



4 West Elevation
1/8" = 1'-0"



7-19-2016

Macey Drive Townhomes

GARAGE TOWNHOUSE ELEVATIONS-1

7-19-2016

HENRY ARCHITECTURE

1722 N. COLLEGE AVE., SUITE C BOX 159
FAYETTEVILLE, AR 72701
PHONE: 479-550-9893 EMAIL: sherry@henryarchitect.com

DESIGNED BY
DRAWN BY
CHECKED BY



EL-4



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



2 North Elevation
1/8" = 1'-0"



3 East Elevation
1/8" = 1'-0"



4 West Elevation
1/8" = 1'-0"

8-30-2016

Macey Drive Townhomes

GARAGE TOWNHOUSE ELEVATIONS-2

8-30-2016

HENRY ARCHITECTURE

1722 N COLLEGE AVE. SUITE C - BOX 153
FAYETTEVILLE, AR 72703
PHONE - 479-530-9693 EMAIL - henry@henryarchitecture.com

DESIGNED BY: AC
CHECKED BY: G



16-007

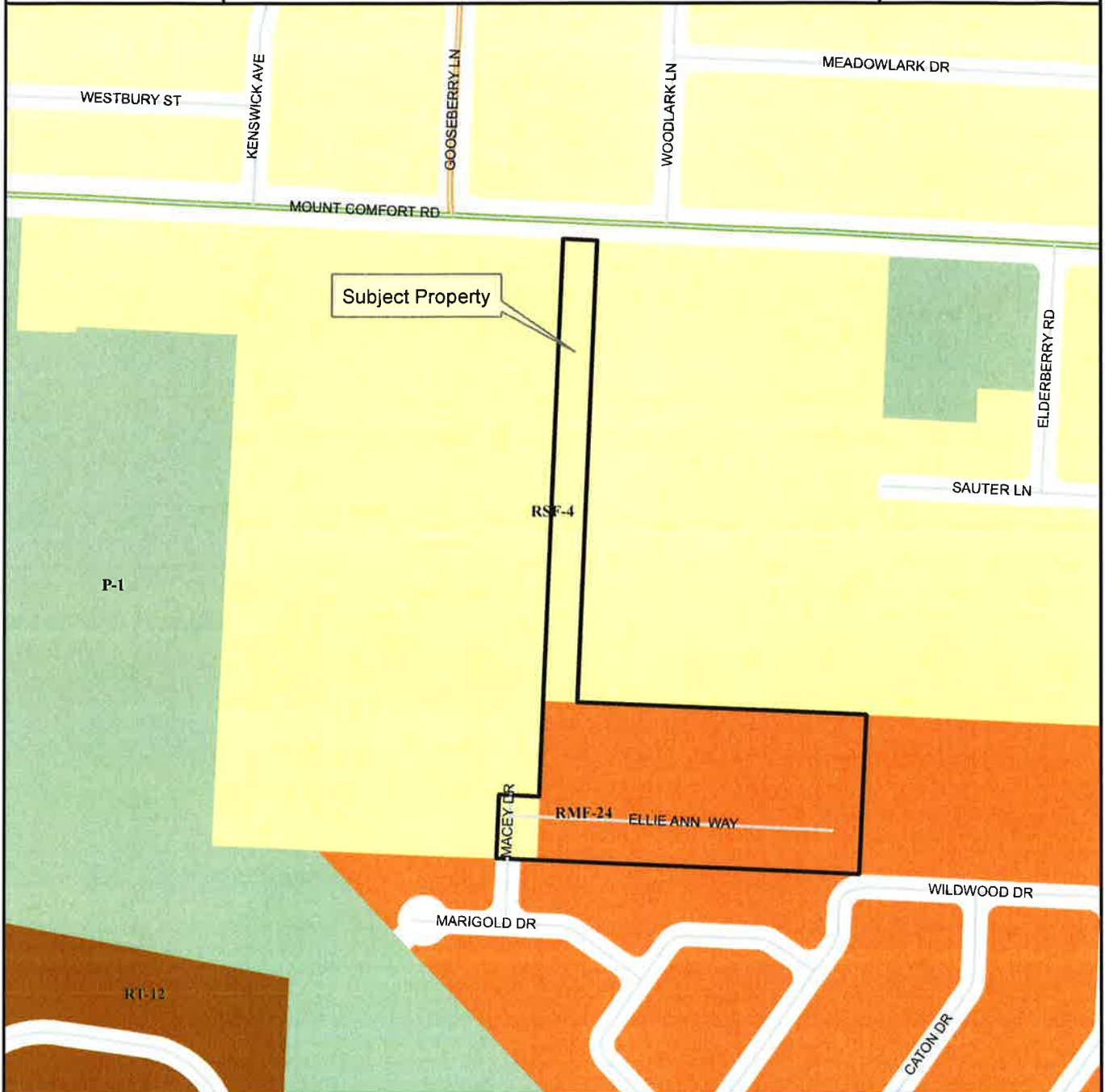
Fayetteville, AR

EL-5

LSD 16-5488

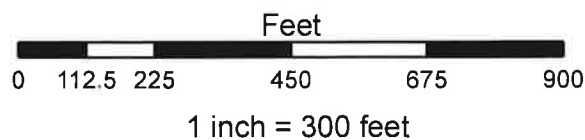
Close Up View

MACEY DR TOWNHOMES

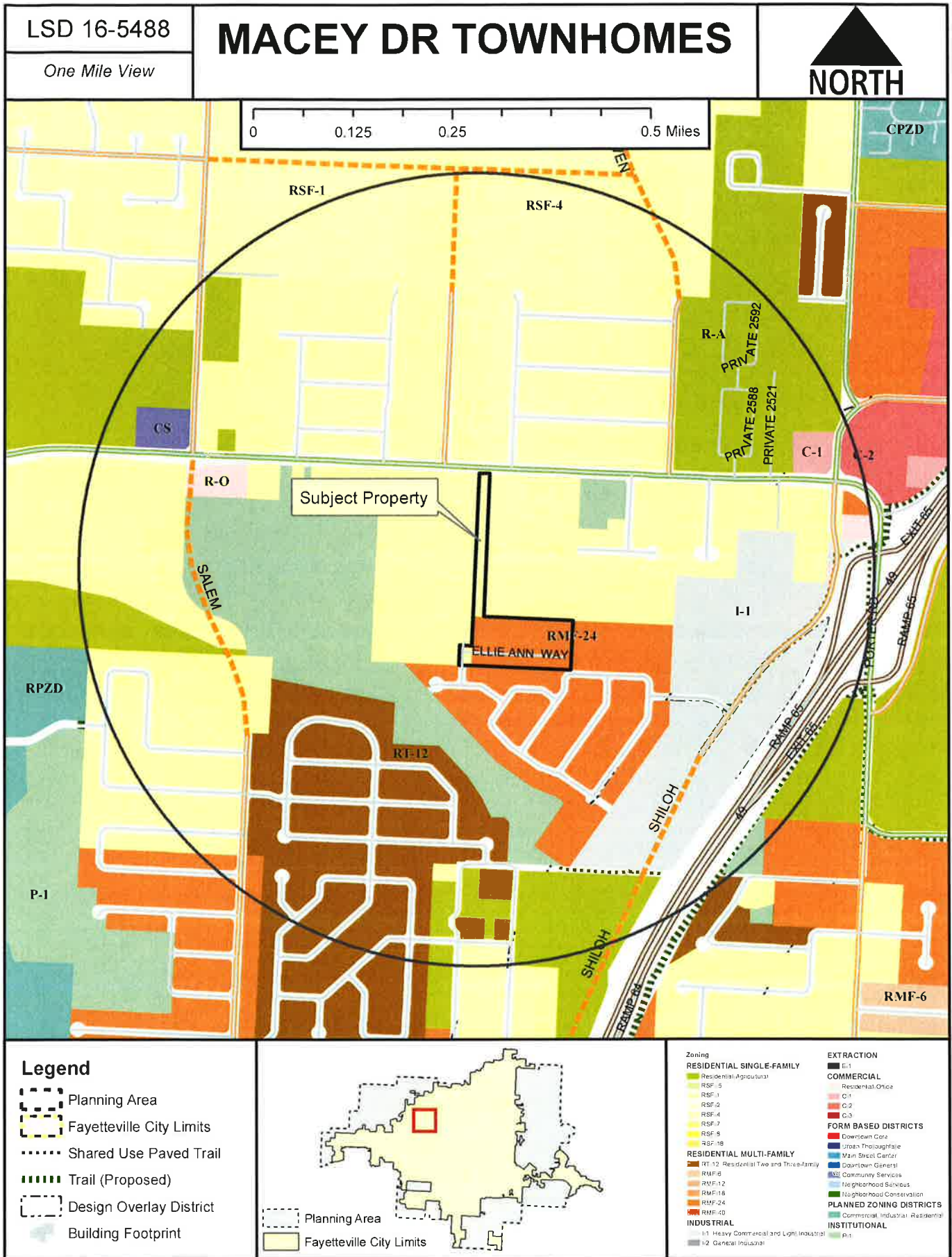


Legend

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



- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- P-1





MINUTES

DRAFT MINUTES - Planning Commission

September 12, 2016

5:30 PM

113 W. Mountain, Room 219

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

Call to Order: 5:30 PM, Kyle Cook

In Attendance:

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

Absent: Ryan Noble

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

City Attorney: Kit Williams

Consent Agenda:

1. Approval of the minutes from the August 22, 2016 meeting.

2. ADM 16-5580: Administrative Item (542 W. DICKSON ST./YANCEY HOG DOGS-1 YR. MOBILE VENDOR, 484): Submitted by CODY YANCEY for property located at 542 W. DICKSON ST. The property is zoned MSC-MAIN STREET CENTER and contains approximately 0.57 acres. The request is for a one year mobile food vendor permit.

3. ADM 16-5564: Administrative Item (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT, 400): Submitted by HUGH JARRETT for property located at 1530 GOLF CLUB DR. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.40 acres. The request is to amend R-PZD 07-2452 to add a clubhouse and swimming pool.

Motion:

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

Old Business:

4. LSD 16-5488: Large Scale Development (2900 BLOCK MT. COMFORT RD./MACEY DR. APTS., 363): Submitted by SWOPE CONSULTING, INC. for property located at the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF 24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, and contains approximately 6.76 acres. The request is for a 58 unit apartment complex with associated parking.

Harry Davis, Planner: Read the staff report.

Tim Brisiel, Applicant: In agreement with planning staff on their recommendation.

Public Comment:

No public comment at this time.

Tracy Hoskins, Commissioner: Asks to see the elevations on the screen. Questions if the developer needs to have a turnaround or if the street must continue to the property line.

Andrew Garner, Planning Director: Answers no.

Tom Brown, Commissioner: Believes there is a problem with the amount of accidents in the neighborhood. There were 14 accidents in the Pine Valley subdivision, which is a higher number in comparison to the intersections analyzed by staff.

Matthew Hoffman, Commissioner: In agreement with Commissioner **Brown**. **Hoffman** believes that staff has missed some key information in how wide the streets are in Pine Valley and how that would affect driving speeds and road safety. Therefore, **Hoffman** cannot support the development. No further issues with development.

Ron Autry, Commissioner: In agreement with Commissioners **Brown** and **Hoffman**. The existing amount of cars produces 14 accidents, which would be further increased by having 100 or so more vehicles going through the neighborhood.

Janet Selby, Commissioner: Does not believe they can support this development and is in agreement with previous comments.

Williams, City Attorney: Cautions the Planning Commission to be careful in voting on this development. Commissioner **Brown's** information should be evaluated by the Planning Commission and Staff. The existing subdivision was approved and the development in question has the right to be where it is located. **Williams** believes that the information sent by **Hoffman** is not applicable to the discussion about this development. Planning staff should come back with a more detailed report on the accidents in this existing subdivision in relation to similar subdivisions elsewhere in Fayetteville. A decision to deny the proposed development would need to be defensible in court, and therefore must have a serious traffic hazard to deny.

Garner: Explains the staff's process in reviewing the data in relation to other places around Fayetteville. Staff ultimately does not believe this proposed project would cause a problem and states that a professional traffic engineer is the next step in providing more information to the Planning Commission, if they desire more data. He also clarifies that the information provided to Commissioner **Brown** is the information provided by staff.

Williams: Understands and defers to staff.

Brown: Believes that traffic counts must be included in this analysis. Roads with higher traffic counts have accidents numbering in the single digits, while the accident data within the subdivision amounts to 14 accidents.

Williams: Cautions the Planning Commission against making judgments without expertise in traffic engineering. Suggests the applicant should conduct a full traffic study.

Leslie Belden, Commissioner: Questions if Shiloh would be extended across the creek to the south in order to provide another outlet.

Garner: States the Master Street Plan shows that it will be extended at some point to Wedington.

Williams: States the bridge to cross the creek there is an expensive and far-future project.

Belden: Asks if there is considerable, developable land along Mt. Comfort that would continue to funnel into the intersection of Mt. Comfort and Shiloh.

Garner: Answers yes.

Autry: Asks when Pine Valley was constructed.

Garner: Answers around the 2000s, as the homes there are about 10-15 years old.

Autry: Explains that much in this area was not constructed just a short time ago. He agrees with **Williams** that there should be another traffic study to exhaust all options.

Brown: States that the developer should look into a box culvert in crossing the stream to the north and connecting with Mt. Comfort. The project should be tabled to find out more information.

Hoskins: Asks about the nature of the accidents in the report.

Garner: States that the reports do not specify.

Hoskins and Garner engage in further rapid question and answer about nature of streets and intersections in the report.

Hoskins: States that much time and money has been spent in improving the intersection at Mt. Comfort and Shiloh. This small of a project will not cause a problem there and crossing the river to the north would not be feasible, based on just the cost of the street length alone, for a development of this size. He surmises that the information has been analyzed well and that the applicant has made the necessary changes to be approved. The developer and owner has a right to develop this project.

Public Comment:

Sharon Davidson, Nearby Neighbor: Believes this development will help calm traffic for the neighborhood. She is in support of this development.

No more public comment.

Motion #1:

Commissioner Brown made a motion to **table LSD 16-5488**. **Commissioner Autry** seconded the motion.

Brisiel: States that some investigation in the accident reports is needed and would be happy to collaborate with staff. A full traffic study is not desired, as it would be a considerable cost and staff has not asked for one throughout this process.

Kyle Cook, Commission Chair: Asks **Williams** if the project is not approved, then the applicant would be able to appeal to City Council.

Williams: Answers yes.

Hoffman: States they do not share the same opinion stated by **Hoskins**. A final decision is more appropriate for this developer instead of tabling and pushing their development back even further.

Hoskins: Asks the Planning Commission if a traffic study would help them come to a better decision.

Autry: Answers that the nature of the accident reports would determine the decision.

Brown: Offers that the Planning Commission should offer some suggestions on comparable subdivisions that would be good comparisons.

Williams: States that the staff have provided good comparisons for intersections and the traffic study would not provide the information desired by the Planning Commission, where the accident reports would provide the best information.

Cook: Asks the applicant what their preference would be for a decision between approval or denial and tabled.

Brisiel: Prefers to be tabled.

Hoskins: Clarifies that the Planning Commission is not asking for a traffic study, but more information on the accidents.

Upon roll call the motion to table failed with a vote of 3-5-0, Motion to table for more study fails 3-5-0. Commissioners Hoffman, Quinlan, Selby, Autry, Belden voted 'no'.

Motion #2:

Commissioner Autry made a motion to **approve LSD 16-5488**. **Commissioner Hoskins** seconded the motion.

Brown: Admits that his analysis is not a professional one, but does make use of the available and given data.

Cook: States that he will support the development, although admits that the development is not good planning. The issue of traffic has been addressed and there are no other issues.

Upon roll call the motion to approve LSD 16-5488 failed with a vote of 3-5-0. Commissioners Hoffman, Quinlan, Selby, Autry, and Brown voted 'no'.

DRAFT

Branson, Lisa

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

FYI

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

Good morning,

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

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

Thank you for your time.

Rosa Edwards

--

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

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, October 18, 2016 7:40 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Regarding LSD 16-5488 The Macey Drive Townhomes

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

Sincerely,

Alan

Begin forwarded message:

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

Dear Alderman Long,

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

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

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

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

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

I will be at the council meeting Tuesday evening.

Most sincerely,

Martha M.M. Clark
2843 W. Riverridge Drive

Branson, Lisa

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

Can you please forward this to the other council members?

Begin forwarded message:

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

Alan,

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

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

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



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

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

Sincerely,

Ron & Renee Hearon

479-582-9384

479-283-9613



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0488

Agenda Date: 11/15/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 4

UARK CREDIT UNION REZONING APPEAL:

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

(LEFT ON THE FIRST READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RMF-40, Residential Multi Family, 40 Units Per Acre to C-1, Neighborhood Commercial.

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



**JORGENSEN
+ASSOCIATES**
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED

OCT 11 2016

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Re: UARK Credit Union Rezoning

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5589.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0488

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/13/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 13, 2016

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-1, Neighborhood Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-1 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop.

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is

appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' the larger undeveloped existing C-1 property on the corner into a more feasible development site, staff recommends that the proposal is appropriate.

DISCUSSION:

On September 26, 2016 the Planning Commission discussed and tabled the rezoning request as they requested the applicant discuss with the developer potential to rezone the property to a form-based zoning district. On October 10, 2016 the applicant indicated to the Commission the owner/developer's continued desire for C-1 zoning. A member of the public spoke against the C-1 request citing a preference for a form-based zoning. Commissioners that voted against the C-1 request generally discussed a desire for a form-based zoning district that would be more in line with adopted City policy for traditional development patterns. A motion to forward the request to City Council failed by a vote of 3-4-1 (Commissioners Hoffman, Quinlan, Selby and Brown voted 'no', Commissioner Cook recused).

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

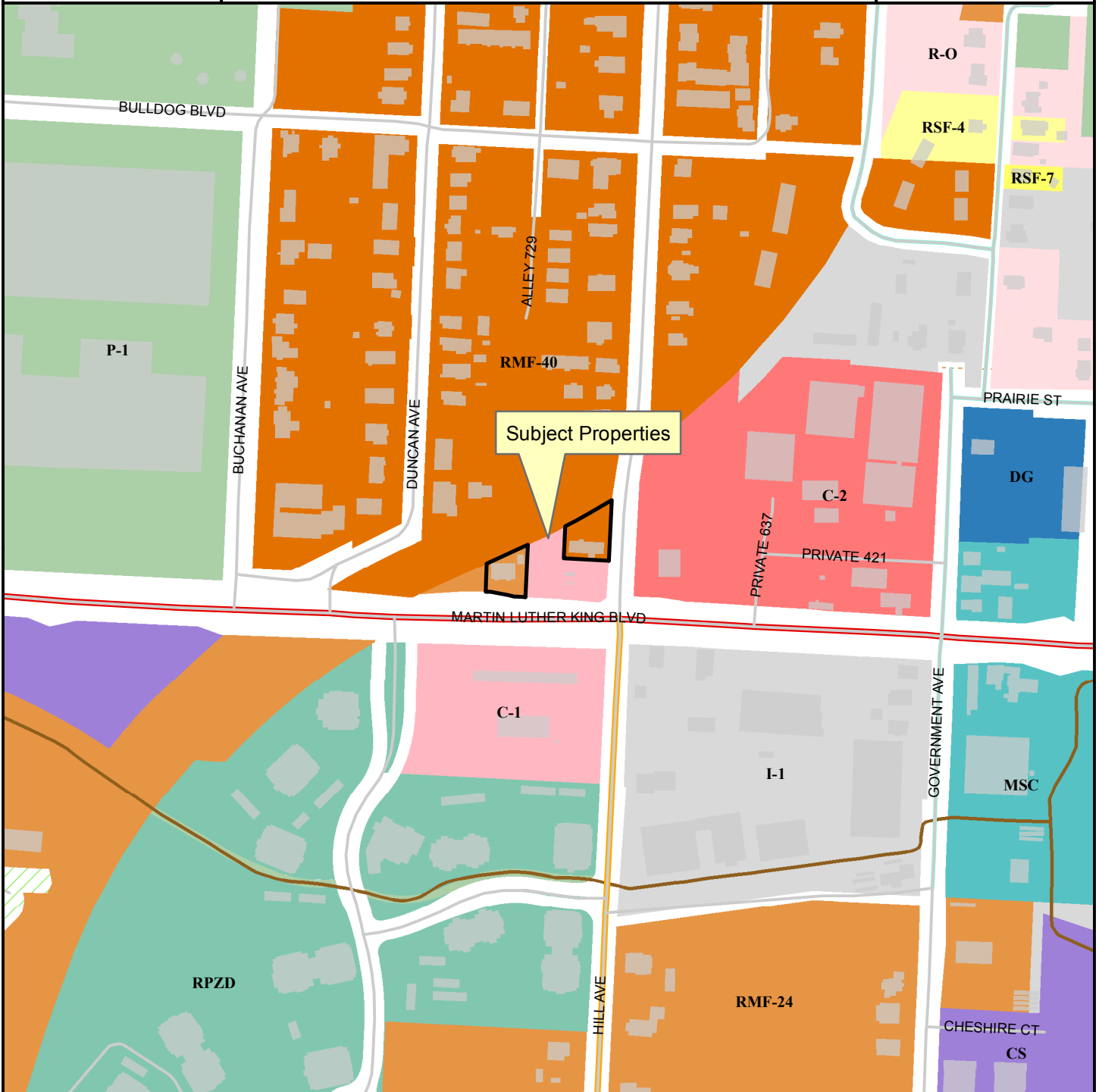
**16-5589
EXHIBIT 'A'**

RZN 16-5589

UARK CREDIT UNION

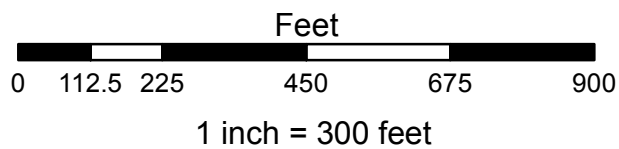


Close Up View



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

16-5588
EXHIBIT 'B'

Legal Description (Parcel No. 765-12988-001):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet, thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 feet and chord bearing N66°21'53"E 92.05 feet, thence S02°28'52"E 8.22 feet to the Point of Beginning; thence N61°45'07"E 52.97 feet, thence N60°09'30"E 21.09 feet, thence N59°00'01"E 30.74 feet, thence S02°28'52"W 121.67 feet, thence N86°54'19"W 89.19 feet, thence N02°38'39"E 65.42 feet to the Point of Beginning, Containing 0.19 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

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

FEE: \$325.00
Sign Fee: \$5.00

S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: UARK Credit

Address: 50 W. Van Hise
Fayetteville AR 72703

E-mail: gina@uarkfcu.com

Phone: () 521-1107

Fax: () 521-1130

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

Name: Jorgensen & Assoc

Address: 124 W. Suburban
FAYETTEVILLE, AR 72703

E-mail: dave@jorgensenassoc.com

Phone: () 442-9127

Fax: () _____

Site Address / Location: _____

Current Zoning District: C-1, RMF-24
& RMF-40

Requested Zoning District: C-1

Assessor's Parcel Number(s) for subject property: 765-12988-001 & 765-12987-000

FINANCIAL INTERESTS

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

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

Name (printed): MARK CREDIT

Date: 8/31/16

Signature: _____

Jim M. Williams

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

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

Name (printed): Karen Beaton

Address: 930 Rush Dr.

Signature: [Signature]

Fayetteville AR

Date: 8-31-16

Phone: (479) 422-6902

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

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

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

Staff recommends **RZN 16-5589** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

September 26, 2016 Planning Commission: This item was discussed and tabled at the September 26, 2016 Planning Commission meeting. At the time of publication of this report no additional information has been submitted by the applicant.

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Arkansas Missouri Railroad; Single and multi-family residential	RMF-40, Residential Multi-family 40 units per acre
South	Kum and Go gas station	C-1, Neighborhood Commercial
East	Insurance office; Walmart	C-2, Thoroughfare Commercial
West	AHTD right-of-way; railroad	RMF-24, Residential Multi-family 24 units per acre

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Public Comment: Staff has received no written public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue at a signalized intersection. Martin Luther King Boulevard is a Principal Arterial street with five lanes and sidewalk at the back of curb. Hill Avenue is a two lane road with a turn lane near the intersection and sidewalk. Any required improvements to these streets will be determined at time of development.

Water: Public water is available to the subject parcel. A 12-inch water main exists in the College Avenue right-of-way and a 6-inch main exists in the Hill Avenue right-of-way.

Sewer: Public sewer is available to the subject parcel. An 8-inch sanitary sewer line exists in the Hill Avenue and College Avenue right-of-way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-year floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.

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

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

RECOMMENDATION: Staff recommends RZN 16-5589 be forwarded to City Council with a recommendation for approval based on the findings discussed herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 26, 2016</u>	☒ Tabled (until 10/10/16)	☐ Forwarded	☐ Denied
Motion: <u>Hoffman</u>	Second: <u>Hoskins</u>	Vote: 8-0-1 (<u>Noble recused</u>)	
Date: <u>October 10, 2016</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: <u>Hoskins</u>	Second: <u>Noble</u>	Vote: <u>3-4-1</u> (Commissioners Hoffman, Quinlan, Selby, Brown voted 'no', Cook recused)	

Note: Motion to forward the item to City Council with a recommendation for approval failed by a vote of 3-4-1 as noted above.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Land Use Compatibility:* The proposed zoning is compatible with the surrounding mixture of commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' an existing C-1 property into a more feasible development site, staff recommends that the proposal is appropriate.

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

Finding: The applicant has requested the zoning change in order to assemble a large enough site with C-1 zoning for commercial development. The northwest corner of Martin Luther King and Hill Avenue contains four parcels under one ownership, a majority of which (approximately 0.44 acre) are zoned C-1, however the subject property for the rezoning would provide a more logical boundary for the applicant's intended development. The subject properties are justified to be rezoned for non-residential use given their busy corner location and surrounding commercial development pattern and railway corridor.

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

Finding: The site has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue, a partially improved local street. The rezone would allow uses likely to increase traffic, however, a traffic signal with turn lanes and pedestrian crossings is located at the subject property, which combined with the existing street infrastructure will safely handle traffic generated by development of this site under the proposed C-1 zoning.

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

Finding: **Rezoning the property from RMF-24 and RMF-40 to C-1 would reduce potential population density and would not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.15 (RMF-24); 161.16 (RMF-40); 161.19 (C-1)
- Request Letter
- Rezoning Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.15 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
-------------------	-------------------

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
-------------------------	----------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.16 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
----------------	--------------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60* feet
-------------------------	----------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.19 - District C-1, Neighborhood Commercial

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 feet

Rear	20 feet
------	------------

(F) *Building Height Regulations.*

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

*Any building which exceeds the height of 20 feet shall be setback from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

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

August 30, 2016

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Att: Planning Dept
Re: Rezoning at NW Corner of MLK & Hill Str.

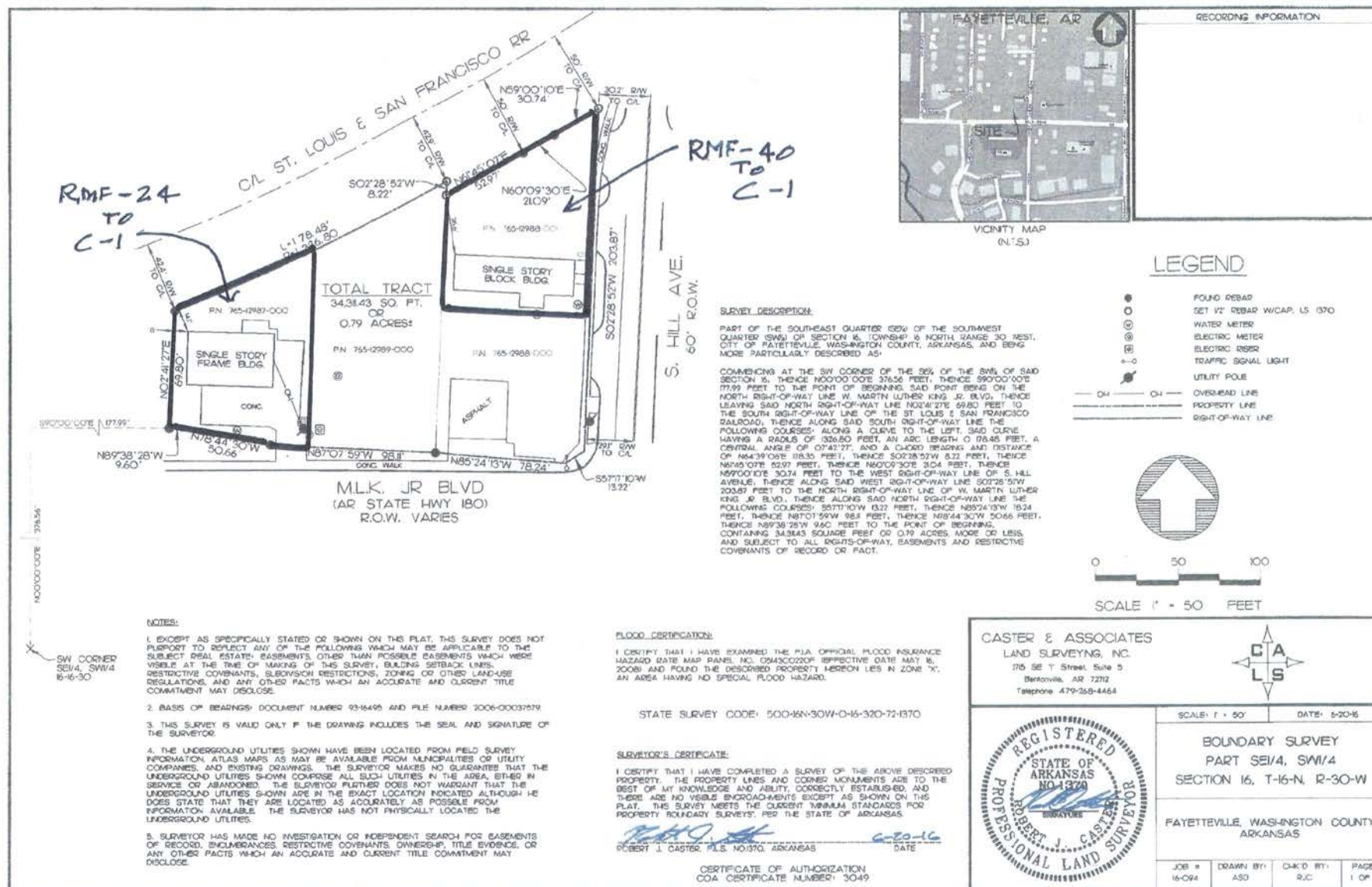
Attached please find information pertaining to a rezoning request at the NW Corner of MLK & Hill Street. This is for parcel # 765-12989-000 (RSF-24) and 765-12988-001 (RSF-40). The request is for C-1 for both parcels. This is for a bank with parking. Access will mainly be off of Hill Street with a possible access off of MLK (Right only). Sewer service will be off of Hill Street and water will be off of MLK (North side).

Please review and contact us concerning any questions you may have

Thank you.

Sincerely;


David L. Jorgensen, P.E.



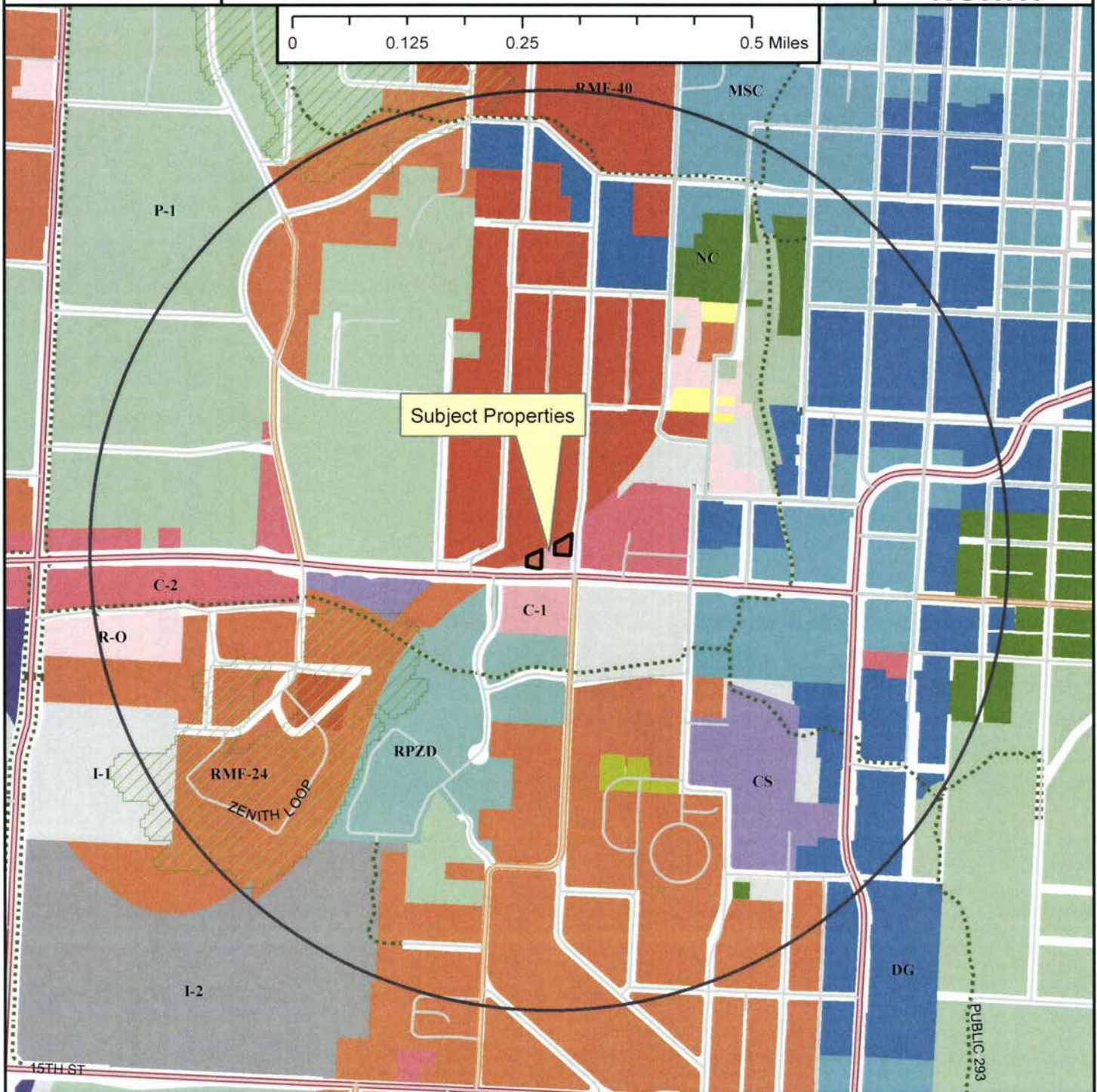
RZN 16-5589

One Mile View

UARK CREDIT UNION



0 0.125 0.25 0.5 Miles



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- Planning Area
- Fayetteville City Limits

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

RZN 16-5589

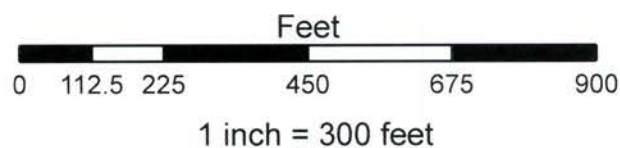
Close Up View

UARK CREDIT UNION



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

RZN 16-5589

Current Land Use

UARK CREDIT UNION



Legend

- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Downtown Master Plan
- MSP Class
- STREET 45
- Streets Existing
- MSP Class
- COLLECTOR
- RZN16-5589
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail

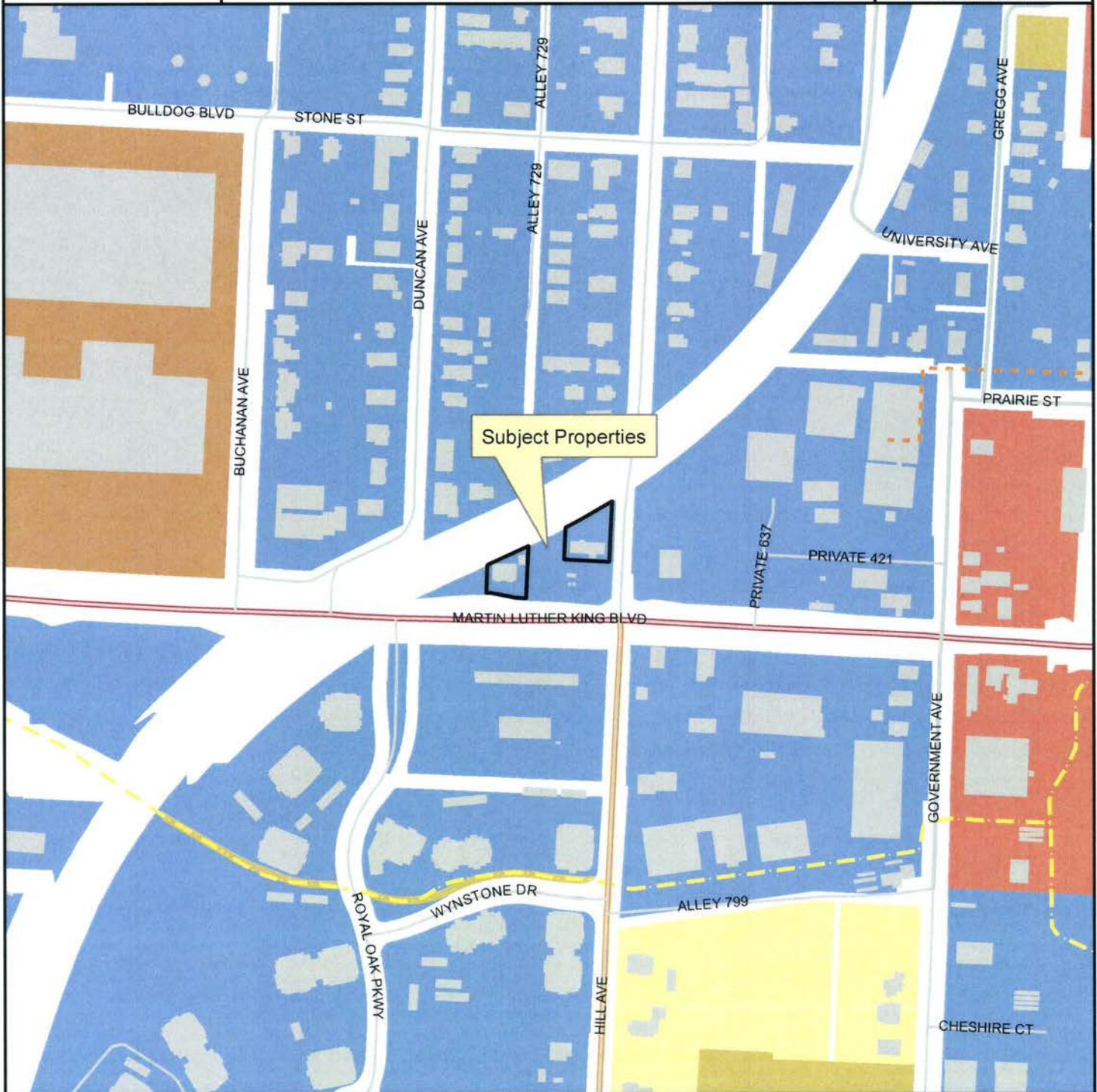
Feet



RZN 16-5589

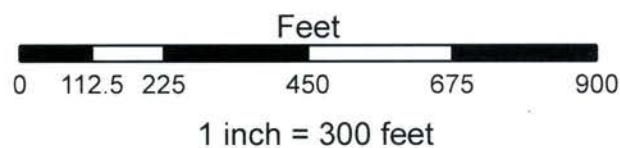
Future Land Use

UARK CREDIT UNION



Legend

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



FUTURE LAND USE 2030

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0490

Agenda Date: 11/15/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 5

WG LAND COMPANY APPEAL:

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

(LEFT ON THE FIRST READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from C-2, Thoroughfare Commercial and C-3, Central Commercial To C-3, Central Commercial.

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



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
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124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED

OCT 11 2016

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Re: RZN16-5590 (WG Land Company)

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5590.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0490

Legistar File ID

11/1/2016

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

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 14, 2016

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-3, Central Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-3 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare.

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The request would extend the existing C-3 zoning district boundary approximately 400 feet to the south of its current location. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Surrounding Land Use Compatibility: The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that the rezoning request is generally consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district provides a broader array of uses than C-2 including multi-family residential as a permitted use. Staff finds that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

DISCUSSION:

On October 13, 2016 the Planning Commission denied the applicant's request for a rezoning to C-3, Central Commerical. A motion to forward the request to City Council with a recommendation for approval failed by a vote of 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, and Cook voted 'no'). Several commissioners discussed concerns that C-3 zoning was not consistent with the City's goals for traditional development patterns under a form-based zoning district.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

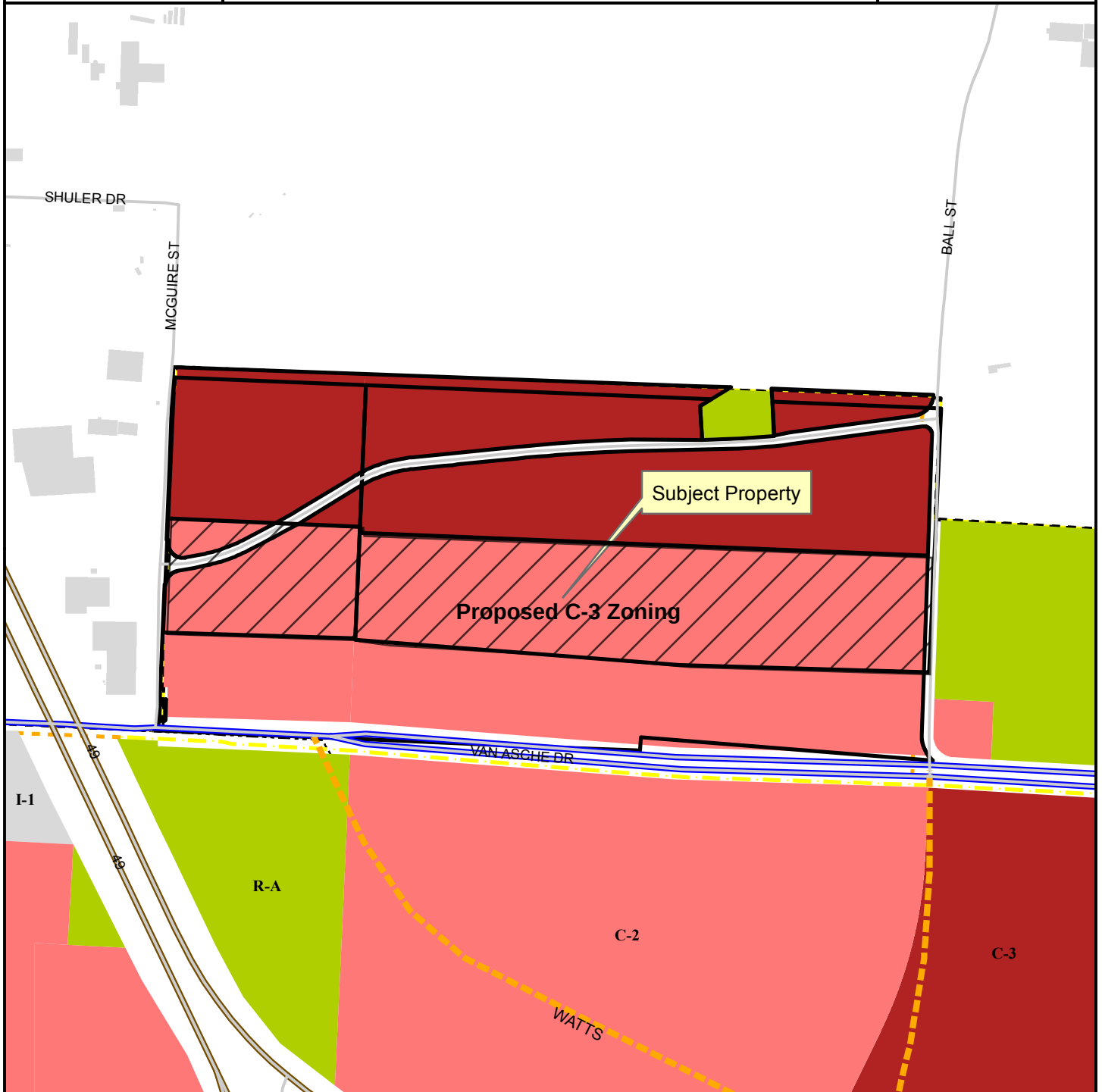
16-5590
EXHIBIT 'A'

RZN 16-5590

WG Land Co.

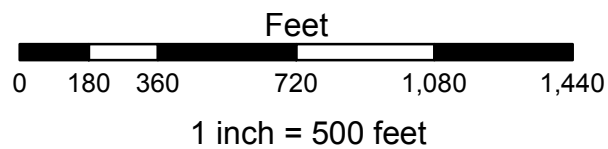


Close Up View



Legend

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



- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

16-5590
EXHIBIT 'B'

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING; thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 acres more or less subject to easements and right of way of record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5590

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

171

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

Application:

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

Applicant (person making request):

Name: Tom Terminella

Address: 24 E. Meadow Street

E-mail: tterminella@aol.com

Phone:

(479) 841-1621

()

Fax:

()

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

Name: Jorgensen & Associates

Address: 124 W. Sunbridge Dr. Ste. 5
Fayetteville, Ar. 72703

E-mail: Justin@jorgensenassoc.com

Phone:

(479) 442-9127

()

Fax:

()

Site Address / Location: East of S. McGuire Street, North of Van Asche Drive
and West of S. Ball Street

Current Zoning District: C-2 : C-3

Requested Zoning District: C-3

Assessor's Parcel Number(s) for subject property: 765-15773-500

53.18

FINANCIAL INTERESTS

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

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

Name (printed): _____ Date: _____

Signature: _____

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

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

Name (printed): W.H. LAND CO. INC.
David H. Jones

Address: P.O. Box 8157

Signature: _____

Fryer Avenue, MO.

Date: 8/30/16

Phone: 474-251-7626
()

Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: _____
()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: October 10, 2016 (Updated with Planning Commissioner results)

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

BACKGROUND:

Property Description: This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped hillside (City of Johnson)	A-1, Agriculture
South	Rural residential; farmland	R-A
East	Concrete plant; undeveloped hillside; farmland	City of Johnson (I, Industrial); R-A
West	Industrial (City of Johnson)	City of Johnson (I, Industrial)

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

DISCUSSION:

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Public Comment: No public comment has been received at this time.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to McGuire Street, Jupiter Drive and Roosevelt Avenue. All immediately surrounding streets are unimproved two-lane roads. The site does not have direct access to Van Asche Drive which is off-site to the south. Any street improvements would be determined at time of development.
- Water:** Public water is available to the subject parcel. 8-inch water mains exist in the McGuire Street, Jupiter Drive, and Roosevelt Avenue rights of way.
- Sewer:** Public sewer is not available in the immediate vicinity of this parcel. At time of future development, a professional engineer should be retained to propose offsite improvements to bring sewer service to this area.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. The north central portion of this parcel (north of Jupiter Drive) lies within the HHOD, and slopes greater than 15% exist in a few isolated areas on this parcel. The south-central, and southeastern portions of this parcel are identified as having "hydric" soil types and should be evaluated at the time of development for the existence of any wetlands.
- Fire:** The Fire Department has not expressed any concerns with this request.
- Police:** The Police Department has not expressed any concerns with this request.

PLANNING COMMISSION ACTION: Required

Date: October 10, 2016

☐ Tabled

☐ Forwarded

☒ Denied

Motion: Hoskins

Second: Noble

Vote: 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, Cook voted 'no')

Note: Motion to forward the item to City Council with a recommendation for approval failed by the 3-5-0 vote as listed above.

RECOMMENDATION: Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to

churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **Surrounding Land Use Compatibility:** The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that most portions of the rezoning request are consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district is intended to serve a regional population and permit the highest levels of commercial intensity with residential uses. Additionally, staff agrees that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

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

Finding: The City has somewhat recently completed construction of the Van Asche Drive project adjacent to the south. A rezoning is needed because of the development pressure that will result from this project, in addition to the FLUM designating this land for future development.

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

Finding: This rezoning would not significantly increase traffic over the existing C-2 zoning district. However, as mentioned earlier in this report, the City's Van Asche Drive project has recently been completed facilitating planned growth in the area. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended.

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

Finding: **Rezoning the property will permit a potential increase in population density as the C-3 district allows multi-family residential along with non-residential uses. However, these impacts were evaluated by various City divisions in review of this rezoning and determined that it should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal. Substantial improvements to public services will be required at the time of development.**

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

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Request letter
- Rezone exhibit
- Current land use map
- Close up map
- Future land use map
- One mile map

PLANNING COMMISSION MEMO

- 161.21 - District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business

Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

(F) *Building Height Regulations.*

Building Height Maximum	75 feet*
-------------------------	----------

*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

• **161.23 - District C-3, Central Commercial**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None

(E) *Setback Regulations.*

	Central Business District	Shopping Center
Front	5 feet	25 feet
Front, if parking is allowed between the right-of-way and the building	50 feet	50 feet
Side	None	None
Side, when contiguous to a residential district	10 feet	25 feet
Rear, without easement or alley	15 feet	25 feet
Rear, from center line of a public alley	10 feet	10 feet

(F) *Building Height Regulations.*

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

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



**JORGENSEN
+ ASSOCIATES**

Civil Engineering + Surveying

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

September 1, 2016

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Development Services

Re: McClinton Property Rezoning

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

- A. The current owner of this site is as follows: David Clark McClinton
- B. Currently this property is zoned R-A. The reason for the requested rezoning is to convert the existing agricultural land, to allow for development to occur around the newly constructed Van Asche corridor.
- C. To the west of I-49 is C-2, to the north is a mix of vacant land along with industrial. To the east is a mix of P-1, C-1, and RSF-4. To the south side of Fulbright Expressway is mostly vacant land with R-O and R-A.
- D. Existing water and sewer are already at this site.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and that development in the future in this area will to be consistent with growth patterns in this area.
- F. This rezoning is needed at this time to allow this property to develop and coincides with the construction of Van Asche.
- G. This development will not adversely affect the existing or proposed streets in the area (it will support it).
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase the load on public services.
- I. The current agricultural zoning does not allow development along the newly constructed Van Asche.

Public Hearings: Planning Commission; 5:30 PM; October 26th; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

Review Location: The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

If you have any questions, please don't hesitate to contact us.

Sincerely;



**JORGENSEN
+ASSOCIATES**

Civil Engineering + Surveying

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

Jorgensen + Associates

LINE TABLE		
LINE	LENGTH	BEARING
L1	47.32'	N02°29'17"E
L2	21.51'	S88°20'38"E
L3	71.11'	N00°25'06"E
L4	18.94'	N87°39'29"W
L5	228.70'	N02°29'17"E

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING, thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 acres more or less subject to easements and right of way of record.

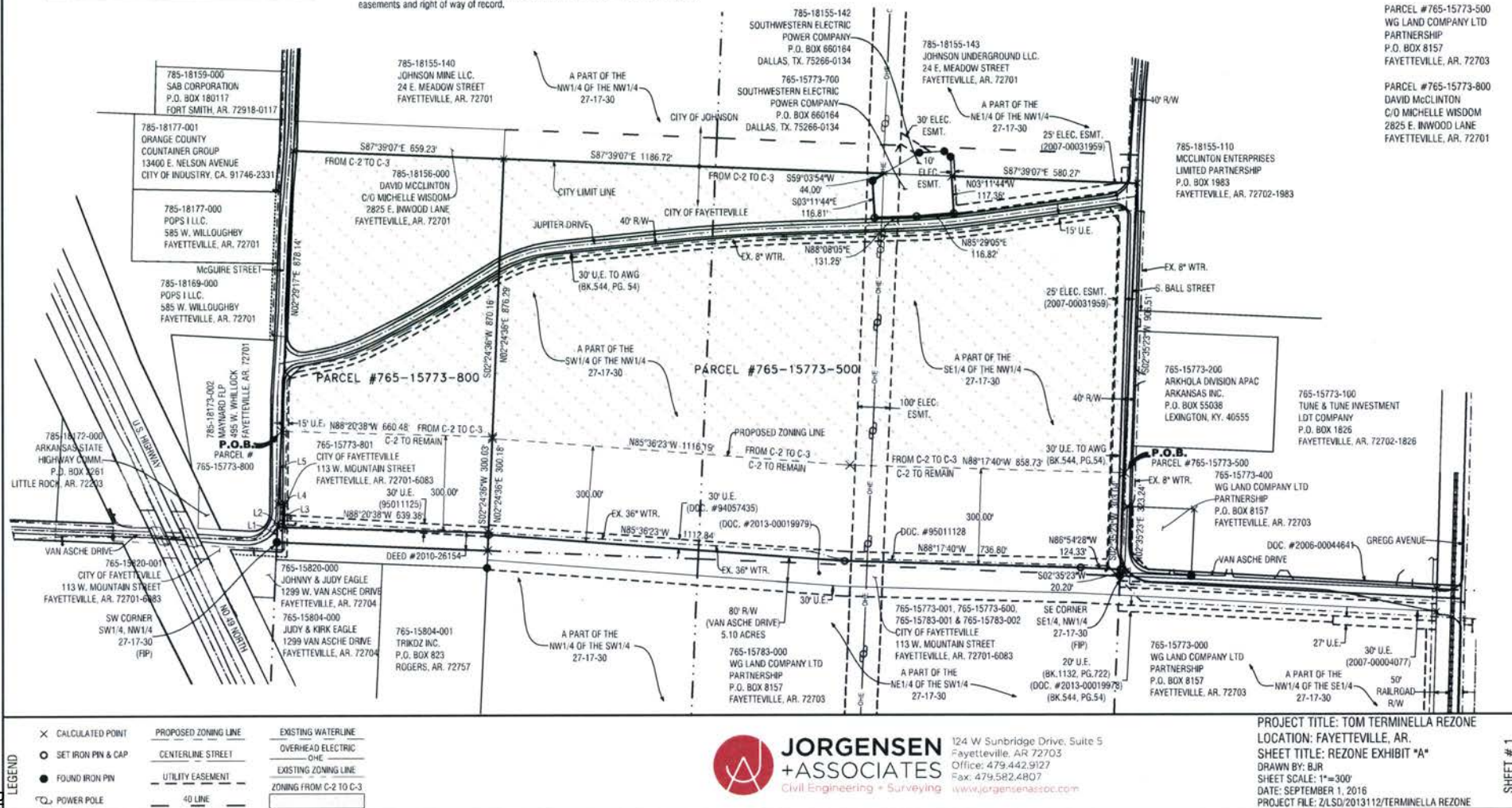
NOTES:

1. PARCEL #765-15773-500 & 765-15773-800.
2. CURRENT ZONING = C-2
3. PROPOSED ZONING = C-3

OWNERS:

PARCEL #765-15773-500
WG LAND COMPANY LTD
PARTNERSHIP
P.O. BOX 8157
FAYETTEVILLE, AR, 72703

PARCEL #765-15773-800
DAVID MCCLINTON
C/O MICHELLE WISDOM
2825 E. INWOOD LANE
FAYETTEVILLE, AR, 72701



RZN 16-5590

Current Land Use

WG Land Co.



Legend

Street

Streets Planned

MSP Class

COLLECTOR

Streets Existing

MSP Class

FREEWAY/EXPRESSWAY

PRIN ARTERIAL PKWY

Shared Use Paved Trail

Trail (Proposed)

RZN16-5590

Planning Area

Feet

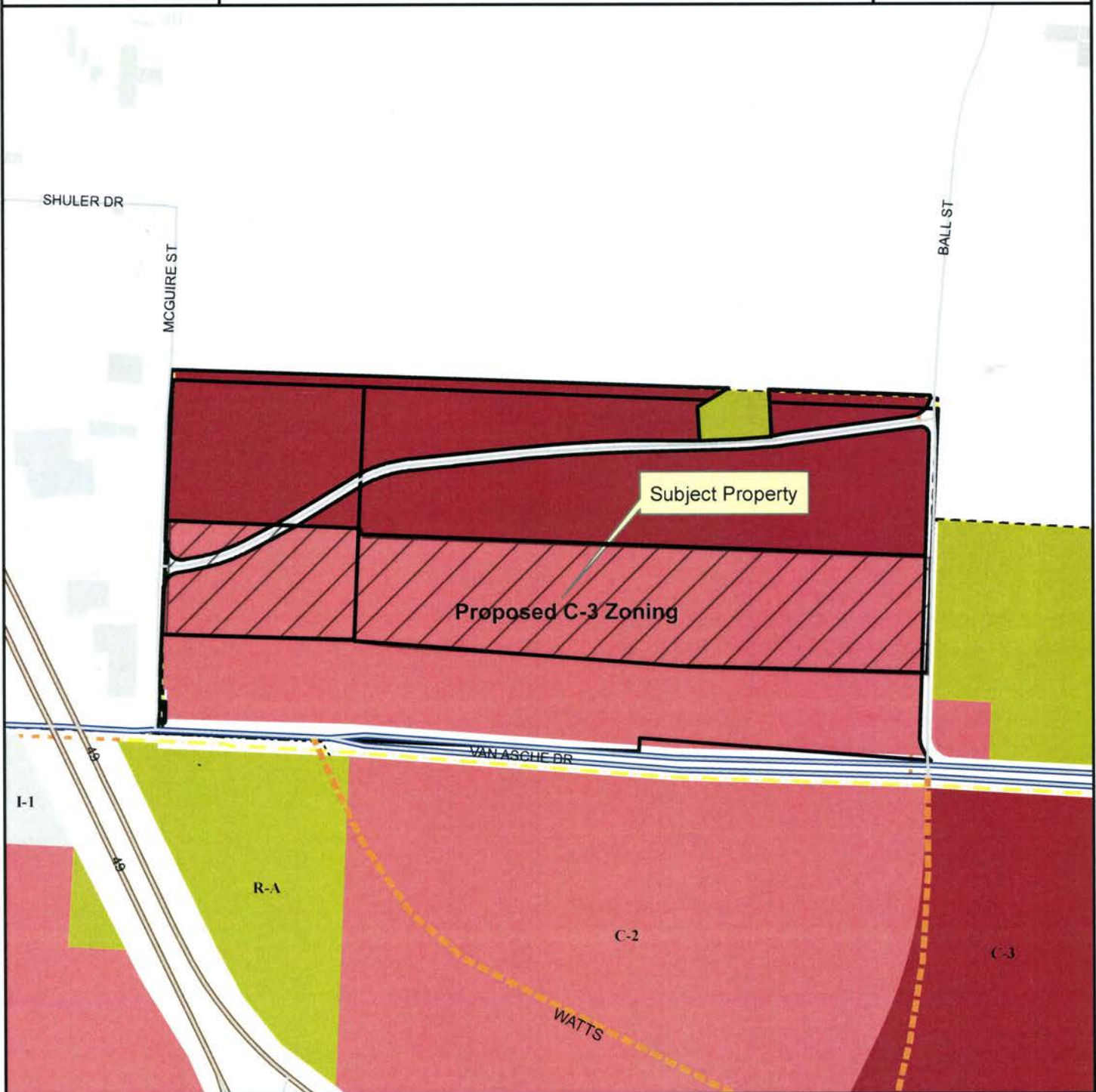


2015 Imagery

RZN 16-5590

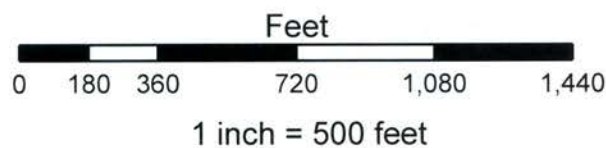
Close Up View

WG Land Co.



Legend

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

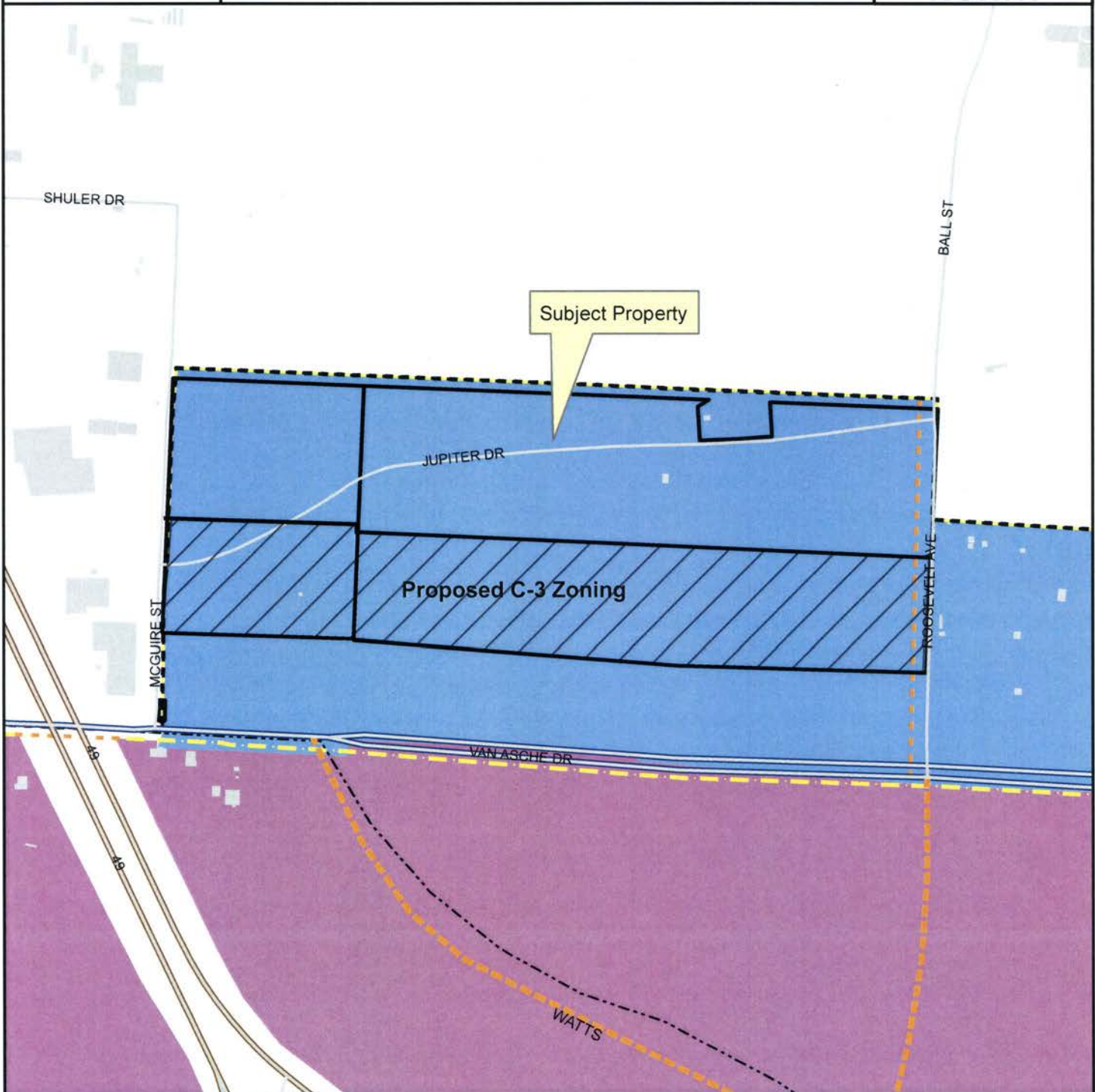


- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

RZN 16-5590

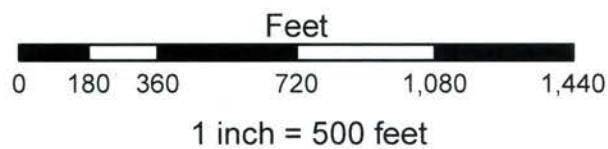
Future Land Use

WG Land Co.



Legend

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



FUTURE LAND USE 2030

- City Neighborhood Area
- Urban Center Area

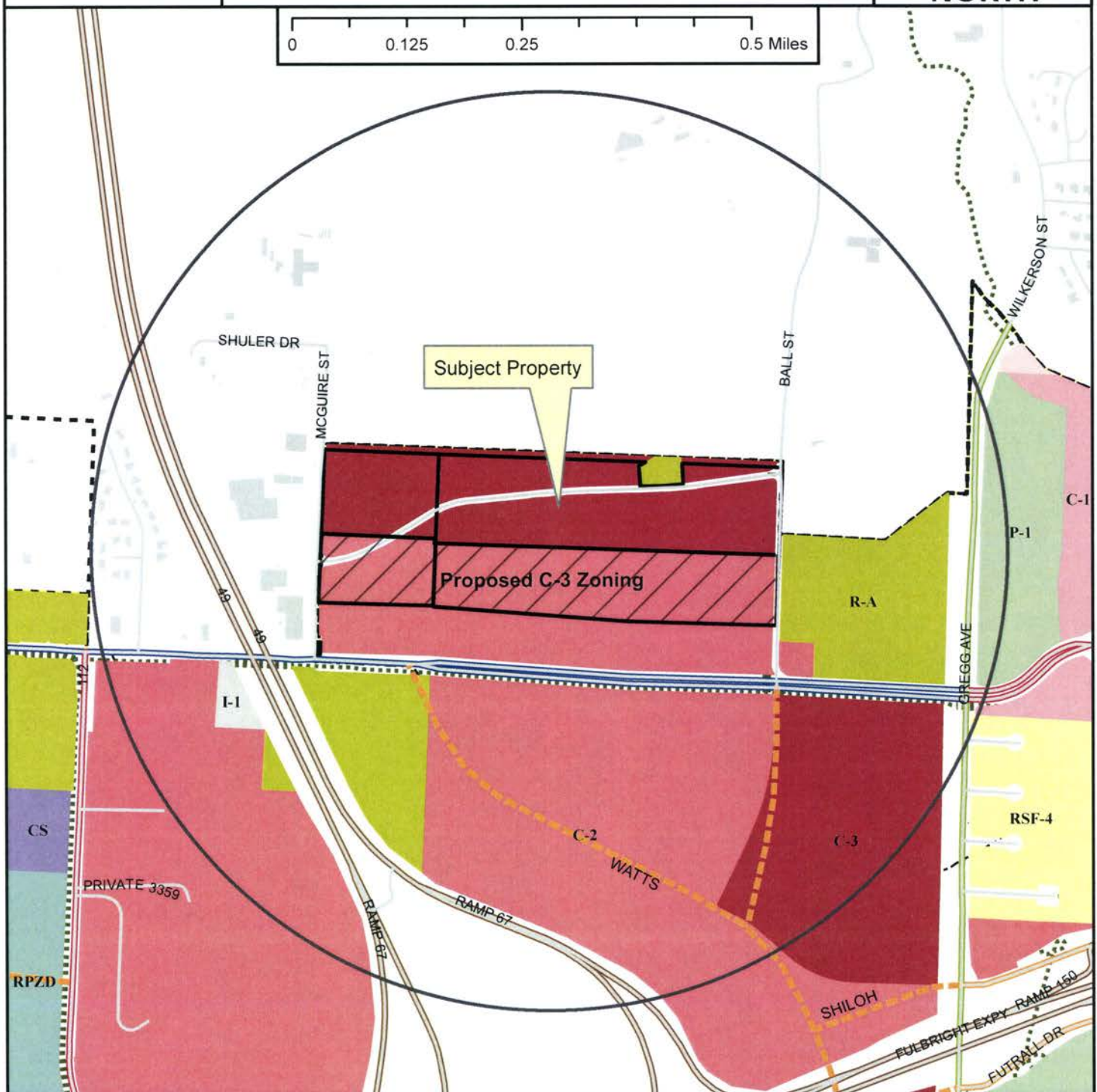
RZN 16-5590

One Mile View

WG Land Co.



0 0.125 0.25 0.5 Miles



Legend

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



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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0495

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

BID NO. 16-59 TRUCK CENTERS OF ARKANSAS:

A RESOLUTION TO AWARD BID NO. 16-59 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$404,865.00 FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-59 and authorizes the purchase of three (3) Freightliner dump trucks in the total amount of \$404,865.00 from Truck Centers of Arkansas for use by the Transportation Services Department.

City of Fayetteville Staff Review Form

2016-0495

Legistar File ID

11/15/2016

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

Jesse Beeks/Sara Glenn

10/18/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of three Freightliner 114SD trucks with Hilbilt Mongoose body per Bid 16-59 available through Truck Centers of Arkansas of Springdale, AR in the amount of \$134,955.00 each, for a total of \$404,865.00

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02079.2015/2016

Heavy Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 542,537.84

Funds Obligated \$ -

Current Balance \$ 542,537.84

Does item have a cost? Yes

Item Cost \$ 404,865.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 137,672.84

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 18, 2016

SUBJECT: Purchase of three Dump Trucks for Transportation

RECOMMENDATION:

That City Council approve the purchase of three Freightliner 114SD trucks with Hilbilt Mongoose body per Bid 16-59 available through Truck Centers of Arkansas of Springdale, AR in the amount of \$134,955.00 each, for a total of \$404,865.00.

BACKGROUND:

Unit 745 is a 2006 Freightliner M2-112 Dump Truck that has reached 72% of the original purchase price in life to date maintenance cost. This vehicle was placed in service in August 2006 and has exceeded the 10 year life expectancy.

Unit 747 is a 2006 Freightliner M2-112 Dump Truck that has reached 70% of the original purchase price in life to date maintenance cost. This vehicle was placed in service in July 2006 and has exceeded the 10 year life expectancy.

These purchases will be an upgrade for the above mentioned trucks from tandem axle trucks to tri-axle dump trucks. The crews will now be capable of hauling a third more than they do currently, which will improve efficiency.

Unit 760 is a 2009 Freightliner M2-112 Dump Truck that has reached 86% of the original purchase price in life to date maintenance cost. This vehicle was placed into service in August 2008 and has exceeded the 8 year life expectancy. This truck is used to haul asphalt, which is very damaging to the truck. It is also utilized during snow events.

DISCUSSION:

Fleet recommends the purchase of three Freightliner 114SD trucks with Hilbilt Mongoose body per Bid 16-59 available through Truck Centers of Arkansas of Springdale, AR in the amount of \$134,955.00 each, for a total of \$404,865.00.

BUDGET/STAFF IMPACT:

Sufficient funds were budgeted for these purchases. There are shortfalls in collection because the cost of these vehicles has greatly increased over the last 5 years. However the funds should be made up with the sale of the old units.

This purchase was approved by the Equipment Committee on October 11, 2016.

Attachments:

Bid Tab



Bid: 16-59
09.15.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-59, Tri-Axle Dump Trucks

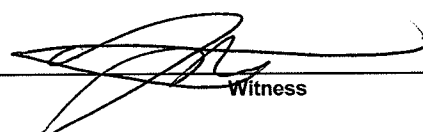
****Official Bid Tabulation****

			MHC Kenworth/Volvo - Springdale		Peterbilt of Fort Smith		Shipley Motor Company		Truck Centers of Arkansas	
Item	Description	Units	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Cab and Chassis	3	\$ 124,125.00	\$ 372,375.00	\$ 119,900.00	\$ 359,700.00	\$ 109,491.00	\$ 328,473.00	\$ 113,850.00	\$ 341,550.00
			Make: Kenworth Model: T440		Make: Peterbilt Model: 348		Make: Mack Model: MHD		Make: Freightliner Model: 114SD	
2	Dump Body, Installed,, one on each cab and chassis	3	\$ 21,105.00	\$ 63,315.00	\$ 21,105.00	\$ 63,315.00	\$ 27,675.00	\$ 83,025.00	\$ 21,105.00	\$ 63,315.00
			Make: Hilbilt Model: Mongoose		Make: Hilbilt Model: Mongoose		Make: Hilbilt Model: Mongoose		Make: Hilbilt Model: Mongoose	
TOTAL BID BASED ON ESTIMATE			\$ 435,690.00		\$ 423,015.00		\$ 411,498.00		\$ 404,865.00	

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

CERTIFIED:


A. Rennie, Purchasing Manager


Witness

9/16/16
Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0526

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 2

BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.:

A RESOLUTION TO AWARD BID NO. 16-62 AND AUTHORIZE THE PURCHASE OF A MOBILE FIRE TRAINING SIMULATOR FROM AMERICAN FIRE TRAINING CENTERS, INC. OF LOCKPORT, ILLINOIS IN THE AMOUNT OF \$609,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE FIRE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-62 and authorizes the purchase of a mobile fire training simulator from American Fire Training Centers, Inc. of Lockport, Illinois in the amount of \$609,000.00 plus applicable sales taxes for use by the Fire Department.

City of Fayetteville Staff Review Form

2016-0526

Legistar File ID

11/15/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

10/28/2016

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution awarding Bid 16-62 for the purchase of a mobile fire training simulator unit from the vendor American Fire Training Systems in the amount of \$609,000 plus associated sales tax for total of \$668,377.50.

Budget Impact:

2230.900.8004-5801.00

Special Grants

Account Number

Fund

31603.1

Fire-FEMA Grant Training Simulator

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 701,897.00

Funds Obligated \$ -

Current Balance \$ 701,897.00

Does item have a cost? Yes

Item Cost \$ 668,377.50

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 33,519.50

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The total amount of \$668,377.50 will be paid for with 90% FEMA Grant Funds and 10% City Grant Match. The Federal funds that will be requested to pay the invoice will be \$601,539 and the city match will be \$66,838.50 for the total payment of \$668,377.50.

MEETING OF NOVEMBER 15, 2016

TO: Mayor Jordan and City Council

FROM: David Dayringer, Fire Chief

DATE: October 28, 2016

SUBJECT: Approval of a resolution awarding Bid 16-62 for the purchase of a mobile fire training simulator unit from the vendor American Fire Training Systems in the amount of \$609,000 plus associated sales tax for total of \$668,377.50.

RECOMMENDATION:

Approval of a resolution awarding Bid 16-62 for the purchase of a mobile fire training simulator unit from the vendor American Fire Training Systems in the amount of \$609,000 plus associated sales tax for total of \$668,377.50.

BACKGROUND:

The Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate implements and administers the Assistance to Firefighters (AFG) Grants. The purpose of the AFG Program is to enhance, through direct financial assistance, the health and safety of the public and firefighting personnel and to provide a continuum of support for emergency responders regarding fire, medical, and all-hazard events.

This purchase of a Fire Mobile Training Simulator Unit utilizing 90% grant funds and the city's 10% match will provide firefighters live fire training as well as ventilation, forcible entry, standpipe, rappelling, confined space, and self-contained breathing apparatus (SCBA) skills.

DISCUSSION:

The approval of this resolution will allow for the purchase and installation of a fire mobile training simulator system. This mobile training unit will be utilized by the Fayetteville Fire Department and other surrounding County departments thereby improving firefighter health, safety, and ground tactics on technical rescue situations at fire scenes and positively impacting the skill level at emergency responses for a multi-county population. American Fire Training Systems bid was selected due to matching the specifications outlined by the City. The other vendor's lower bid was rejected due to not meeting the outlined specifications detailed in Bid #16-62.

BUDGET/STAFF IMPACT:

The funds for this purchase are budgeted and available in Project #31603.1, Fire-FEMA Grant Training Simulator. 90% of the total due will be paid utilizing FEMA grant funds with the 10% match paid from city funds.

Attachments:

Final Bid Tabulation Sheet and Purchasing Documents



Bid: 16-62
DATE: 10.27.2016
TIME: 3:00 PM
CITY OF FAYETTEVILLE

Bid 16-62, Mobile Fire Training Unit

****Official Bid Tabulation****

			American Fire Training Systems Inc	Fire Training Structures, LLC
Item	Description	Each	Extended Price	Extended Price
1	Mobile Fire Training Unit (Including but not limited to all components, delivery, and assembly, etc.)	1	\$609,000.00	\$299,950.00

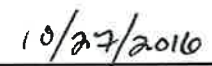
Submittal did not meet Specifications

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

CERTIFIED:


A. Rennie, Purchasing Manager


Witness


Date



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

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO

INVITATION TO BID: Bid 16-62, Mobile Fire Training Unit

DEADLINE: **Tuesday, October 25, 2016 before 2:00:00 PM**, Local Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Tuesday, September 27, 2016

INVITATION TO BID Bid 16-62, Mobile Fire Training Unit

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

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

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

Name of Firm: AMERICAN FIRE TRAINING SYSTEM'S, INC.

Contact Person: KERRY A FIERKE "JR" Title: GM

E-Mail: JR@AMERICANFIRETRAININGSYSTEMS.COM Phone: 630-257-3659

Business Address: 15200 NEW AVE

City: LOCKPORT State: IL Zip: 60441

Signature: Kerry A Fierke Jr Date: 10-21-16

City of Fayetteville
Bid 16-62, Mobile Fire Training Unit
Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 16-62, Mobile Fire Training Unit

The City is seeking bids from qualified vendors for the purchase, delivery, and assembly of a Class A training tower and Flashover Simulator with an approximate size of 5800 Square Feet for the entire structure. Questions should be addressed to Les McGaugh, Purchasing Agent at lmcgaugh@fayetteville-ar.gov or by calling (479) 575-8220.

All sealed bids are due by **Tuesday, October 25, 2016 before 2:00:00 PM, Local Time**. All bids are due before the time stated. Late bids shall not be accepted. This is a federally funded project. Bidder and manufacturer shall be responsible for meeting and complying with all FEMA guidelines and shall be NFPA compliant. Bids will be opened and read aloud immediately following the stated deadline.

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

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

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

City of Fayetteville

By: Les McGaugh, Purchasing Agent

P: 479.575.8220

lmcgaugh@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

Date of advertisement: 09/27/2016

City of Fayetteville
Bid 16-62, Mobile Fire Training Unit
Bid Form

Item #	DESCRIPTION	Estimated Quantity		PRICE PER UNIT		TOTAL
1	Mobile Fire Training Unit (Including but not limited to all components, delivery, and assembly, etc.)	1	x	\$609,000. ⁰⁰	=	\$609,000. ⁰⁰

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

In accordance with the Assistance to Firefighters Grant, the City will not make prepayments, progress payments, or any form of advance payment.

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

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

☒ 1.) NO KNOWN RELATIONSHIP EXISTS

☐ 2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all bidders receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: AMERICAN FIRE TRAINING SYSTEM'S, INC.
Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

*BUSINESS ADDRESS: 15200 NEW AVE

*CITY: LOCKPORT *STATE: IL *ZIP: 60441

*PHONE: 630-878-5493 FAX: 630-257-8844

*E-MAIL: JR@AMERICANFIRETRAININGSYSTEMS.COM

*BY: (PRINTED NAME) KERRY A. FIERKE, JR.

*AUTHORIZED SIGNATURE: Kerry A Fierke Jr.

*TITLE: GENERAL MANAGER

*DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 26-1222444

Acknowledge Addendums:

Addendum No. 1 Dated: 10-3-16 Acknowledged by: Kerry A Fierke Jr.

Addendum No. 2 Dated: 10-17-16 Acknowledged by: Kerry A Fierke Jr.

" 3 10-20-16 " Kerry A Fierke Jr.

" 4 10-21-16 " Kerry A Fierke Jr.

City of Fayetteville
Bid 16-62, Mobile Fire Training unit
General Terms & Conditions

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 Purchasing Division.
- c. Bids shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders must have experience in providing products and/or services of the same or similar nature.
- f. 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. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. 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 Purchasing Division Office.
- h. 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 Purchasing 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 Purchasing Division. 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 Les McGaugh, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance 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. WITHDRAWAL OF PROPOSAL:

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 Purchasing Division.

8. LATE PROPOSAL 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 Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, 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 local, state, and federal directives, orders and laws as applicable to this proposal 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 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.

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 proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the 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 Proposer, by affixing his or her signature to this proposal, 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 proposal 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 vendor's records as such records relate to purchases between the City and said vendor.
- 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 (Bidder) 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. CITY 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 proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons 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. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. 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.

17. 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 Purchasing 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 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.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Bidder in writing of the intention to cancel or with cause if at any time the Bidder fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the bidder 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 vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Bidder 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 Bidder shall provide written notice to the City within thirty (30) calendar days of Bidder'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 proposal 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.

20. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the vendor 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.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, 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 proposal, 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 Purchasing 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 proposal, 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 proposal, request for qualification, bid or contract to be rejected.

22. 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 Bidder shall provide such additional requirements as may become necessary.

23. 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 Bidder(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Purchasing 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.

25. 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 is not to 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 Proposer in responding to this request for proposal 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 Proposer for any expense so incurred, regardless of whether or not the proposal 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) **NOTE: Any uncertainties shall be brought to the attention to Les McGaugh immediately via telephone (479.575.8220) or e-mail (lmcgaugh@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing 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) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Les McGaugh, City of Fayetteville, Purchasing Agent via e-mail (lmcgaugh@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j) Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with sufficient basic information to submit proposals 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. Proposer 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.

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.

l)

- 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

End of Section

1. GENERAL:

- 1.1 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.
- 1.2 All specifications written are to minimums unless otherwise noted.
- 1.3 The City intends to order the estimated quantity presented in the bid form in a single order.
- 1.4 Pricing bid shall be inclusive of all items, shipping, warranty, delivery, and assembly. Bid pricing shall **NOT** include sales tax. Applicable taxes will apply upon invoicing but will not be considered for bid evaluation.
- 1.5 Mobile fire training unit shall be delivered to the City within **150 calendar days of City Council approval**. This timeline shall also include approval by the city of vendor shop drawings. All orders shall be delivered to the address located in the City limits as further specified.
- 1.6 All bidders shall meet requirements listed in Appendix A: FEMA, U.S. Department of Homeland Security, Agreement Articles for Assistance to Firefighters Grant Program – Operations and Safety.
- 1.7 This bid and included specifications are not proprietary and have been specified in a manner to allow maximum competition for the needed equipment.

2. SCOPE OF SERVICES

- 2.1 Bidder shall acquire materials and assemble offsite, to the extent possible, all the components of the structure so as to minimize time spent on site during installation
- 2.2 Bidder shall deliver and fully assemble a Mobile Fire Training Unit consisting of a Class A training tower and Flashover simulator with an approximate size of 5800 square feet for the entire structure.
- 2.3 City shall provide detailed location for the Mobile Fire Training Unit at time of award. Bidder shall provide detailed drawings for final approval by City
- 2.4 Bidder shall provide orientation, training on proper care, maintenance, warranty compliance, and use of structure within fourteen (14) calendar days of completion of assembly. This training shall be inclusive of a minimum 10-hour Train the Trainers session for up to 12 persons.

- 3. STANDARDS COMPLIANCE:** The structure specified herein shall be designed and assembled so as to comply with NFPA 1402 (current edition), Guide to Structure fire service training centers and applicable sections of NFPA 1001 (current edition), Standard for Professional Qualifications and NFPA 1500

(current edition), Standard for Fire Department Health and Safety. Furthermore, the Structure should be designed so as to allow for compliance with NFPA 1403 (current edition).

4. REQUIREMENTS: All bidders shall meet the following requirements and shall apply to all items bid.

- 4.1 All Materials shall be new and unused
- 4.2 All Windows and doors shall open to the outside
- 4.3 Structure shall allow for adequate drainage of water to the exterior
- 4.4 The flooring in all containers shall be constructed as to not pool water, ensuring proper drainage and drying of the units after training evolutions
- 4.5 All attachments hardware shall be either stainless steel, epoxied mild steel, or galvanized material
- 4.6 Structure shall be constructed in order to prevent water leaks
- 4.7 Structural corner posts shall be 8" x 8" and 0.375" minimum
- 4.8 Floor structural member shall be 5-3/4" channel x 0.125" with weather resistant coating. Burn room shall be 1/8" stainless diamond steel plate. All non-burn areas shall be 1/8" rhino lined (or equivalent)
- 4.9 Roof Structure shall be constructed of 14 gauge corrugated corten steel with galvanized 0.125" thick diamond plate steel deck surface in training areas. Fasteners shall be recessed and roof area shall provide live load capacity of 300 lbs/sq ft.
- 4.10 All staircase material shall be carrion resistant galvanized bar grating with a minimum 36" wide (inside) tread surface. Stair risers shall be a maximum of 7" high with a minimum tread depth of 11" All stairwell railings shall be OSHA compliant
- 4.11 Burn doors shall be constructed of 11 gauge stainless steel. They shall be a welded assembly with appropriate door lock mechanisms, door holdback, and a minimum of three (3) 3/8" steel hinges. Frames shall be constructed of 2" x 2" square tubing. Regular egress doors shall be constructed similarly but with mild epoxied steel.
- 4.12 Burn windows shall be constructed of 11 gauge stainless steel insulated to withstand elevated temps. Each window shall be hinged on one side with a minimum of two (2) 3/8" stainless steel hinges. Window size shall be 36" x 36". Frames to be constructed of 2" x 2" of corrosion resistant steel tubing. Regular windows shall be of similar construction with epoxied mild steel.
- 4.13 All open railings with a vertical distance in excess of 30" above grade shall have OSHA compliant railings. Each railing shall supply access in appropriate areas through approved openings. Railings shall be constructed of 1-1/2" x 1-1/2" x 11 gauge tubing. All exterior railings shall have a galvanized finish and safety toe kick around perimeter of any active roof area.
- 4.14 Structure shall be painted with a base color and one (1) "Access" color door and one (1)

"Access" color window

4.15 Finish of exterior shall be painted with a 2 part high solid marine urethane -3 mil.

5. TOWER COMPONENTS:

5.1 Tower shall have the following components at minimum:

- A. Twelve (12) 40 foot high cube steel containers
- B. Five (5) 20' high cube steel containers
- C. One (1) new 10' upper chamber and one (1) new 20' lower chamber for flash over
- D. Burn Room Dimensions (with moveable panels in each):
 - a. 1st Floor: 20' x 24'
 - b. 2nd Floor: 16' x 20'
 - c. 3rd Floor: 8' x 20'
- E. Two (2) 20' x 8' Hi-Wall reconfigurable panel maze systems with reduced profile panel
- F. Wire entanglement prop
- G. Two-tier crawl maze with rafter simulator, drop floor prop, and adjustable reduced profile panel
- H. Drywall pike pole ceiling prop
- I. 8' x 12' open bay burn room with stove and range prop
- J. 2-3 pallet position high temp burn cart with deflection hood
- K. Mechanical vent hatch in each burn room
- L. Exterior FDC and gate valve on 1st, 2nd, 3rd, and 4th floor with PRD valve on 3rd and 4th floors
- M. One (1) sprinkler head connected off stand pipe system on first floor
- N. Three (3) Breach walls
- O. Denver Drill window
- P. One (1) vertical breach window and one (1) horizontal breach window
- Q. Five (5) story galvanized inner stairwell
- R. Five (5) exterior galvanized sets of stairs to each level; ground to 6th floor

- S. Wireless temperature monitoring system that records and alarms each burn room
- T. All rooftop active roof decks shall have OSHA approved railing and 4" toe kick
- U. All entry doors shall have hose flaps
- V. Twelve (12) regular windows
- W. Sixteen (16) regular egress doors
- X. Adjustable roof vent prop approximately 14' x 8' with 4' x 8' chop out
- Y. Two (2) 36" x 80" forced entry doors,
- Z. Three tier collapsible floor prop 8' x 8' x 20'
- AA. 30" x 30" floor and ceiling hatches from 1st floor to 5th Floor
- BB. Electrical outlet simulator/behind the wall fire prop
- CC. 40,000 CFM Smoke generator
- DD. Exhaust fans on 1st and 2nd floors
- EE. Two-tier crawl maze with reduced profile, rafter sim and drop floor plan
- FF. Non-Combustible furniture props shall consist of couch, loveseat, table and chair and fireplace
- GG. Two (2) 14' x 26' canopy over top of sixth floor active roof deck
- HH. 5000 pound OSHA approved rappel anchor on 6th floor roof deck
- II. Electrical throughout interior and all sides of exterior
- JJ. One (1) cantilever balcony and One (1) recessed balcony
- KK. Gas/liquid pipe leak simulator
- LL. Elevator door sim prop
- MM. Revolving door prop
- NN. 40' tall x 16' wide x 19' long dual shaft tower, One (1) with three (3) half landings at 2nd, 3rd, and 4th floors and One (1) with open shaft from roof to ground level shall also include 5000 pound OSHA Rappel anchor
- OO. Two (2) Bullex, or equal, digital fire attack panels
- PP. Basement bailout window with landing

QQ. Vertical and horizontal confined space tubes consisting of 24", 30", 36", with 90 degree elbow and T's; Shall consist of minimum 40' of tube piping

6. SUBMITTALS:

- 6.1 Submittal Drawings:** The mobile fire training unit Manufacturer shall design the prefabricated mobile fire training units and provide submittal drawings in accordance with the following minimum requirements.
- a. Schematic drawings and diagrams shall be submitted to the City for review after receipt of order.
 - b. Submittal drawings shall be unique drawings for mobile fire training unit, prepared to illustrate the specific portion of work to be done.
 - c. All relative design information such as member sizes, and general notes shall be clearly specified on the drawings.
 - d. Drawings shall have cross referenced details and sheet numbers.
 - e. All calculations and submittal drawings shall be sealed by a Professional Engineer licensed in the State of Arkansas and provided to the City.

7. DELIVERY: Cost shall include delivery of the mobile fire training unit to the City of Fayetteville Fire Department's training grounds at Borick Drive, Fayetteville Arkansas, 72701.

- 7.1** Bidder shall provide the City with delivery notification and delivery date/time shall be coordinated and set. Once the delivery date and time is set it cannot be changed unless approved by the City AND bidder. If the mobile fire training unit is fabricated before the City is ready to receive it, then the vendor shall agree to store the fabricated mobile fire training unit at no cost to the City at their location until the City is ready for the mobile fire training unit to be shipped. Additional fuel charges shall be factored into the bid and cannot be changed due to possible shipping delays.
- a. Vendor shall provide an estimate of time to be spent assembling the unit.
 - b. The method and sequence of erection shall be the responsibility of the vendor.
 - c. The mobile fire training unit manufacturer shall provide written inspection and maintenance procedures to be followed by the City.
- 7.2 FOB Terms:** Mobile fire training unit supplied under this specification shall remain the property of the Bidder until delivery to and accepted by the City of Fayetteville. Items shall be classified as FOB Destination, freight prepaid where the seller/bidder pays all freight charges, bears all freight charges, owns goods during transit and files any claims.

8. WARRANTY:

- 8.1** The manufacturer shall warranty entire structure to be free of design, material, and

workmanship defects for a period of ten years from the date of acceptance. This warranty does not include decking, railing attachments, on any other items not part of the steel truss structure.

The warranty shall not cover defects in the mobile fire training unit caused by abuse, misuse, overloading, accident, improper maintenance, alteration or any other cause not the result of defective materials or workmanship.

This warranty shall be void unless City's records can be supplied which shall indicate compliance with the minimum guidelines specified in the inspection and maintenance procedures.

Repair or replacements shall be the exclusive remedy for defects under this warranty. The mobile fire training unit manufacturer shall not be liable for any consequential or incidental damages for breach of any express or implied warranty on their structures.

Bid pricing shall include expenses related to covered warranty items including but not limited to travel, labor, materials, shipping cost of materials, replacement parts etc.

9. OTHER PROVISIONS:

9.1 TENTATIVE TIMELINE:

- a. Bid Deadline: October 25, 2016
- b. City Council Meeting: November 15, 2016
- c. City approval of vendor design: December 2, 2016
- d. The City anticipates being prepared to accept delivery between the dates of March 15, 2017 and April 22, 2017.

9.2 The City of Fayetteville shall pay for the mobile fire training unit in full within thirty (30) calendar days of delivery, acceptance, proper installation and assembly of the mobile fire training unit.

9.3 Bidders shall have a minimum of three (3) years' experience supplying materials, products, and services requested in this bid.

9.4 Bidders are not required to provide drawings until an award has been issued.

9.5 Materials not specified but necessary for project completion shall conform to applicable ASTM, OSHA, or NFPA Standards

Agreement Articles



U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Safety

GRANTEE: City of Fayetteville Fire Department

PROGRAM: Operations and Safety

AGREEMENT NUMBER: EMW-2015-FO-04026

AMENDMENT NUMBER:

TABLE OF CONTENTS

Article I	Assurances, Administrative Requirements and Cost Principles
Article II	Acknowledgement of Federal Funding from DHS
Article III	Activities Conducted Abroad
Article IV	Age Discrimination Act of 1975
Article V	Americans with Disabilities Act of 1990
Article VI	Best Practices for Collection and Use of Personally Identifiable Information (PII)
Article VII	Title VI of the Civil Rights Act of 1964
Article VIII	Civil Right Act of 1968
Article IX	Copyright
Article X	Debarment and Suspension
Article XI	Drug-Free Workplace Regulations
Article XII	Duplication of Benefits
Article XIII	Energy Policy and Conservation Act
Article XIV	Reporting Subawards and Executive Compensation
Article XV	False Claims Act and Program Fraud Civil Remedies
Article XVI	Federal Debt Status
Article XVII	Fly America Act of 1974
Article XVIII	Hotel and Motel Safety Act of 1990
Article XIX	Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Article XX	Lobbying Prohibitions
Article XXI	Non-supplanting Requirement
Article XXII	Patents and Intellectual Property Rights
Article XXIII	Procurement of Recovered Materials
Article XXIV	Contract Provisions for Non-federal Entity Contracts under Federal Awards
Article XXV	SAFECOM
Article XXVI	Terrorist Financing E.O. 13224
Article XXVII	Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)
Article XXVIII	Trafficking Victims Protection Act of 2000
Article XXIX	Rehabilitation Act of 1973
Article XXX	USA Patriot Act of 2001
Article XXXI	Use of DHS Seal, Logo and Flags
Article XXXII	Whistleblower Protection Act
Article XXXIII	DHS Specific Acknowledgements and Assurances
Article XXXIV	System of Award Management and Universal Identifier Requirements
Article XXXV	Animal Welfare Act of 1966
Article XXXVI	Protection of Human Subjects
Article XXXVII	Incorporation by Reference of Notice of Funding Opportunity
Article XXXVIII	Acceptance of Post Award Changes
Article XXXIX	Prior Approval for Modification of Approved Budget
Article XL	Disposition of Equipment Acquired Under the Federal Award
Article XLI	Environmental Planning and Historic Preservation Screening

I. Assurances, Administrative Requirements and Cost Principles

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements and cost principles that apply to DHS award recipients originate from:

2 C.F.R. Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

II. Acknowledgement of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other

documents describing projects or programs funded in whole or in part with Federal funds.

III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

VI. **Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

VII. **Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at [6 C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

VIII. **Civil Rights Act of 1968**

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).

IX. **Copyright**

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#)

and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

X. **Debarment and Suspension**

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

XI. **Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

XII. **Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

XIV. **Reporting Subawards and Executive Compensation**

a. **Reporting of first-tier subawards.**

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a. 1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. *Applicability and what to report.* Unless you are exempt as provided in

paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c. 1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus.*
- ii. *Awards of stock, stock options, and stock appreciation rights.*
Use the dollar amount recognized for financial statement reporting

purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

XV. **False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of 31 U.S.C. §3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

XVI. **Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

XVII. **Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XVIII. **Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

XIX. **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

XX. Lobbying Prohibitions

All recipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

XXI. Non-supplanting Requirement

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

XXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

XXIII. Procurement of Recovered Materials

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as

amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards

a. Contracts for more than the simplified acquisition threshold set at \$150,000.

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

XXV. SAFECOM

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

XXVI. Terrorist Financing E.O. 13224

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

XXVII. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex,

sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

XXXIV. System of Award Management and Universal Identifier Requirements

A. Requirement for System of Award Management

Unless exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

American Fire Training Systems Inc.
15200 New Ave Lockport IL 60441
Training Packages and Compliancy

American Fire Training Systems is proud to offer a variety of training packages and training towers to meet the needs of virtually any Fire Department in the United States. AFT understands the needs for firefighter training when new tools such as a burn facility, training tower or other are introduced into the department. AFTS starts with a basic training package and then customizes each session to maximize the amount of information being delivered by AFTS instructors.

AFTS conforms and addresses the required NFPA 1402 and 1403 when designing and constructing facilities for fire service training centers.

The main components that AFTS constructs accomplish general fire fighting training effectively, efficiently and safely and are presented in each mobile or structure designed by AFTS.

Live Fire Basic training package begins with a classroom session that covers NFPA 1402, 1403 and lays out a plan for your departments needs. Examples and templates of site safety plans, SOP's, rehab and hydration policies are included for department files to be built upon to fit their specific needs. Command and control procedures for Fixed burn and mobile fire facilities are covered to assist departments in utilizing their new facility to it's greatest potential. Following classroom time, department personnel are walked through proper procedures, safety considerations of the facility and taught the preferential methods of building fires for training in their new facility. Students are supervised while conducting and managing appropriate sized fires for their facility and taught about conditions that could cause safety problems for them during Live Fire evolutions.

Also included in ALL Basic Fire and Non Fire training packages are a prop familiarization. Students are introduced to each prop that has been specified to their facility and shown basic techniques to enhance student teaching points. Instructors answer all questions about each facility and ensure that your departments new tool is up to AFT specifications.

The Basic training package is designed as a 8-10 hour course dependent upon the number of students attending the Train the Trainer. Maximum amount of students is 15; however class size may be increased with proper notification and adjustment of fee schedule. AFT instructors will contact your designated representative and cover all aspects of the basic package prior to coming to your facility and ensure that your departments needs are being met.

Additional custom training to meet your departments needs will also be taking into consideration prior to arrival to ensure customers are getting to most out of their facility. If departments desire specific additional training in areas beyond their facilities basic



American Fire Training Systems, Inc.

The first name in fire training facilities

15200 New Ave Lockport IL 60441

630-257-3659



References

References of some of the Fire Training Units we have built.
You will find a contact persons phone number and e-mail address if available.
If you have any other questions please give me a call @ 630-878-5493

Abeytas NM FD
Chief Kelly Voris
505-259-6823

San Antonio NM FD
Chief Fred Hollis
575-835-8461

Truth Or Consequences NM FD
Chief Paul Tooley
575-740-1640

Sandoval NM FD
Jess Lewis
505-934-0400

Denison Iowa Fire Dept
Chief Cory Snowgreen
712-269-9372

Dayville CT FD
Commissioner Kevin Ide
508-633-0512

Muskogee OK FD
Chief Derek Tatum
918-684-6252

Chillicothe MO FD
Darrell Wright
660-646-8196

Romeoville Fire Academy
Bat Chief Jon Ibirham
815-530-7887

Lamar Tech Institute
Beaumont TX
Chief Robert Simonson
409-673-7111

Hennepin Tech College
Eden Prairie MN
Dean Mike Colestock
952-995-1334

US ARMY Fort Buchanan PR
Brad Bowling
787-415-4875

US AIR FORCE Goodfellow TX
James Carey
325-227-5529

R.J.Quinn Fire Training Academy
Chicago, Illinois
Chief Richard Edgeworth
1-312-735-2431

Huntley Fire Protection District
Deputy Chief Ken Caudle
847-489-4778

Lebanon, IN
Sgt Ted Caldwell
765-482-8886
lebfire2@yahoo.com

Peotone, IL
Chief Wm Schrieber
708-258-6884
peofpd@aol.com

Frankfort, IL
Chief James Grady
815-469-1700
chiefgrady@frankfortfire.org

Bay District MD VFD
Chief Richard Sullivan
301-737-0654

City of Lafayette Fire Department
Asst. Chief Richard Doyle
765-491-0320

Tecumseh, MI
Asst. Chief Scott Long
517-605-5039(cell)

Freeburg, IL
Jeff Groh
618-550-8030 (cell)

Greencastle, IN
Jeff Mace
765-301-0280 (cell)

Round Lake Fire Protection District, Illinois
Northwest Lake County Facility
Deputy Chief John Whitten
847-652-4904 (Cell)

Townline Fire Department
Lancaster, NY
Chief Dave Szczudlik
716-683-0385

Madison Fire Department
Madison, IL
Asst. Chief Dave Klee
618-540-2100 (Cell)

Warsaw Fire Department
Warsaw, Indiana
Chief Mike Rice
1-574-372-9552

Great Bend Fire Department
Great Bend, Kansas
Chief Mike Napolitano
1-620-793-4140

Marshfield Fire Department
Marshfield, Wisconsin
Chief Jim Schmidt
1-715-486-2090

Denison Iowa Fire Dept
Denison IA.
Chief Cory Snowgreen
712-269-9372

Marshalltown, Iowa
Asst. Chief Steve Edwards
1-641-754-5751
MOBILE UNIT

Southwest Community College
Cheryl Blazek
641-782-1332
Chf Todd Jackson
641-782-5610
MOBILE UNIT

Montague MA VFD
Chief John Green
413-695-0323
MOBILE UNIT

Blackland MS VFD
Chf Ellis Long
662-416-2727

MOBILE UNIT

Payson AZ FD
Training Officer
Jerome Lubetz
928-595-0394

MOBILE UNIT

Somerton AZ FD
Chf Paul DeAnda
928-261-7794

MOBILE UNIT

Medway Ma FD
Chf Chuck Waldron
508-533-3213

MOBILE UNIT

Clay IND FD
Chf Brian Kazmerzak
574-532-0462

MOBILE UNIT

Torrington CT FD
Capt Larry Hepburn
860-489-2257

MOBILE UNIT

Collins MS FD
Chf John Pope
601-467-5174

MOBILE UNIT

Flint MI Township
Chf Mike Burkely
810-577-7651

MOBILE UNIT

Waynesville MO FPD
Chf Doug Yurecko
573-774-5449

MOBILE UNIT

ACORD

TM

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/21/2016

PRODUCER Phone: (815) 727-2611 Fax: (815) 727-2648

A FAZIO INC.
550 RUBY ST
P O BOX 1248
JOLIET IL 60434-1248THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

Agency Lic#: Cust #2015860

INSURED
AMERICAN FIRE TRAINING SYSTEMS, INC.
15200 S NEW AVE
LOCKPORT IL 60441INSURER A: **Landmark American Insurance Company**INSURER B: **Erie Insurance Exchange**

26271

INSURER C:

INSURER D:

INSURER E:

COVERAGESTHE 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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY	LHA109503	02/04/16	02/04/17	EACH OCCURRENCE \$ 1,000,000
		☒ COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
		☐ CLAIMS MADE ☒ OCCUR				MED. EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS-COMP/OP AGG. \$ 2,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC				
B		AUTOMOBILE LIABILITY	Q05-1030969	05/10/16	05/10/17	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
		☐ ANY AUTO				BODILY INJURY (Per person) \$
		☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
		☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
		☒ HIRED AUTOS				
	☒ NON-OWNED AUTOS					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
		☐ ANY AUTO				OTHER THAN EA ACC \$
						AUTO ONLY: AGG \$
A NO		EXCESS / UMBRELLA LIABILITY				EACH OCCURRENCE \$
		☒ OCCUR ☐ CLAIMS MADE				AGGREGATE \$
						\$
		☐ DEDUCTIBLE				\$
		☐ RETENTION \$				\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS OTHER
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE-EA EMPLOYEE \$
						E.L. DISEASE-POLICY LIMIT \$
		OTHER:				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/ SPECIAL PROVISIONS
FIRE DEPARTMENT TRAINING PROP MANUFACTURING, AND INSTALLATION.**CERTIFICATE HOLDER****CITY OF FAYETTEVILLE**
113 W. MOUNTAIN ST
FAYETTEVILLE, AR 72701

Attention:

CANCELLATIONSHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE
EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS
WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE
TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER,
IT'S AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE


Steve Fazio

ACORD 25 (2001/08)

Certificate # 17597

© ACORD CORPORATION 1988

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

American Fire Training Systems

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:

☐ Individual/sole proprietor ☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

☐ Other (see instructions) ▶

Exemptions (see instructions):

Exempt payee code (if any) _____

Exemption from FATCA reporting
code (if any) _____

Address (number, street, and apt. or suite no.)

15200 New Ave

City, state, and ZIP code

Lockport IL60441

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

____ - ____ - ____

Employer identification number

2 6 - 1 2 2 2 4 4 4

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶

Debra Ulrich

Date ▶

7-8-15

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on www.irs.gov/w9 for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

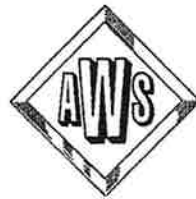
Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

American Welding Society



Certifies that Welding Inspector
Tom Plank

*has complied with the requirements of AWS QC1,
Standard for AWS Certification of Welding Inspectors*

07080491

CERTIFICATE NUMBER

August 1 2013

EXPIRATION DATE



John B. Bruskottis

PRESIDENT AWS

Paul R. Evans

CHAIR, QUALIFICATION COMMITTEE

For H. Williams

CHAIR, CERTIFICATION COMMITTEE

Welder List Identification for American Fire Training Systems

Date of Test; Jan 3, 4, 2013- Using AWS D1.1 Structural Steel code 2012

List of Welders & welder ID

- 1) **Stanislaw Mazur- ID- SM9136-** 1) passed 1/8 c/s plate- 3G-4g positions using GMAW-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 2) **Jose Guijosa- ID- JG0817—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 3) **Jose Moreno- ID- JM7912—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 4) **Alberto Martinez- ID AM7751—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.
2) - passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 5) **Leonel Moreno- ID- LM9811—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.
2) - passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 6) **Mateo Castillo- ID – MC8612-** 1) passed 1/8 c/s plate- 3G-4g positions using GMAW-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 7) **Abel Hernandez Cruz -ID – AC6599-** 1) passed 1/8 c/s plate- 3G-4g positions using GMAW
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process

All above welders met the AWS structural Steel Welding Qualification For GMAW/ Carbon steel- 1/8 plate & 3/8 plate.

Name Tom Plank



Tom Plank
CWI 07080491
QC1 EXP. 8/1/2013

Stamp# _____ Date Jan 4, 2013

Equal Employment Opportunity Policy Statement

American Fire Training Systems, Inc.
15200 S. New Ave.
Lockport, IL. 60441
(630) 257-3659

(Date) 9 - 2007

The employment policies and practices of American Fire Training Systems, Inc. are to recruit and employ qualified job applicants without discrimination based on race, creed, color, age, sex, national origin or physical or mental handicap, religion and sexual orientation and to treat all employees equally without discrimination because of race, creed, color, age, sex, national origin, physical or mental handicap, religion and sexual orientation. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

American Fire Training Systems, Inc. emphasizes this policy to assure compliance to the Civil Rights Act of 1964, as amended, Presidential Executive Orders Nos. 11246 and 11357, the Connecticut Fair Employment Practices Act, and City of Hartford Ordinances, "Chapter 2, Division 10" and all other laws which pertain to Equal Employment Opportunity.

American Fire Training Systems, Inc. recognizes that the effective application of this policy requires that certain positive steps be taken; and, it will, therefore, undertake a program of affirmative action to make known its commitment in this regard.

American Fire Training Systems, Inc. will additionally assert its leadership within the community to achieve full employment and effective utilization of the capabilities and productivity of all persons without regard for race, creed, color, age, sex, national origin or physical or mental handicap, religion and sexual orientation.

(Signature and Title) Kerry A. Furber - owner

Bid 16-62, Addendum 1



Date: Monday October 3, 2016

To: All Prospective Vendors

From: Les McGaugh-- 479.575.8220 -- lmcgaugh@fayetteville-ar.gov

RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. ***BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.***

The following questions were asked by vendors. The City has responded to each question in this addendum, provided in a question/answer format as stated below.

1. Question: Which Manufacturer provided the original specs for the design being bid on?
 - a. Answer: There were multiple manufacturer's specifications, as well as concepts from surrounding fire departments, that were researched in order to develop the bid specifications. Multiple manufacturers are eligible to bid based on the specifications in an effort to maximize competition and fairness to all.
2. Question: Some of the requirements appear to be very specific, do you have a preferred layout diagram for the complete training tower?
 - a. Answer: The City does not have a preferred layout diagram. However, the City has provided a general concept referred to in the specifications which specifies one fire mobile simulator system all attached together composed of multiple burn rooms and props, towers from storage containers, and a flashover simulator.
3. Question: Is the Flashover unit to be independently mobile on wheels or just transportable like the rest of the training tower?
 - a. Answer: The flashover simulator shall be attached and a part of the complete fire mobile training simulator system.
4. Question: Is the flashover unit to be attached to the main tower?
 - a. Answer: The flashover simulator shall be attached and a part of the complete fire mobile training simulator system.
5. Question: Are Phoenix Fire Tiles an acceptable alternative as a thermal lining system for the Burn room areas?
 - a. Answer: No. A thermal insulated protective blanket covered by 10 gauge 304 corrugated stainless steel is required on the walls and ceilings in all burn rooms.

Bid 16-62, Addendum 2



Date: Monday, October 17, 2016

To: All Prospective Vendors

From: Les McGaugh- 479.575.8220 - lmcgaugh@fayetteville-ar.gov

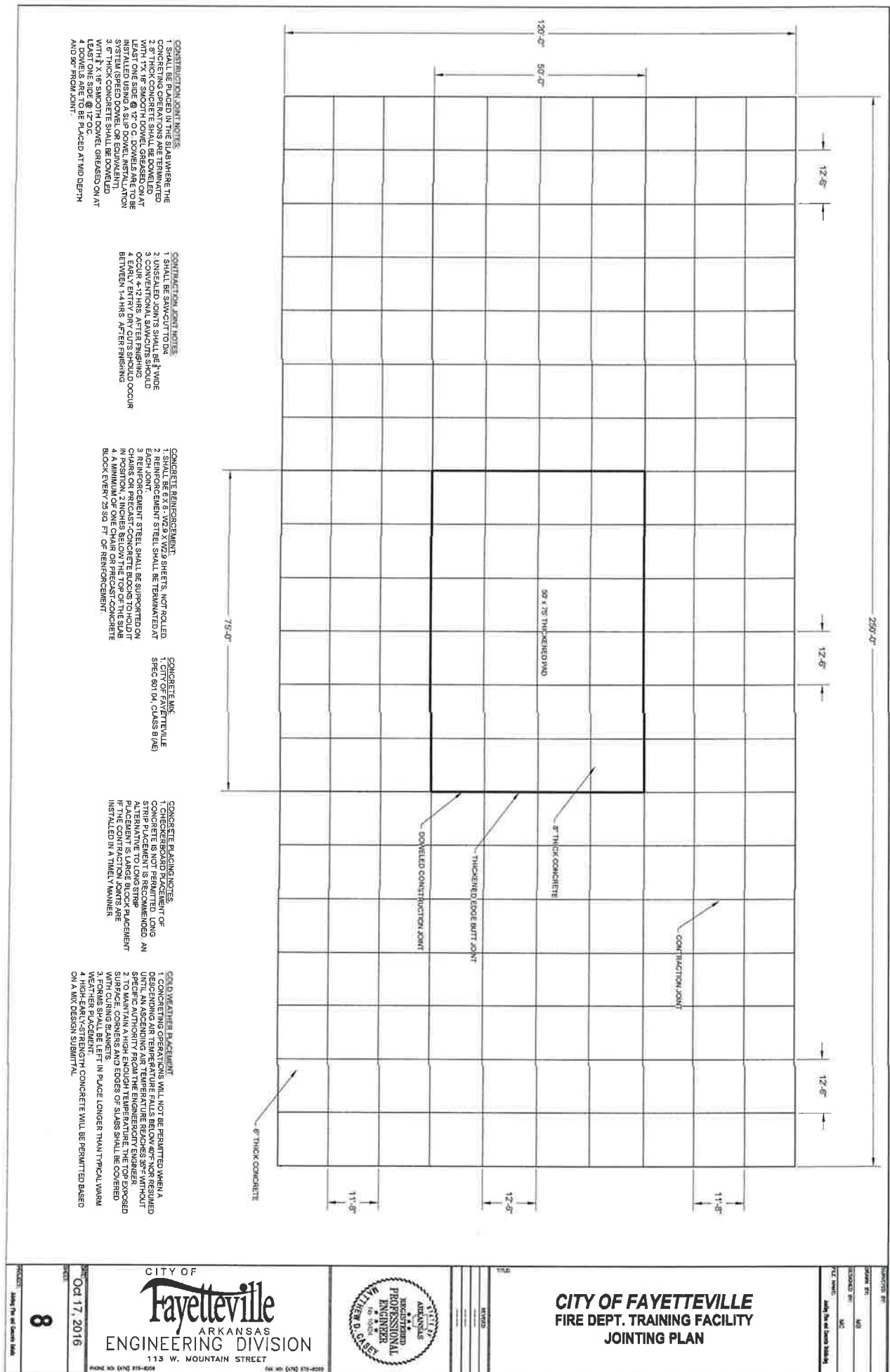
RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. **BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.**

1. The City will be providing a concrete slab foundation for the mobile fire training unit as specified in Sheets 8 and 10 attached. In the event a bidder or manufacturer believes this foundation is not adequate to support the mobile fire training unit, bidder shall notify the city prior to the bid deadline in writing. Bidders shall be responsible for assembling and installing mobile fire training unit in accordance with the manufacturer's recommendations including how the mobile fire training unit is or is not secured to the foundation. Bidder shall be responsible for insuring the mobile fire training unit is securely assembled and installed for the intended use of the mobile fire training unit.
2. The Mobile Fire Training Unit shall be classified as a Group U Occupancy. The structure shall be designed/engineered to meet the seismic and wind speed requirements of Fayetteville, Arkansas, as specified in the 2012 Edition of the Arkansas Fire Prevention Code, Vol. 2 (based on the 2012 Edition of the IBC). The snow load design requirement is 20 pounds per square foot as required by City of Fayetteville ordinance.

ACKNOWLEDGED BY "JR" @ AFTS

10-17-16



CONSTRUCTION JOINT NOTES

1. SHALL BE PLACED IN THE SLAB WHERE THE CONCRETING OPERATIONS ARE TERMINATED.
2. 8" THICK CONCRETE SHALL BE DOWELED WITH 1" X 12" SMOOTH DOWEL GREASED ON AT LEAST TWO ENDS.
3. 8" THICK CONCRETE SHALL BE DOWELED WITH 1" X 12" SMOOTH DOWEL GREASED ON AT LEAST TWO ENDS.
4. DOWELS ARE TO BE PLACED AT MID DEPTH AND 90° FROM JOINT.

CONTRACTION JOINT NOTES

1. SHALL BE SAWCUT TO 1/4" DEPTH.
2. 8" THICK CONCRETE SHALL BE DOWELED WITH 1" X 12" SMOOTH DOWEL GREASED ON AT LEAST TWO ENDS.
3. CONVENTIONAL SAWCUTS SHOULD OCCUR 4-12 HRS AFTER FINISHING.
4. EARLY ENTRY DRY CUTS SHOULD OCCUR BETWEEN 1-4 HRS AFTER FINISHING.

CONCRETE REINFORCEMENT

1. SHALL BE #3 - 16 @ 8" W28 SHEETS, NOT ROLLED.
2. REINFORCEMENT SHALL BE TERMINATED AT EACH JOINT.
3. REINFORCEMENT STEEL SHALL BE SUPPORTED ON CHAIRS OR PRECAST CONCRETE BLOCKS TO HOLD IT IN PLACE.
4. A MINIMUM OF ONE CHAIR OR PRECAST CONCRETE BLOCK EVERY 25 SQ. FT. OF REINFORCEMENT.

CONCRETE MIX

1. CITY OF FAYETTEVILLE SPEC 801.04, CLASS B (P&S)

CONCRETE PLACING NOTES

1. CHECKERBOARD PLACEMENT OF CONCRETE IS NOT PERMITTED. LONG STRIPS OF CONCRETE SHALL BE PLACED ALTERNATE TO LONG STRIPS.
2. IF THE CONTRACTION JOINTS ARE INSTALLED IN A TIMELY MANNER.

COLD WEATHER PLACEMENT

1. CONCRETING OPERATIONS WILL NOT BE PERMITTED WHEN A DESCENDING AIR TEMPERATURE FALLS BELOW 40°F. NOR RESUMED UNTIL AN ASCENDING AIR TEMPERATURE REACHES 50°F. WITHOUT STOPPING CONCRETING OPERATIONS FOR 48 HOURS.
2. TO MAINTAIN A HIGH ENOUGH TEMPERATURE, THE TOP EXPOSED SURFACE, CORNERS AND EDGES OF SLAB SHALL BE COVERED WITH CURING BLANKETS.
3. REINFORCEMENT SHALL BE IN PLACE LONGER THAN TYPICAL WARM WEATHER PLACEMENT.
4. HIGH-EARLY-STRENGTH CONCRETE WILL BE PERMITTED BASED ON A MIX DESIGN SUBMITTAL.

DATE: Oct 17, 2016 8	CITY OF Fayetteville ARKANSAS ENGINEERING DIVISION 113 W. MOUNTAIN STREET PHONE: (501) 326-2200 FAX: (501) 326-2200		TITLE: CITY OF FAYETTEVILLE FIRE DEPT. TRAINING FACILITY JOINTING PLAN	DESIGNED BY: MBS	CHECKED BY: MBS	DATE: 10/17/2016	SCALE: As Shown Unless Noted
			REVIEWED BY: MBS	DATE: 10/17/2016	SCALE: As Shown Unless Noted		
			DATE: 10/17/2016	SCALE: As Shown Unless Noted			
			DATE: 10/17/2016	SCALE: As Shown Unless Noted			

Bid 16-62, Addendum 3



Date: Thursday, October 20, 2016

To: All Prospective Vendors

From: Les McGaugh – 479.575.8220 – lmcgaugh@fayetteville-ar.gov

RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. **BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.**

5.1 Further Clarification for Section 5.1 of Technical Specifications:

Line Item GG: Two metal canopies that will allow complete coverage of both towers on top of the active roof decks.

Line Item NN:

1. (Tower 1) Quantity of 2 High cube shipping container 40' tall X 8' wide X 19' long dual shaft tower standing on end. This will make up 4 stories tall with 5 levels. One (1) with three (3) half landings at 2nd, 3rd, and 4th floors and One (1) with open shaft from roof to ground level shall also include 5000 pound OSHA Rappel anchor.
2. (Tower 2) Quantity of 5 High cube shipping containers stacked on top of each other 8' wide X 20' Long. This will make up 5 stories at 6 levels.

Acknowledged By "JR" @ AFTS.

10-20-16

Bid 16-62, Addendum 4



Date: Friday, October 21, 2016

To: All Prospective Vendors

From: Les McGaugh – 479.575.8220 – lmcgaugh@fayetteville-ar.gov

RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. **BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.**

- A) The deadline for Bid 16-62 is hereby extended as part of this addendum. **All bids shall be received by Thursday, October 27, 2016 before 3:00:00 PM, local time to Fayetteville, AR.** Late bids will not be accepted. Bidders shall acknowledge all addendums in the designated location on the bid form.
- Bids shall be received at: Fayetteville City Hall, 113 W. Mountain, Attn: Room 306 Purchasing, Fayetteville, AR 72701.
- B) The following questions and corresponding answers are made part of Bid 16-62:
- Question: (Referencing 4.7) Please explain the purpose and quantity of 8" x 8" corner posts.
 - Answer: 8" x 8" corner posts are part of the main construction feature of all international specified shipping containers. Manufacturer design will determine how many corner posts are necessary.
 - Question: (Referencing 4.9) Please explain fasteners recessed in the roof and also provide the number of locations of the platforms. What are the dimensions of the area covered by the platforms? Should all exposed container tops have working platforms, or just some?
 - Answer: No fasteners shall be exposed above the roof deck more than 0.125". The number of locations of the platforms will be based on manufactures design. The dimensions of the area covered by the platform will also be based on manufacturer's design. All container tops with working platforms will be based on the manufactures design.
 - Question: (Referencing 4.1) Do the burn room doors need internal insulation or is the door sheeted on one side only?
 - Answer: All interior & exterior burn room doors and windows shall be protected up to 2000 degrees Fahrenheit. Both sides of the doors and windows shall be covered with stainless steel 10 gauge 304.

Acknowledged By "JR" @ AFTS 10-21-2016

4. Question: (Referencing 4.14) Structure shall be painted with a base color and one (1) "Access" color door and one (1) "Access" color window – Please explain.
 - a. Answer: All windows and doors will be painted with an accent color of the City's choice to the winning manufacturer.
5. Question: (Referencing 4.15) Finish of exterior shall be painted with a 2 part high solid marine urethane -3 mil. – Please furnish color code.
 - a. Answer: Color will be determined after bid is awarded. Color selected shall be from manufacturer's standard available colors.
6. Question: (Referencing 5.1, T) All rooftop active roof decks shall have OSHA approved railing and 4" toe kick – Please provide the locations and dimensions of roof decks.
 - a. Answer: The locations and dimensions will be based on manufacturer's design. The manufacturer will determine the locations of the roof decks.
7. Question: (Referencing 5.1) X Adjustable roof vent prop approximately 14' x 8' with 4' x 8' chop out – Should the vent prop angle be adjustable? Does the vent prop need hydraulic or mechanical raising mechanism?
 - a. Answer: The vent prop angle shall be adjustable. The vent prop raising mechanism is based on what the manufacturer can provide as standard. Both hydraulic and mechanical are acceptable.
8. Question: (Referencing 5.1) GG. Two (2) 14' x 26' canopy over top of sixth floor active roof deck – Is the requirement for steel canopies only, or is framework required as well?
 - a. Answer: Both the framework and the canopies shall be steel.
9. Question: Please explain number of outlets and any other required electrical items.
 - a. Answer: Bidder shall provide an adequate amount of lighting for the interior and exterior on all four sides; as well as the roof decks. The fire training unit shall also have an electrical panel located away from water runoff areas.
10. Are configuration drawings or sketches available customer?
 - a. Answer: In order to maximize competition and allow multiple manufacturer's to compete for this bid no drawings or sketches are available. The City has provided design concepts required in the bid specifications. The training tower shall be designed by the manufacturer.
11. The bid is labeled Mobile, but the specification described a fixed unit. Is it fixed, but capable of being disassembled and relocated?
 - a. Answer: Yes, it is a modular design that can be disassembled and relocated.
12. Question: Is the Owner handling all site preparation including grading and concrete pad or flat level surface and electrical service including main panel?
 - a. Answer: Yes, the City will be providing a concrete slab foundation for the mobile fire training unit as specified. In the event a bidder or manufacturer believes this foundation is not adequate to support the mobile fire training unit, bidder shall notify the city prior to the deadline in writing. Please also refer to Addendum 2. The City will provide electrical power to the building location.
13. Question: Is internal or external lighting required?

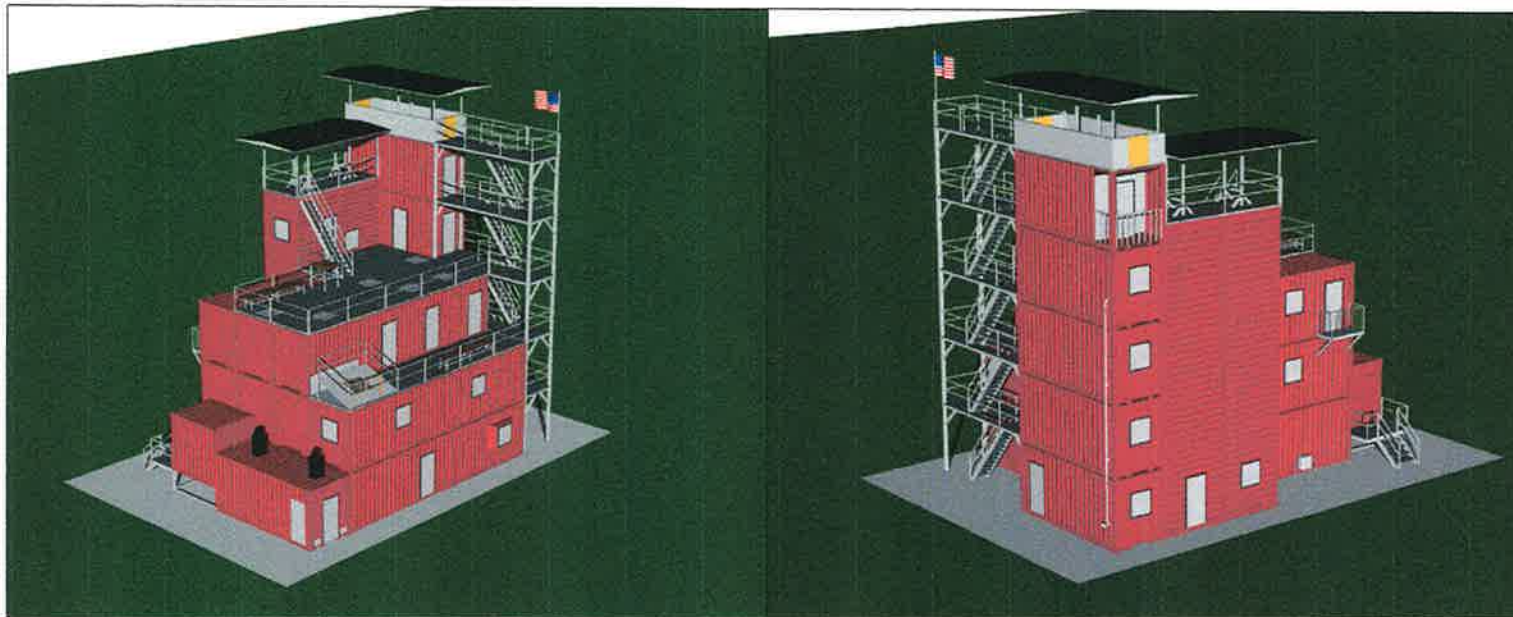
- a. Answer: Yes. Internal and external lighting is required to provide sufficient illumination to the tower. Minimum of (2) two electrical outlets per floor shall be provided.

14. Question: Addendum 3 modified the width of Tower 1 from 16' wide to 8' wide and thereby reducing the number of 40' high-cube containers needed to make Tower 1 from 4 to 2. Can you please clarify what effect (if any) this had on the total number of containers specified in 5.1 A and B (12 x40' and 5x20' containers).

- a. Answer: **5. TOWER COMPONENTS:**

- i. 5.1 Tower shall have the following components at minimum:
 - 1. Twelve (12) 40 foot high cube steel containers
 - 2. Five (5) 20 foot high cube steel containers
- ii. For clarity, no changes on the number of high cube steel containers specified in 5.1A and 5.1B. Please refer to original specifications. The correction on Addendum 3, Items 5.1 GG and NN will have no effect on the total number of high cube steel containers. This was a typo.

PROPOSAL FOR FIRE TRAINING FACILITY FAYETTEVILLE F.D. - FAYETTEVILLE, AR.



PLAN NORTHEAST VIEW

PLAN SOUTHWEST VIEW

UNIT SPECIFICATIONS

- 13 - 40' H.C. ISO CONTAINERS
- 5 - 20' H.C. ISO CONTAINERS
- 1 - FLASH-OVER
- 10' UPPER CHAMBER
- 20' LOWER CHAMBER
- 1 - 20'X24' BURN ROOM
- 1 - 18'X20' BURN ROOM
- 1 - 8'X20' BURN ROOM
- 2 - 20' SCBA PANEL MAZES
- REDUCED PROFILE PANELS
- WIRE ENTANGLEMENTS
- 1 - TWO TIER CRAWL MAZE
- RAFTER SIM. DROP FLOOR
- REDUCED PROFILE PANEL
- 1 - DRYWALL PIKE POLE PROP
- 1 - 8'X12' OPEN RAY BURN AREA
- STOVE PROP RANGE PROP
- 3 - 2 PALLET BURN CARTS
- 3 - VENT HATCHES
- 1 - FDC 4 GATES, 2 PRDS
- 1 - SPRINKLER HEAD
- 3 - BREACH WALLS
- 1 - DENVER DRILL WINDOW
- 1 - VENT. BREACH WINDOW
- 1 - HORIZ. BREACH WINDOW
- 1 - 5 STORY INT. STAIR TOWER
- 1 - 5 STORY EXT. STAIR TOWER
- 1 - RTO SYSTEM 10 TRANSMITTERS
- RECEIVER - DATA LOGGER
- 12 - STD. WINDOWS
- 10 - STD. DOORS W/HOSE FLAPS
- 1 - 14'X8' ROOF PITCH SIM.
- 4'X8' CROP OUT
- 2 - FORCED ENTRY DOORS
- 1 - 3 TIER COLLAPSED FLOOR
- 4 - 30X30 FLOOR/CERLING HATCHES
- 1 - ELECT. OUTLET BEHIND THE WALL FIRE PROP
- 1 - 40,000 CFM SMOKE GEN.
- 2 - EXHAUST FANS (FLOORS 1&2)
- 1 - COUCH, LOVESEAT, TABLE & CHAIRS, FIREPLACE PROPS
- 2 - ROOFTOP CONOPIES
- 3 - RAFFEL ANCHORS
- 5000# OSHA APPROVED
- 1 - CANTILEVERED BALCONY
- 1 - RECESSED BALCONY
- 1 - GAS (LIQUID) PIPE LEAK SIM.
- 1 - REVOLVING DOOR PROP
- 1 - 40'X16'X19' TOWER 3 HALF LANDINGS
- 1 OPEN SHAFT
- 2 - DIGITAL FIRE ATTACK PROPS
- 1 - BASEMENT RAIL-OUT WINDOW
- 1 - 24", 30", 36" CRAWL TUBES
- 90° ELBOWS - TEE TRANSITIONS
- ELECTRICAL - 4" TOE KICKS AND HANDRAILING THROUGHOUT

TRAINING AREA

TOTAL **7480 SQ. FT.**

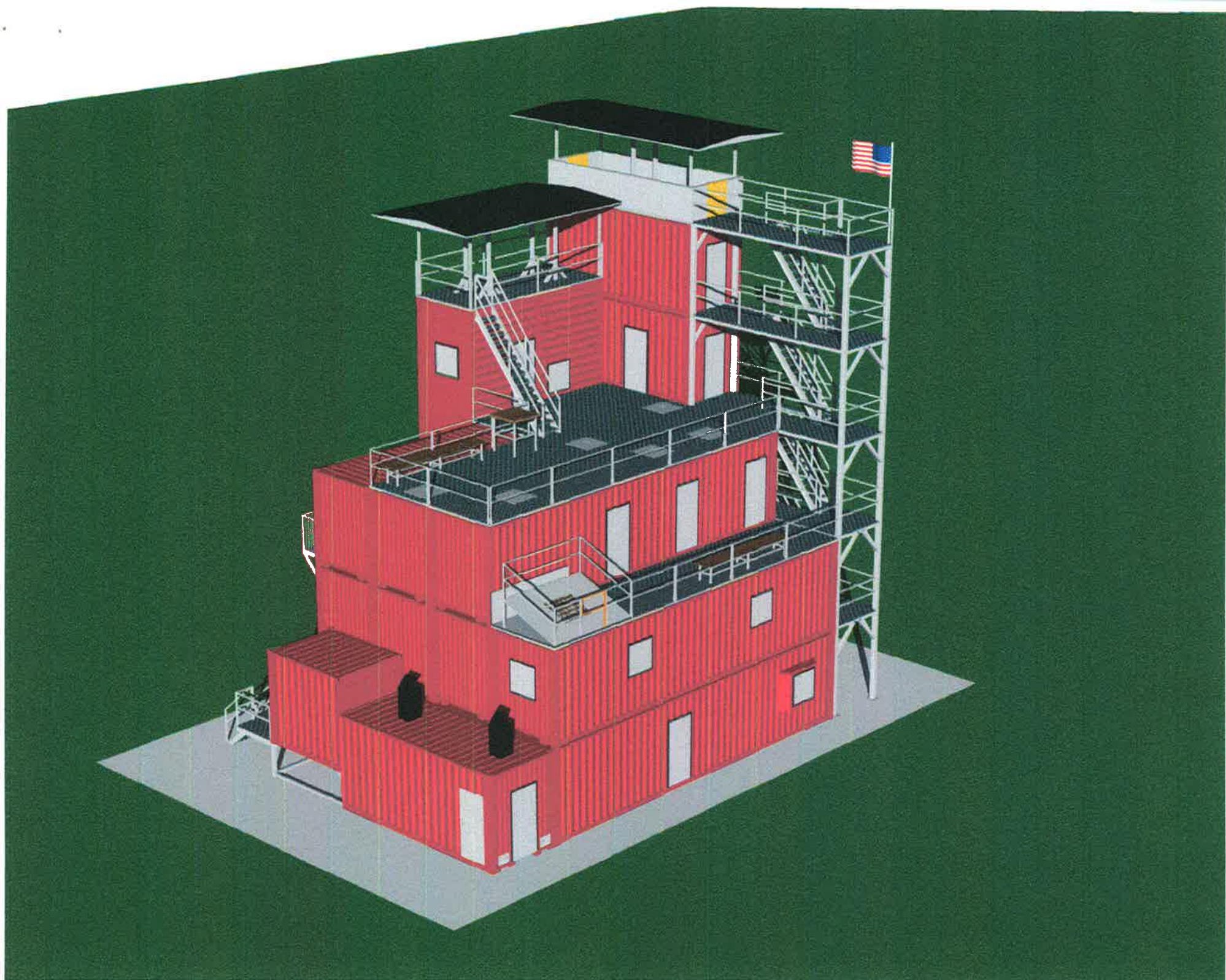
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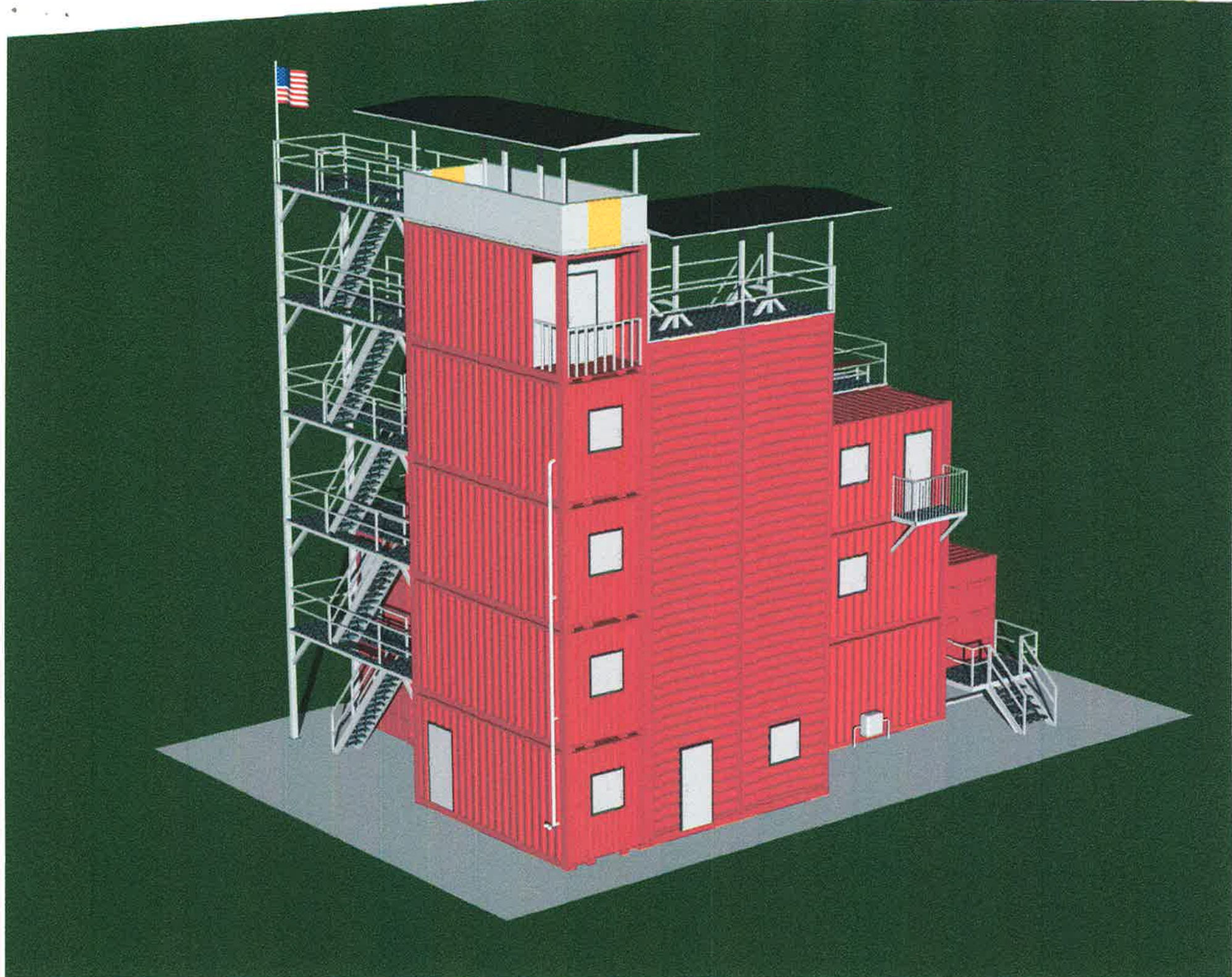
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LEWISTON, ILLINOIS 60439
(630) 257-0112



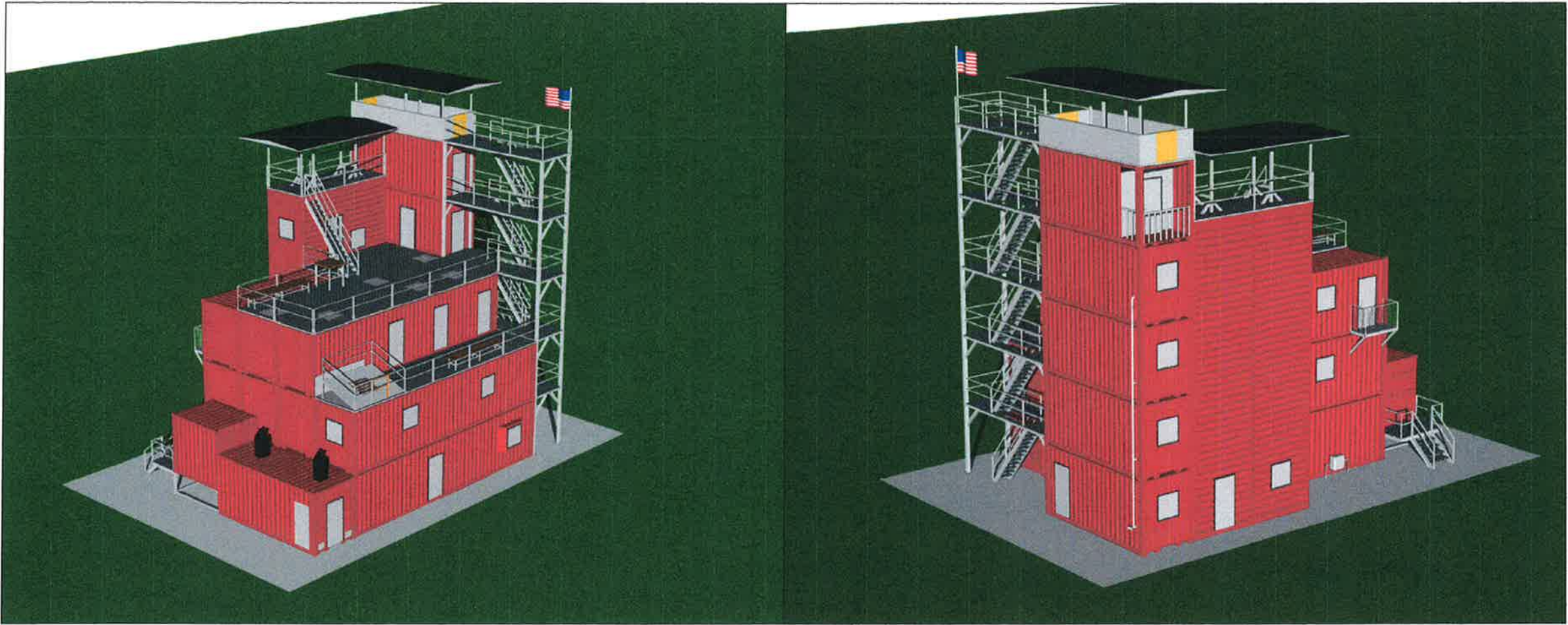
PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.

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REV: --
DATE: 10-17-16
SCALE: --
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DWG. NO. 00





PROPOSAL FOR FIRE TRAINING FACILITY FAYETTEVILLE F.D. - FAYETTEVILLE, AR.



PLAN NORTHEAST VIEW

PLAN SOUTHWEST VIEW

UNIT SPECIFICATIONS

- 13 - 40' H.C. ISO CONTAINERS
- 5 - 20' H.C. ISO CONTAINERS
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- 1 - TWO TIER CRAWL MAZE
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- 1 - VERT. BREACH WINDOW
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- 1 - 5 STORY INT. STAIR TOWER
- 1 - 5 STORY EXT. STAIR TOWER
- 1 - RTD SYSTEM 10 TRANSMITTERS
 - RECEIVER - DATA LOGGER
- 12 - STD. WINDOWS
- 16 - STD. DOORS W/HOSE FLAPS
- 1 - 14'X8' ROOF PITCH SIM.
 - 4'X8' CHOP OUT
- 2 - FORCED ENTRY DOORS
- 1 - 3 TIER COLLAPSED FLOOR
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- 1 - ELECT. OUTLET BEHIND THE WALL FIRE PROP
- 1 - 40,000 CFM SMOKE GEN.
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- 3 - RAPPEL ANCHORS
 - 5000# OSHA APPROVED
- 1 - CANTILEVERED BALCONY
- 1 - RECESSED BALCONY
- 1 - GAS /LIQUID PIPE LEAK SIM.
- 1 - REVOLVING DOOR PROP
- 1 - 40'X16'X19' TOWER 3 HALF LANDINGS
 - 1 OPEN SHAFT
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- 1 - 24", 30", 36" CRAWL TUBES
 - 90° ELBOWS - TEE TRANSITIONS
- ELECTRICAL - 4" TOE KICKS AND HANDRAILING THROUGHOUT

TRAINING AREA
TOTAL = ~~7480~~ 7480 Sq. FT.

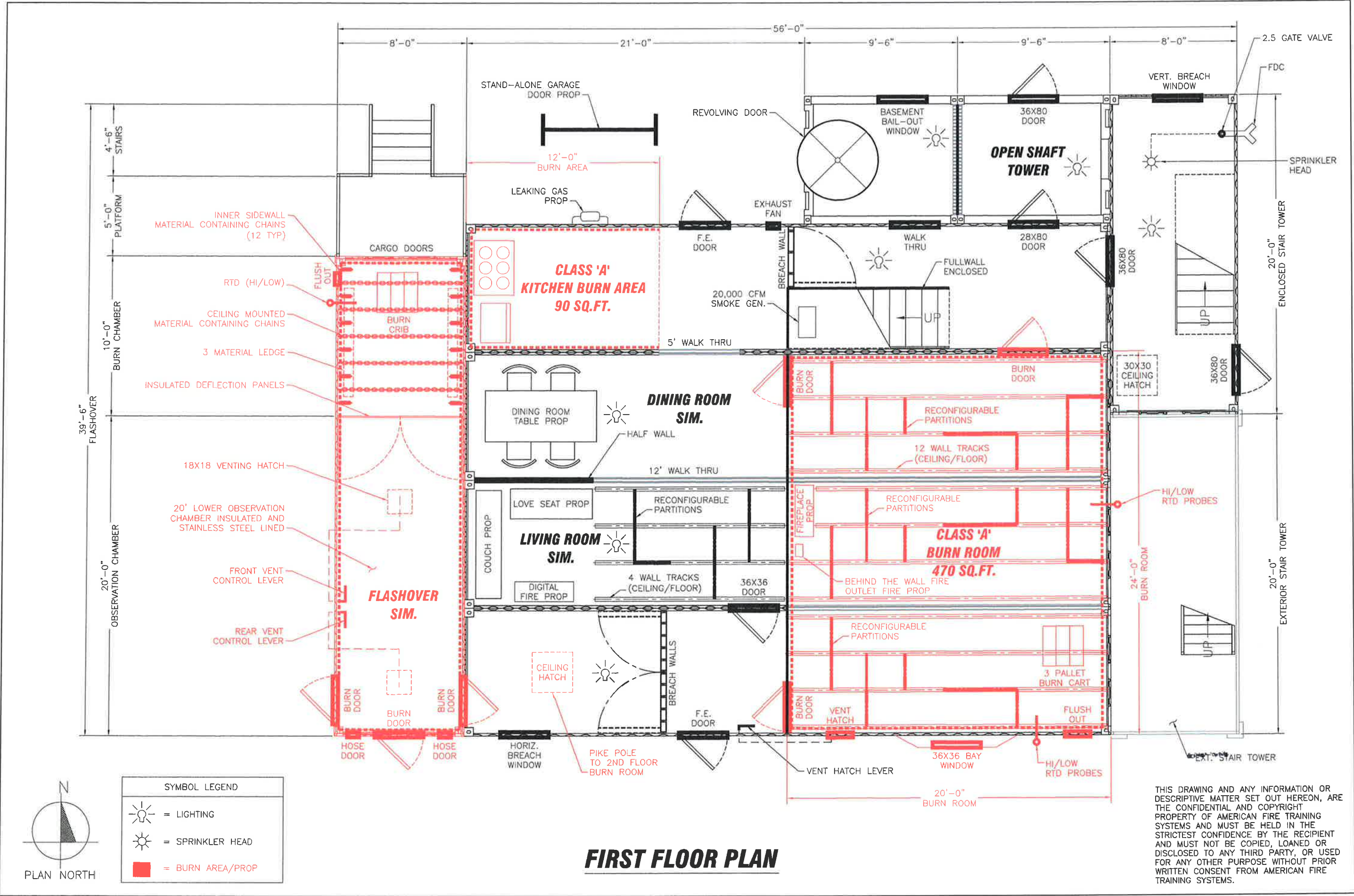
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PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.

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PROPOSAL FOR FIRE TRAINING FACILITY
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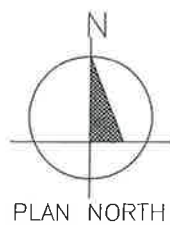
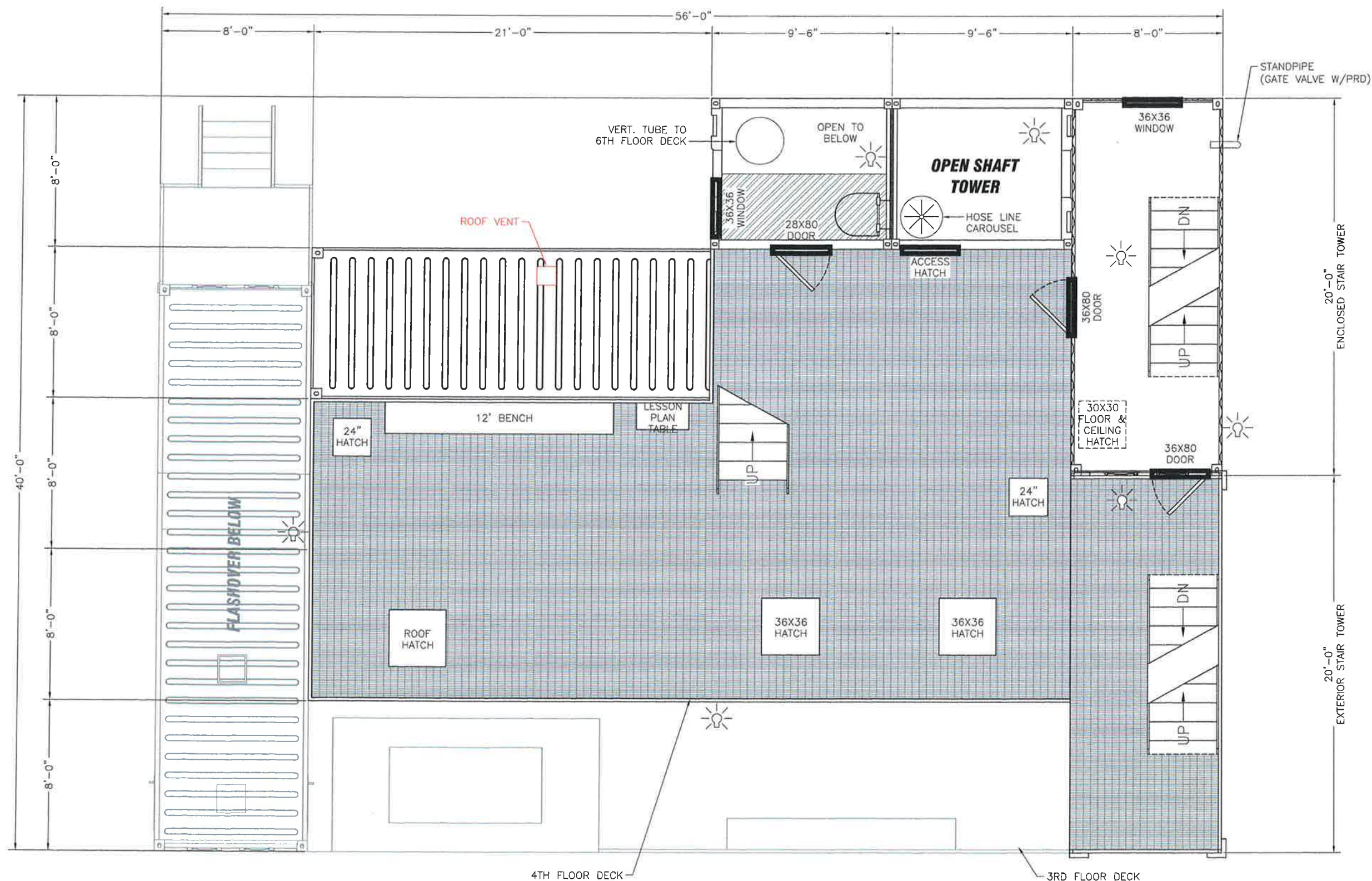
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SYMBOL LEGEND	
	= LIGHTING
	= SPRINKLER HEAD
	= BURN AREA/PROP

FOURTH FLOOR PLAN

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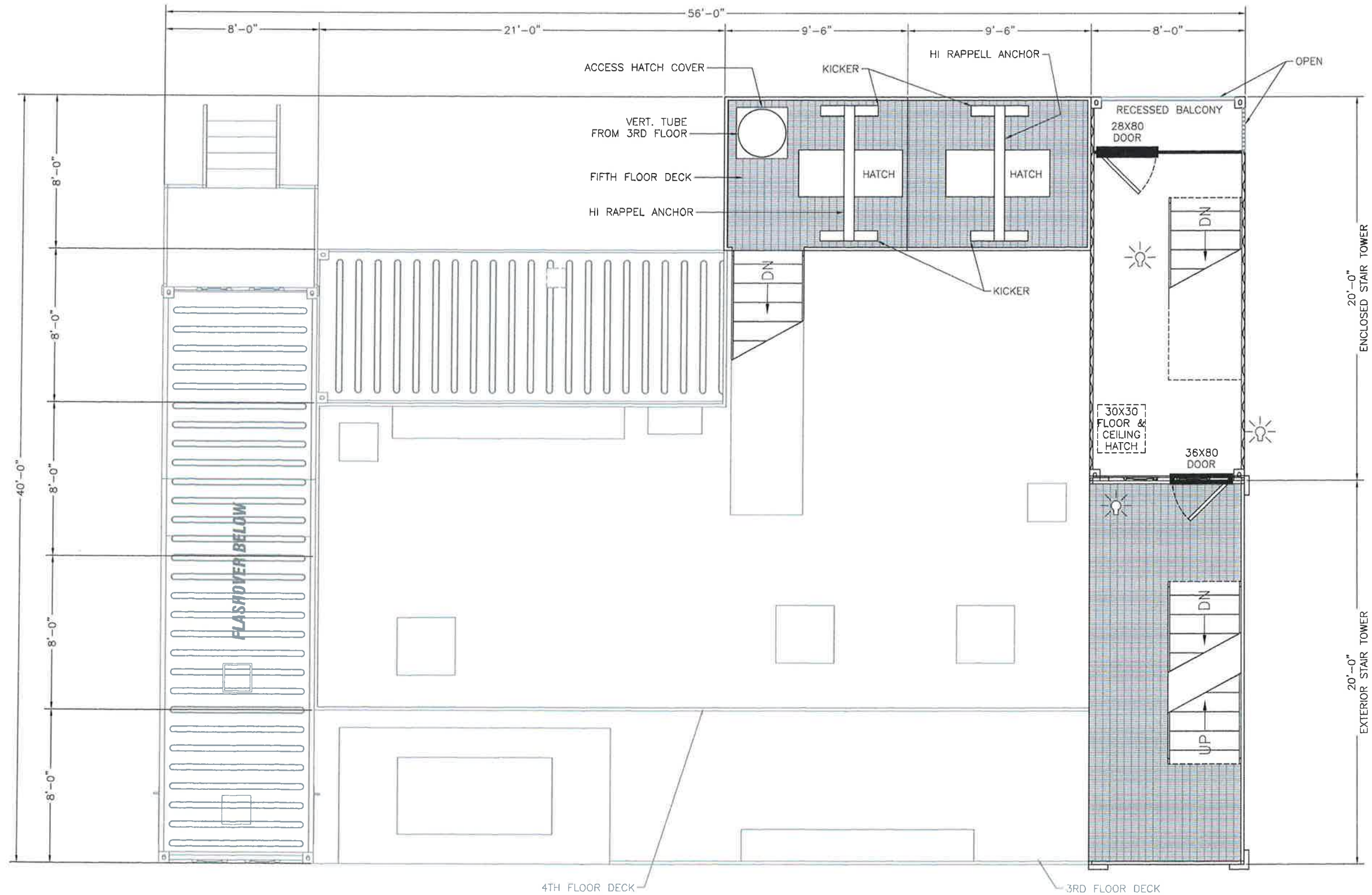
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DWG NO.

04

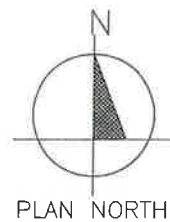
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PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.



FIFTH FLOOR PLAN



SYMBOL LEGEND	
	= LIGHTING
	= SPRINKLER HEAD
	= BURN AREA/PROP

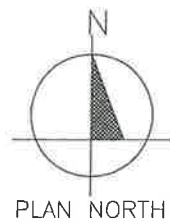
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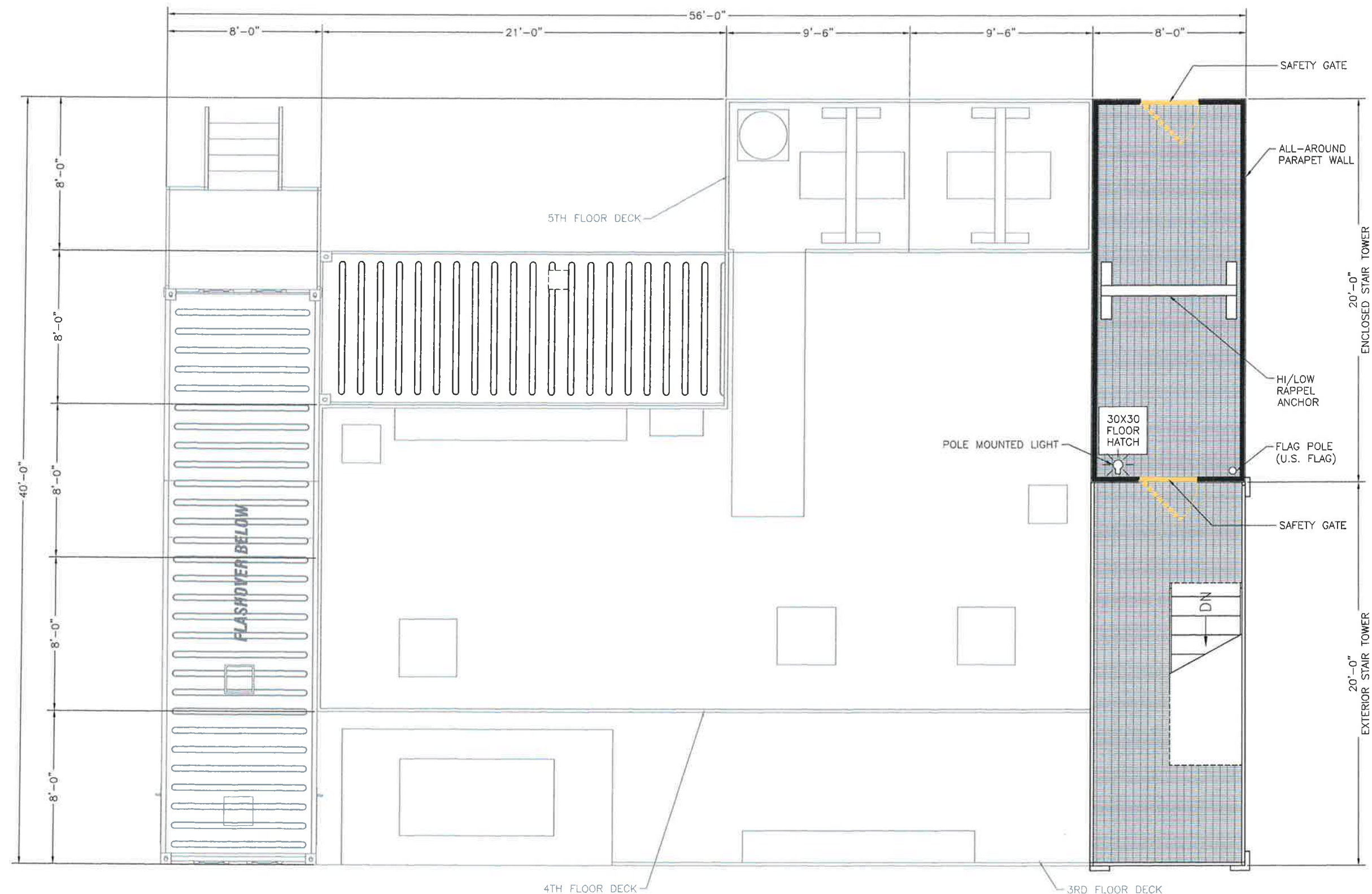


**PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.**

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P NO.	P743
DWG NO.	05



SYMBOL LEGEND	
	= LIGHTING
	= SPRINKLER HEAD
	= BURN AREA/PROP



SIXTH FLOOR PLAN

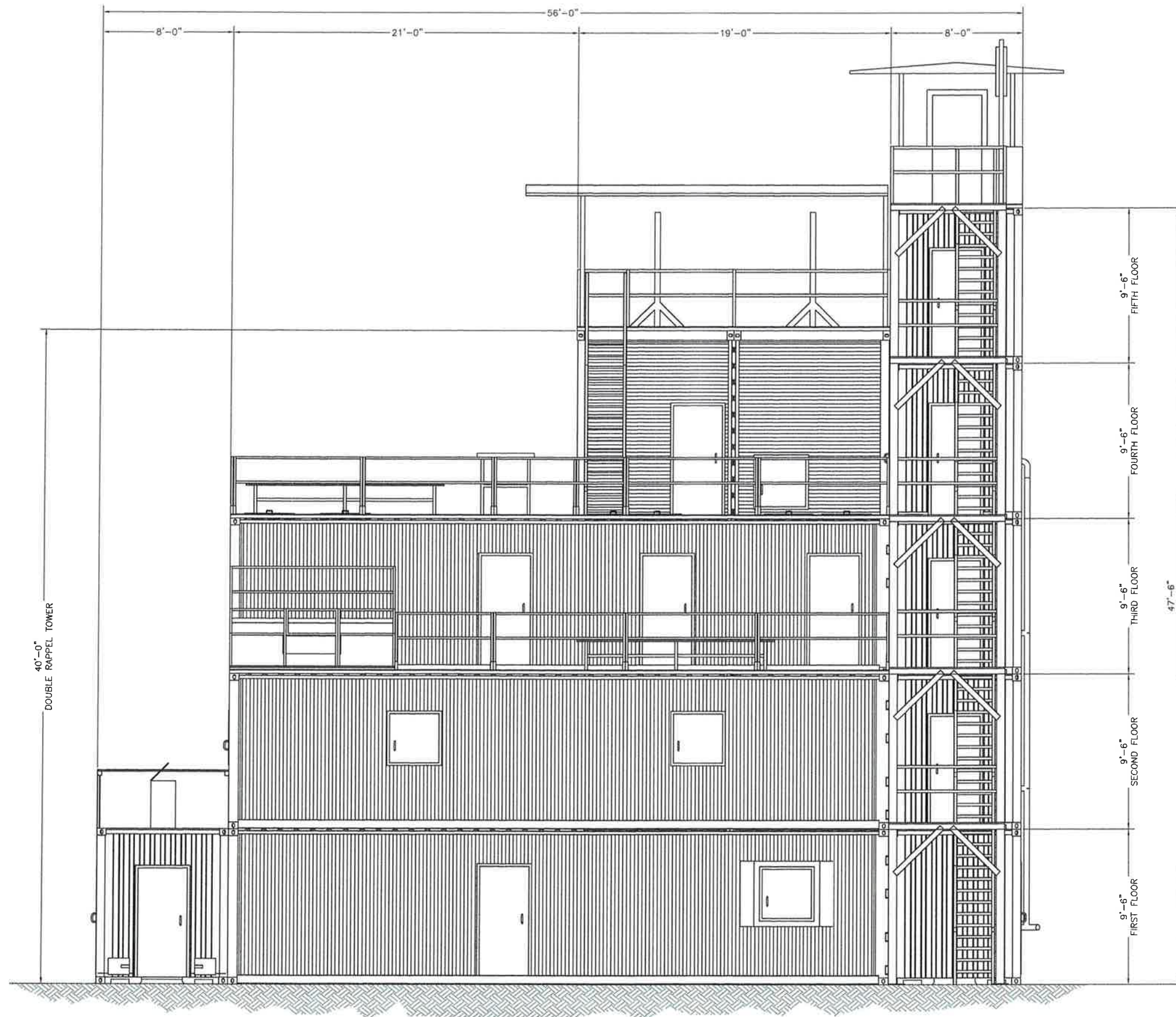
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PLAN NORTH ELEVATION

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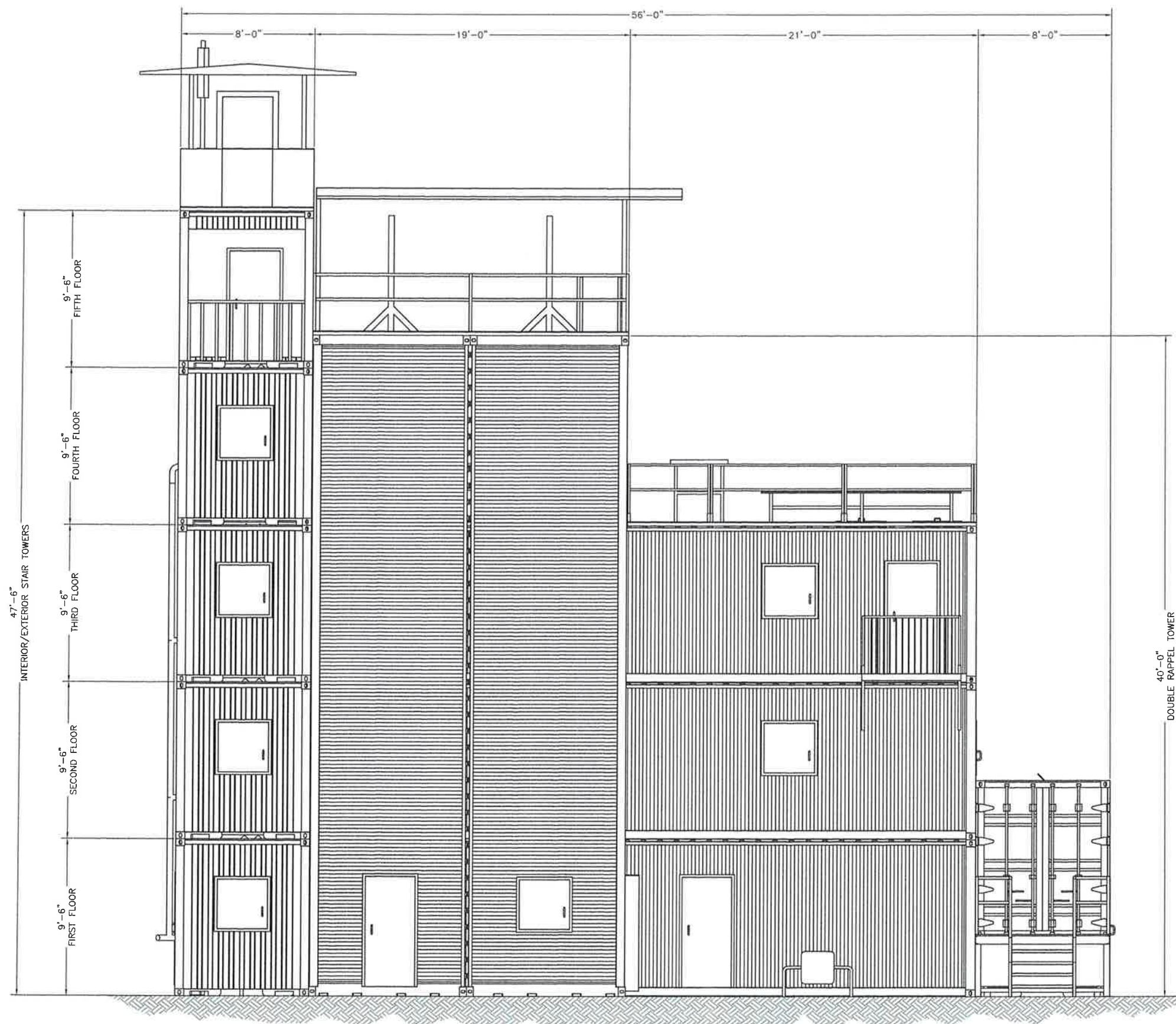
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**PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.**

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DATE: 10-17-16
SCALE: -
P NO. P743
DWG NO.

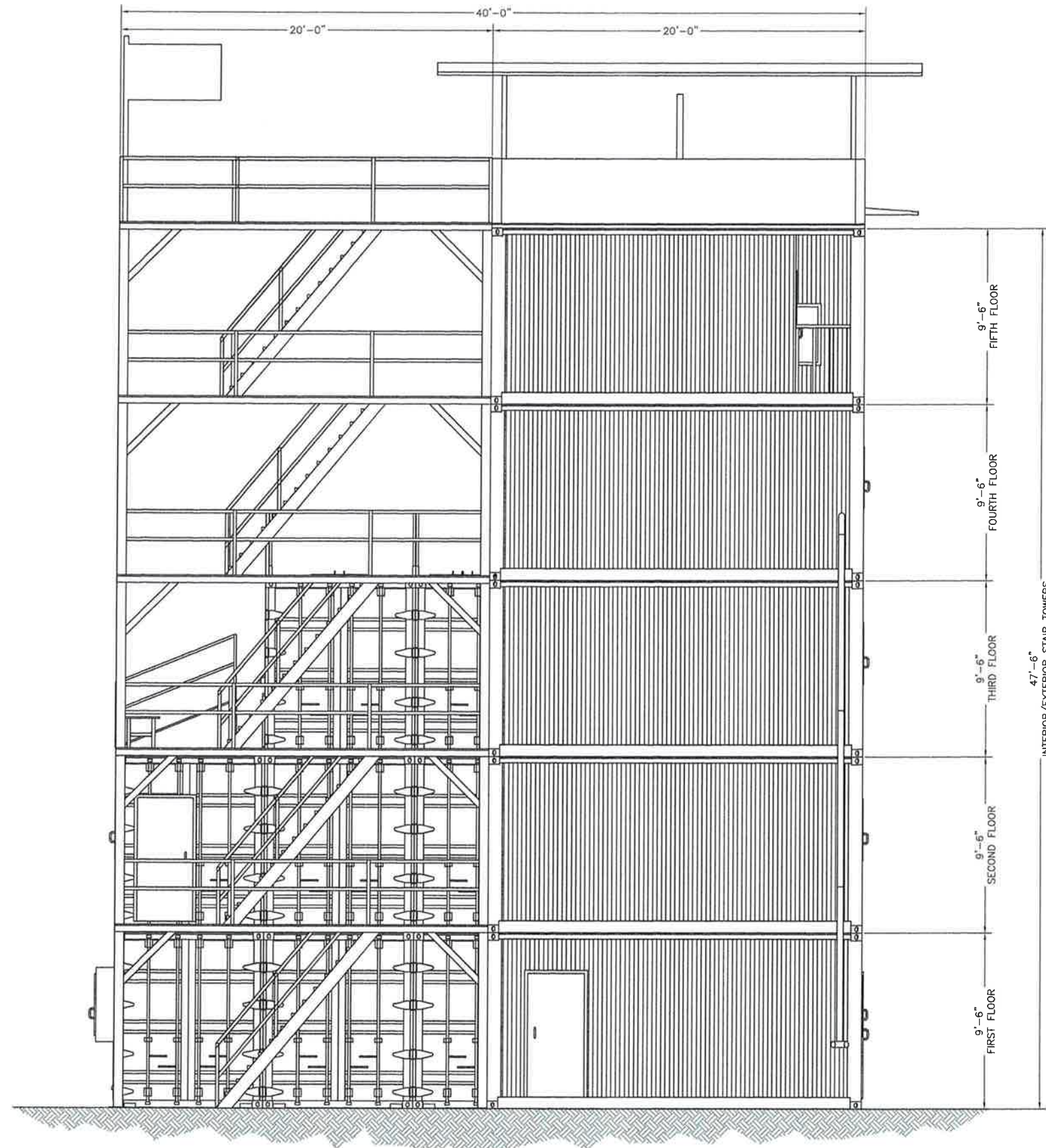
07



PLAN SOUTH ELEVATION

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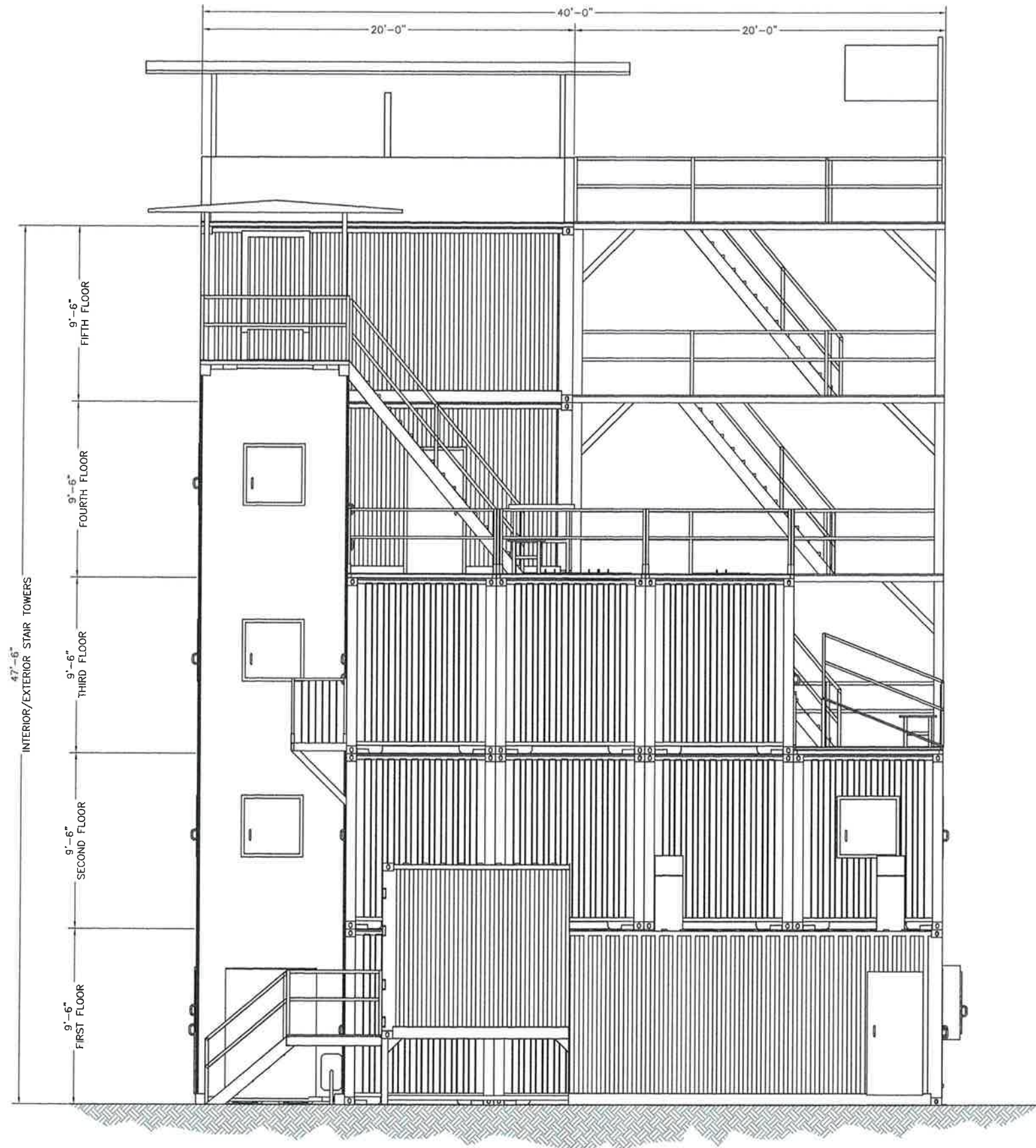
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PROPOSAL FOR FIRE TRAINING FACILITY FAYETTEVILLE F.D. - FAYETTEVILLE, AR.	
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PLAN WEST ELEVATION

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PROPOSAL FOR FIRE TRAINING FACILITY FAYETTEVILLE F.D. - FAYETTEVILLE, AR.	
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DWG NO. 09	



PLAN EAST ELEVATION

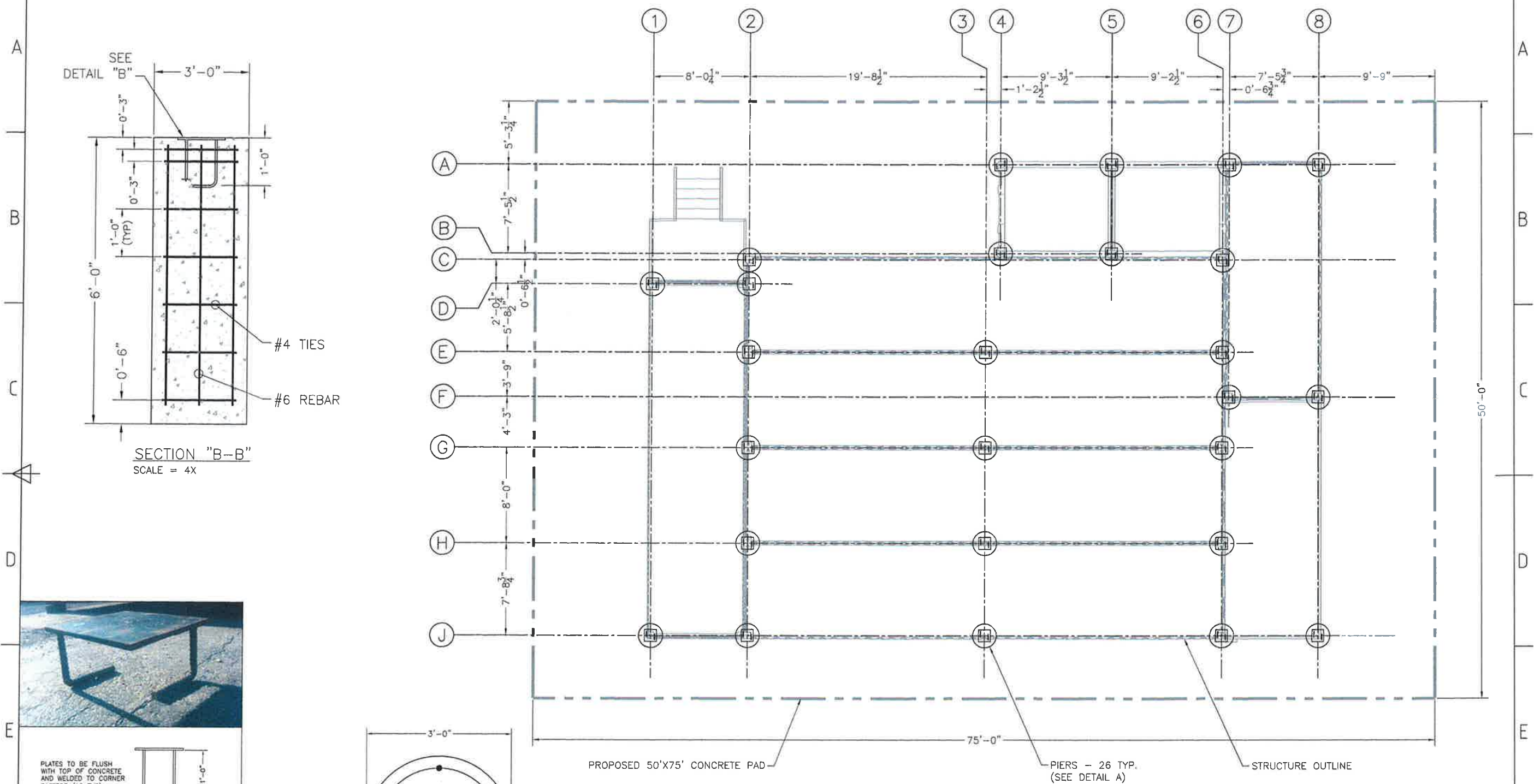
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**PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.**



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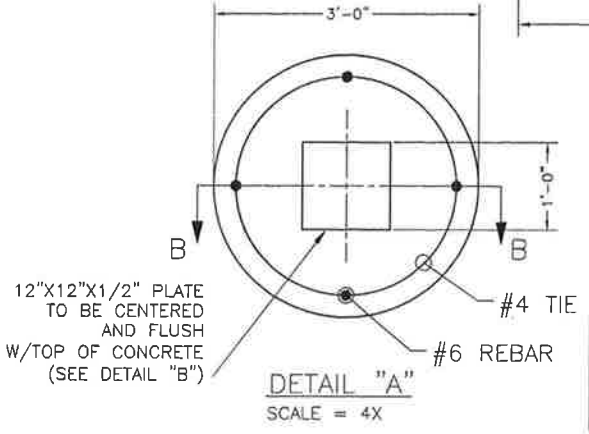
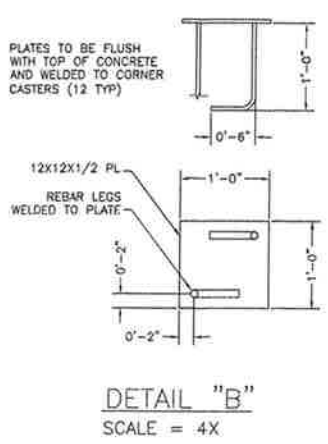
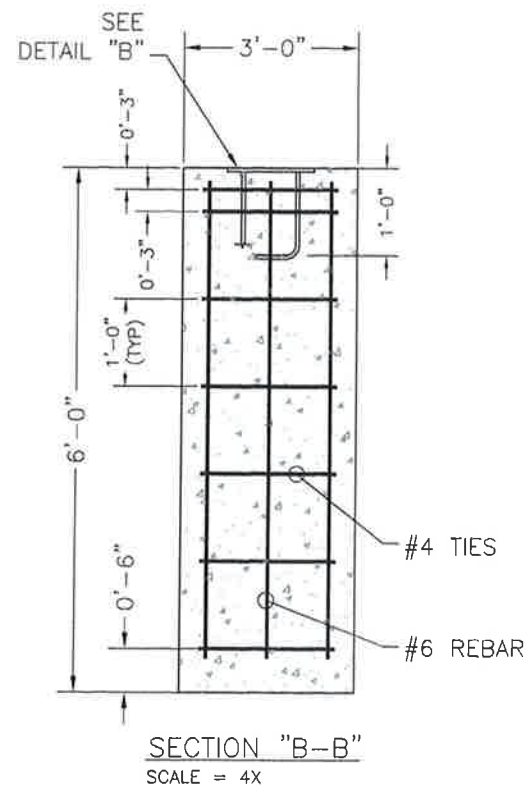
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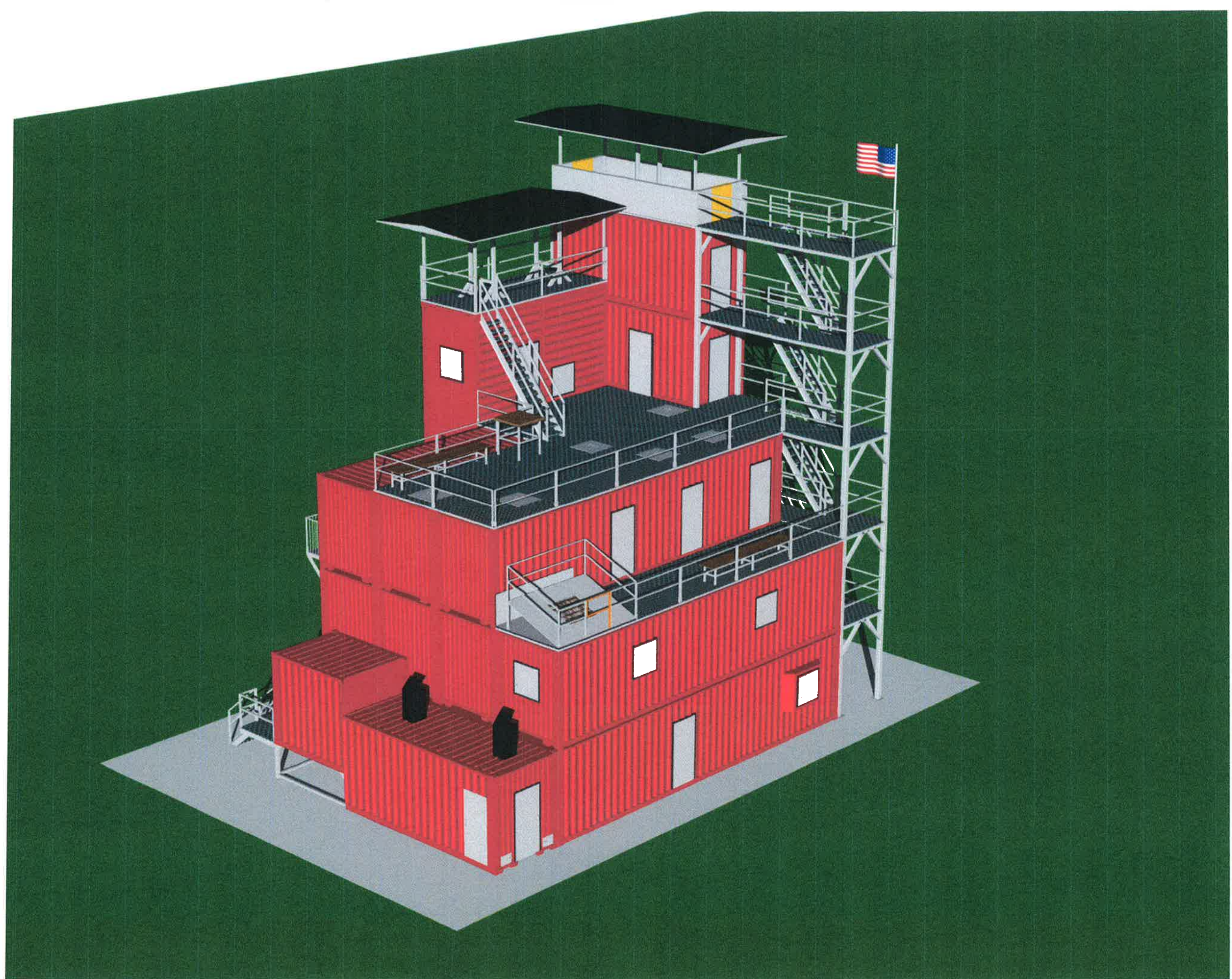


RECOMMENDED PIER LAYOUT
SCALE: 1X

Itemref	Quantity	Title/Name, designation, material, dimension etc			Article No./Reference	
Designed by		Checked by	Approved by - date	File name	Date	Scale
-		-	-	P743	10-25-16	AS NOTED
AFTS				FAYETTEVILLE AR		
				PIER LAYOUT	Edition	Sheet
				-	-	-

RECOMMENDED PIER DESIGN ONLY LOCAL SOIL AND CODE REQUIREMENTS MAY REQUIRE CHANGE IN DESIGN SEE LOCAL CODE.







McGaugh, Les

From: jr@americanfiretrainingsystems.com
Sent: Friday, October 28, 2016 2:56 PM
To: McGaugh, Les
Subject: Re: FW: Submittal Clarification

Les as to the references below my response is as follows:

- #1 AFTS will except a formal purchase order from the city of Fayetteville in lieu of contract.
- #2 AFTS understands and agrees the city of Fayetteville will not sign the AFTS contract.
- #3 AFTS will and always provides drainage of water to the exterior in burn rooms and entrances to burn rooms at every burn level.
- #4 AFTS install`s flush out hatches in addition to floor drains so access water can be sweep out.
- #5 AFTS construction of all training towers are built to ensure that no rain water is to leak into the structure.
- #6 AFTS agrees to all terms in bid # 16-62
- #7 AFTS understands that no deposits will be made.
- #8 AFTS will not charge any storage fees of completed units if buyers site is unfinished.
- #9 AFTS will comply with Arkansas seismic and wind requirements based on 2012 IBC edition
- #10 AFTS will have the training tower erected before April 15th 2017

Kerry A Fierke Jr.
American Fire Training Systems Inc.
15200 New Ave
Lockport IL 60441
630-257-3659
630-878-5493

On 10/28/2016 2:05 PM, McGaugh, Les wrote:

Kerry,

Per our phone conversation earlier today, the following items were agreed upon and clarified. Please respond in confirmation that American Fire Training Systems, Inc. agrees and acknowledges the following as discussed:

- American Fire Training Systems, Inc. agrees to accept a City signed Purchase Order in lieu of a contract.
- American Fire Training Systems, Inc. acknowledges the City will not sign the draft contract submitted with Bid 16-62

- The Bid submitted by American Fire Training Systems, Inc. complies with items 4.3, 4.4. and 4.6 (Drainage Requirements) of Page 14 of Bid 16-62
- American Fire Training Systems, Inc. agrees to all terms outlined in Bid 16-62.
- American Fire Training Systems, Inc. agrees and understands that no deposit or prepayment shall be made
- American Fire Training Systems, Inc. agrees that the City will pay no storage fees
- American Fire Training Systems, Inc. agrees the Mobile Fire Training Unit shall be designed/engineered to meet the seismic and wind speed requirements of the City of Fayetteville as specified in the 2012 Edition of the Arkansas Fire Prevention Code, Vol. 2 (Based on the 2012 Edition of the IBC?)
- Completion Time issued in the bid was within 150 days of City Council Approval. However, as discussed during our phone conversation, American Fire Training Systems, Inc. might be able to deliver earlier. This would likely work better for the City as well. The City intends per the bidding documents to accept delivery on or before Friday, April 21, 2017. Both the City and American Fire Training Systems, Inc. understands this is sooner than the original 150 days allowed in the bidding documents.
- American Fire Training Systems, Inc. agrees to provide delivery no later than Friday, April 21, 2017

Les McGaugh

Purchasing Agent

Purchasing Division

113 W. Mountain

City of Fayetteville, Arkansas 72701

lmcgaugh@fayetteville-ar.gov

T 479.575.8220 | F 479.575.8257

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0521

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 16-5609 (1764 N. STARR RD./HAYS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5609 FOR APPROXIMATELY 26.83 ACRES LOCATED AT 1764 NORTH STARR ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE

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

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

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

City of Fayetteville Staff Review Form

2016-0521

Legistar File ID

11/15/2016

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

Jeremy Pate

10/28/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5609: Rezone (1764 N. STARR RD./HAYS, 373): Submitted by BATES & ASSOCIATES, INC. for property at 1764 N. STARR RD. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE and contains approximately 26.83 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 15, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: October 28, 2016

SUBJECT: **RZN 16-5609: Rezone (1764 N. STARR RD./HAYS, 373):** Submitted by BATES & ASSOCIATES, INC. for property at 1764 N. STARR RD. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE and contains approximately 26.83 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to RSF-4, Residential Single-Family, 4 Units per Acre, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject properties constitute approximately 20.68 acres located on the east side of Starr Road, approximately 1/8th of a mile south of Mission Boulevard/Highway 45. These properties were annexed in to the City of Fayetteville in mid-2004. The subject properties are largely undeveloped but generally maintained, with numerous mature trees and a large pond that constitutes about 3 acres. Multiple structures exist on the properties, including at least two single-family dwellings and two accessory structures of 2,000 to 4,000 square feet. Although not in a floodplain, the pond on the subject property empties northward, eventually feeding in to Mud Creek.

In June of 2004, the City Council approved resolutions to annex several parcels of land that were completely surrounded by the City of Fayetteville. Among these unincorporated areas were the subject properties. At that time, and as part of the same ordinance that annexed the property, the current RSF-1, Residential Single-family, One Unit per Acre zoning designation was applied.

Request: The request is to rezone the subject properties from RSF-1, Residential Single-family, One Unit per Acre to RSF-4, Residential Single-family, 4 Units per Acre.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties, which includes large areas of single-family housing developed under the requirements of the RSF-4 zoning district. Other adjacent land uses include a residential development of varying density to the west and the Saint Joseph school and church. Additionally, the Madison Natural Area to the

northeast can potentially create a natural progression of green space from the large pond on the subject property northwards.

Land Use Plan Analysis: City Plan 2030 designates the subject property as Residential Neighborhood Area, which supports a wide spectrum of residential uses along with complimentary low-intensity retail and commercial services. While it does not permit the full range of residential housing types and appropriate commercial uses, the proposed RSF-4 zoning district somewhat accommodates the Residential Neighborhood Area form of development, allowing single-family homes by right and two-family homes by conditional use permit.

The Residential Neighborhood Area designation also promotes traditional residential urban design. Although the RSF-4 zoning does not eliminate the possibility of developing in a traditional town form, a minimum lot size of 8,000 square feet and setbacks in place of build-to-zones limit the possibility of developing these properties into a compact neighborhood. Despite this, the RSF-4 zoning district does allow for lot widths and lot sizes that are considerably greater density than the current RSF-1 zoning, and approval of the proposed rezoning will allow for density of approximately four times greater than currently permitted.

DISCUSSION:

On October 24, 2016 the Planning Commission forwarded the applicant's request with a recommendation for approval by a vote of 5-1-0, with Commissioner Quinlan dissenting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

16-5609
EXHIBIT 'A'

RZN 16-5609

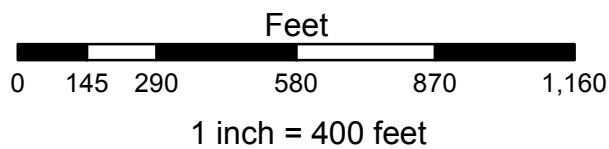
Close Up View

HAYS



Legend

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



- Residential-Agricultural
- RSF-1
- RSF-4
- Residential-Office
- P-1

16-5609
EXHIBIT 'B'

HAYS LEGAL DESCRIPTION

A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF NORTH STARR DRIVE WHICH IS N03°07'25"E 613.54' AND S87°20'07"E 58.32' FROM THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°34'05"E 883.12', THENCE LEAVING SAID RIGHT-OF-WAY S87°11'01"E 1025.61', THENCE S07°04'19"W 335.74', THENCE S04°53'41"W 546.07', THENCE N87°20'07"W 977.07', TO THE POINT OF BEGINNING, CONTAINING 20.19 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5609

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

373

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

Application:

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

Applicant (person making request):

Name: J.B. Hays

Starr Road Development / Investment LLC

Address: 2025 Green Acres Road

Fayetteville, AR 72703

E-mail:

Phone:

()

()

Fax:

()

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

Name: Geoffrey Bates

Bates & Associates, Inc.

Address: 7230 S. Pleasant Ridge DR

Fayetteville, AR 72704

E-mail: geoff@batesnwa.com

Phone:

(479) 442-9350

()

Fax:

()

Site Address / Location: East of Starr Road and west of N Candleshoe drive

Current Zoning District: RSF-~~1~~

Requested Zoning District: RSF-4

Assessor's Parcel Number(s) for subject property: 765-24047-000, 765-24048-000, 765-24049-000

FINANCIAL INTERESTS

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

J B Hays

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

Name (printed): Geoffrey Bates

Date: 9-14-16

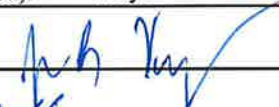
Signature: 

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

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

Name (printed): JB Hays

Address: same as applicant

Signature: 

Phone:

Date: 9-14-16

()

Name (printed):

Address:

Signature:

Phone:

Date:

()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 24, 2016 (**Updated with Planning Commission Results**)

SUBJECT: **RZN 16-5609: Rezone (1764 N. STARR RD./HAYS, 373):** Submitted by BATES & ASSOCIATES, INC. for property at 1764 N. STARR RD. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE and contains approximately 26.83 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5609** to the City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject properties constitute approximately 20.68 acres located on the east side of Starr Road, approximately 1/8th of a mile south of Mission Boulevard/Highway 45. These properties were annexed in to the City of Fayetteville in mid-2004. The subject properties are largely undeveloped but generally maintained, with numerous mature trees and a large pond that constitutes about 3 acres. Multiple structures exist on the properties, including at least two single-family dwellings and two accessory structures of 2,000 to 4,000 square feet. Although not in a floodplain, the pond on the subject property empties northward, eventually feeding in to Mud Creek.

In June of 2004, the City Council approved resolutions to annex several parcels of land that were completely surrounded by the City of Fayetteville. Among these unincorporated areas were the subject properties. At that time, and as part of the same ordinance that annexed the property, the current RSF-1, Residential Single-family, One Unit per Acre zoning designation was applied. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family residential & Madison Natural Area	RSF-4, Residential Single-family, 4 Units per Acre
South	St. Joseph Catholic Church & School	R-A, Residential-Agricultural
East	Single-family residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Multi-family residential & Single-family residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the subject properties from RSF-1, Residential Single-family, One Unit per Acre to RSF-4, Residential Single-family, 4 Units per Acre.

Public Comment: Staff has received a significant amount of public queries but no statements of support or opposition.

INFRASTRUCTURE:

Streets: The subject properties have access to Starr Drive to the west and the stub-out of East Arapaho Drive to the east. No curb/gutter, storm drainage, or sidewalks have been constructed, East Arapaho Drive is fully improved. Any further street improvements would be determined at the time of development.

Water: Public water is available to the site. An 8-inch water main exists in the Starr Drive right-of-way as well as in an easement along the southwest property line.

Sewer: Public sanitary sewer is available along the southern edge of the properties. An 8-inch sewer main exists in the Starr Drive right-of-way. Additionally, a 24-inch public sewer main exists in an easement along the northern length of the properties. However, due to the size of this line additional main extension will be necessary prior to any individual building service connections

Drainage: Any additional improvements or requirements for drainage would be determined at the time of development. No portion of these properties lie within the FEMA designated 100-yr floodplain, but a protected stream does run north-south through the subject area. Hydric Soils have been identified on these properties and would require a wetlands determination to be provided at the time of development proposal. No part of the properties lie within the HHOD.

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

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map* designates the properties as **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. The designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF:

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: In staff's opinion, a rezoning of the subject property from the current RSF-1, Residential Single-family, One Unit per Acre, zoning district to the proposed Residential Single-family, Four Units per Acre, is compatible with surrounding uses and generally consistent with City Plan 2030.

Land Use Compatibility: While not surrounded on all sides by single-family neighborhoods, the development pattern in the area of the subject property is either single-family residential in use and zoning, or complimentary to the development of single-family housing. With the exception of church land to the south that is zoned Residential-Agricultural, all the adjacent land north, west, and east of the subject property is zoned RSF-4. Single-family subdivisions abut the subject property to the north, east, and southwest, while a residential development of mixed densities lies across Starr Drive to the west. To the south is Saint Joseph church and school and to the northeast is the Madison Natural Area. These uses, although not uniform, are fully compatible with the proposed RSF-4 zoning, and development that is compliant with the requirements of that zoning district will be well-matched for the area.

Land Use Plan Analysis: City Plan 2030 designates the subject property as Residential Neighborhood Area, which supports a wide spectrum of residential uses along with complimentary low-intensity retail and commercial services that are primarily located in corner locations. While it does not permit the full range of residential housing types and appropriate commercial uses, the proposed RSF-4 zoning district somewhat accommodates the Residential Neighborhood Area form of development, allowing single-family homes by right and two-family homes by conditional use permit.

The Residential Neighborhood Area designation also promotes traditional residential urban design. Although the RSF-4 zoning does not eliminate the possibility of developing in a traditional town form, a minimum lot size of 8,000 square feet and setbacks in place of build-to-zones limit the possibility of developing these properties into a compact neighborhood. Despite this, the RSF-4 zoning district does allow for lot widths and lot sizes that are considerably greater density than the current RSF-1 zoning. Development of this site will allow density of approximately four times greater than currently permitted, thereby constituting infill development, which is a clear goal of City Plan 2030.

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

Finding: The applicant has requested the zoning change in order make prospective development consistent with the existing zoning to the north, west, and east. The proposed zoning district and its permitted uses would allow development that is largely compatible with those of the surrounding area. Additionally, development on the subject property can take advantage of adjacent existing City infrastructure.

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

Finding: Given the size of the property, a rezoning to RSF-4 will almost certainly result in an increase of traffic in this area as the site develops. That said, the character of development will be single-family residential in nature, or two-family by conditional use, and any growth in traffic will likely not be appreciable, with no significant negative impacts on safety and congestion. Off-site improvements to public infrastructure, if any, will be determined at the time of development.

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

Finding: Given the subject property's undeveloped nature, an approved rezoning and subsequent development will undoubtedly increase the population density. It is unlikely however, to undesirably increase the load on public sewer and water. As mentioned, the site will increase the amount of traffic to the area, and any necessary street improvements will be evaluated at the time of development. The Police and Fire Departments have not expressed objections to the proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION:

While there are some mixed findings on this request, staff feels that it is undeniably compatible with existing land uses and zoning, and therefore recommends forwarding **RZN 16-5609** to City Council with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 24, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Brown	Second: Autry	Vote: 5-1-0 (Quinlan Dissented)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.05, RSF-1, Residential Single-family, 1 Units per Acre
 - o §161.07, RSF-4, Residential Single-family, 4 Units per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses.*

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

(D) *Conditional Uses.*

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

(E) *Density.*

Units per acre	1
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(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

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

(I) *Building Area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

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



Bates & Associates, Inc.

Civil Engineering - Land Surveying - Landscape Architecture

RZN 16-5609

Request Letter

7230 S. Pleasant Ridge Dr. / Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.batesnwa.com

REZONING REQUEST

Starr Road Development & Investment, LLC:

This rezoning request is being made by the owner of the following property located in Fayetteville, Arkansas:

A part of the West half (W ½) of the Southeast Quarter (SE ¼) of Section One (1), Township Sixteen (16) North, Range Thirty (30) West, and being more particularly described as follows, to-wit: Beginning at a point which is 610.64 feet North of the Southwest corner of said 80 acre tract, and running thence North 886.24 feet, thence N89°40'42"E along the South line of Madison Avenue Subdivision Phase One 1320.56 feet to an existing concrete monument, thence S00°10'40"E along the West line of Barrington Parke Subdivision Phase Two 884.25 feet thence S89°35'33"W 1321.72 feet to the point of beginning, containing 26.83 acres, more or less. Subject to that portion in street right-of-way on the West side of herein described tract, and utility easements of record.

LESS AND EXCEPT:

A part of the W ½ of the SE ¼ of Section 1, Township 16 North, Range 30 West, being more particularly described as follows: Beginning at an iron pin located at a point that is N00°05'54"E 610.64 feet and N89°41'26"E 1036.91 feet from the Southwest corner of said 80 acre tract and running thence N01°55'14"E 546.07 feet to an iron pin; thence N04°02'23"E 339.95 feet to an iron pin located on the South line of the City of Fayetteville Parks Division Property; thence N89°46'36"E 242.94 feet along said South line to a concrete monument; thence S00°04'46"E 884.25 feet along the West line of the Barrington Parke Subdivision, Phase II, to an iron pin; thence leaving said West line and running S89°41'26"W 286.4 feet to the point of beginning, containing 5.45 acres, more or less, Washington County, Arkansas.

Subject to a 40 foot wide City of Fayetteville Utility Easement along the North line, a 50 foot wide Arapho Drive right-of-way along the South line, and any other easements and/or right-of-ways of record.

and

Lot Numbered One (1), in Sunset Woods, a Planned Unit Development to the City of Fayetteville, Arkansas, as shown upon the recorded plat thereof, on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

The request is to rezone the above lots from RSF-1 to RSF-4 to be consistent with the property to the west, north, and east.

Rezoning these parcels will not have an adverse effect on the surrounding uses.

Water is available on the west and south of these tracts. An 8" CIP water main is located adjacent to the property on the west and an 8" PVC water main is located on the south side. A 24" sewer main is located along the north side of the property.

The zoning change is consistent with the surrounding zoning and uses. All of the area is residential in use.

This request in change will not have an effect on density in terms of the schools, water or sewer systems.

Respectfully,

Geoffrey H. Bates, PE

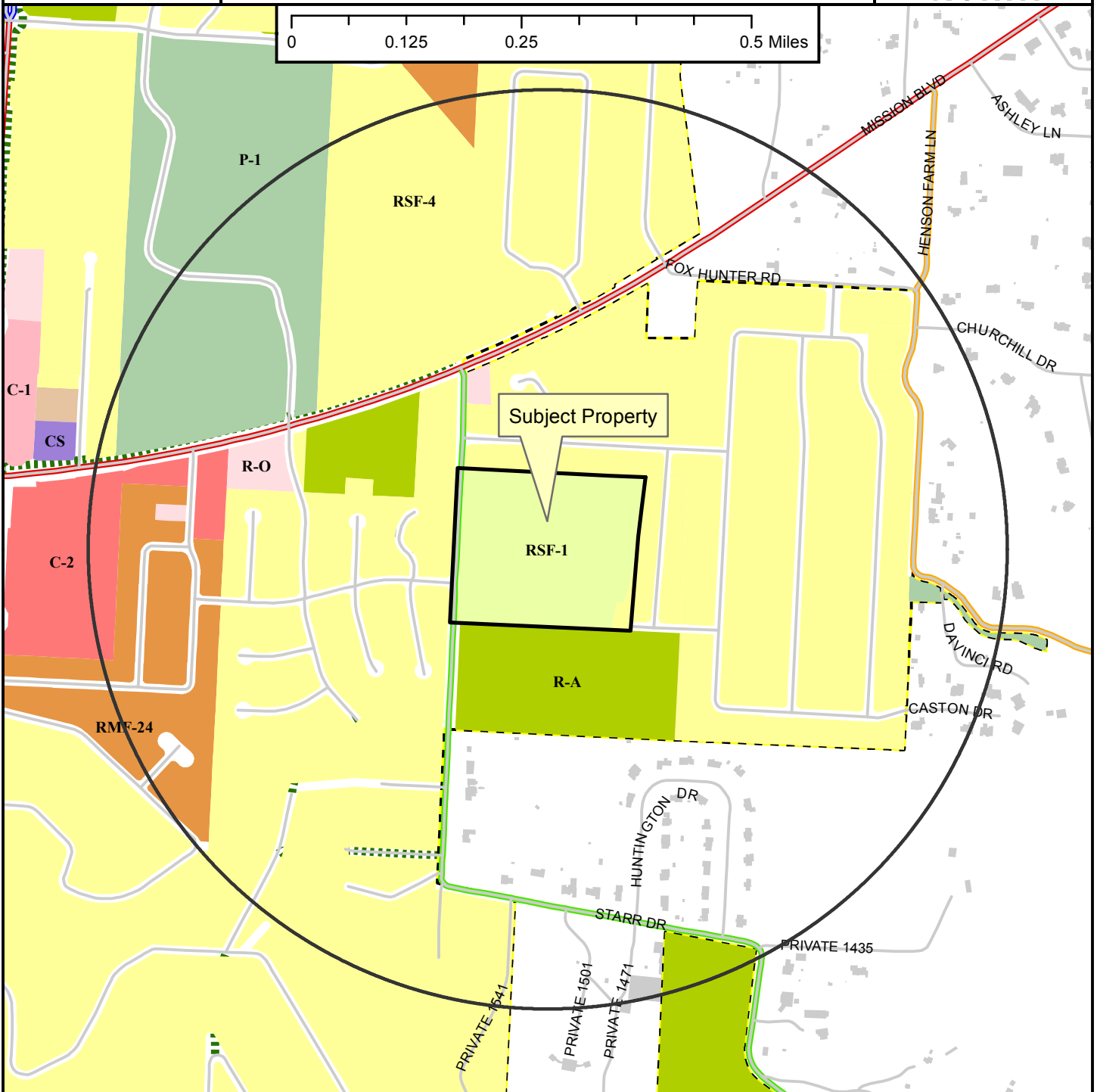
RZN 16-5609

One Mile View

HAYS

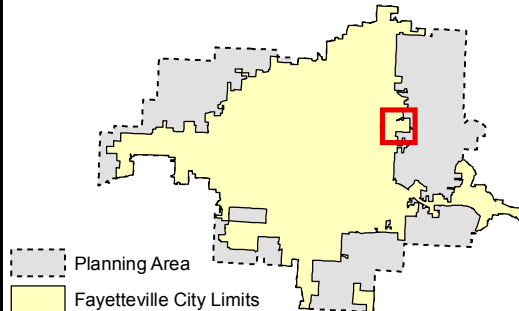


0 0.125 0.25 0.5 Miles



Legend

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



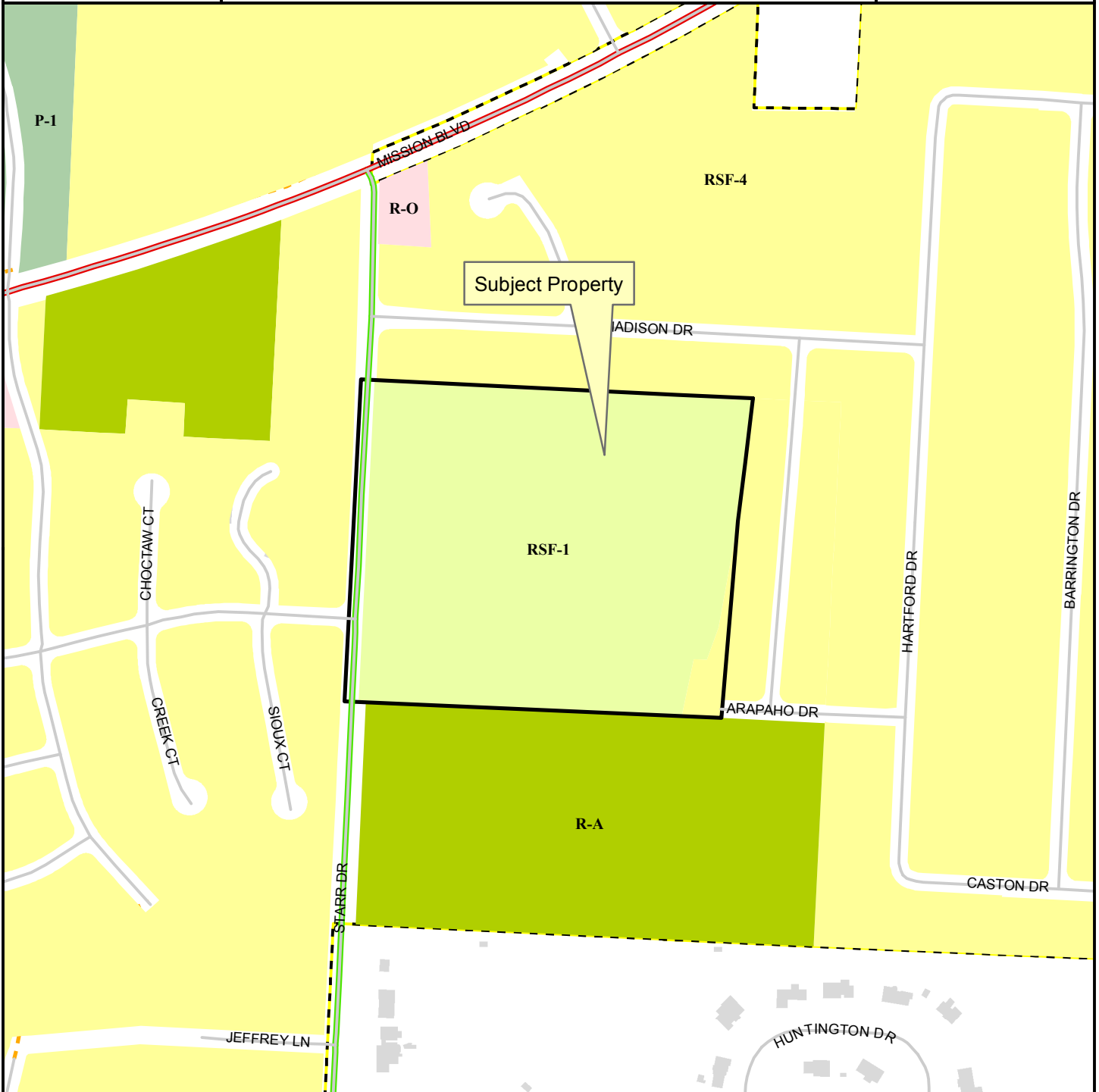
- Planning Area
- Fayetteville City Limits

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

RZN 16-5609

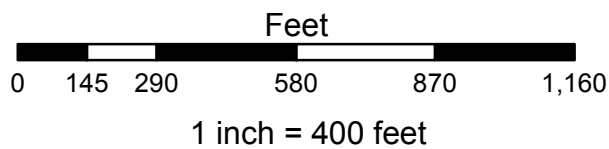
Close Up View

HAYS



Legend

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



- Residential-Agricultural
- RSF-1
- RSF-4
- Residential-Office
- P-1

RZN 16-5609

Current Land Use

HAYS



Legend

- Streams
- Street

Streets Existing

MSP Class

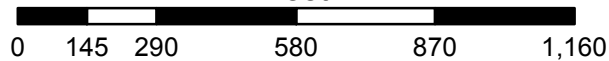
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Trail (Proposed)

RZN16-5609

Planning Area

Fayetteville City Limits

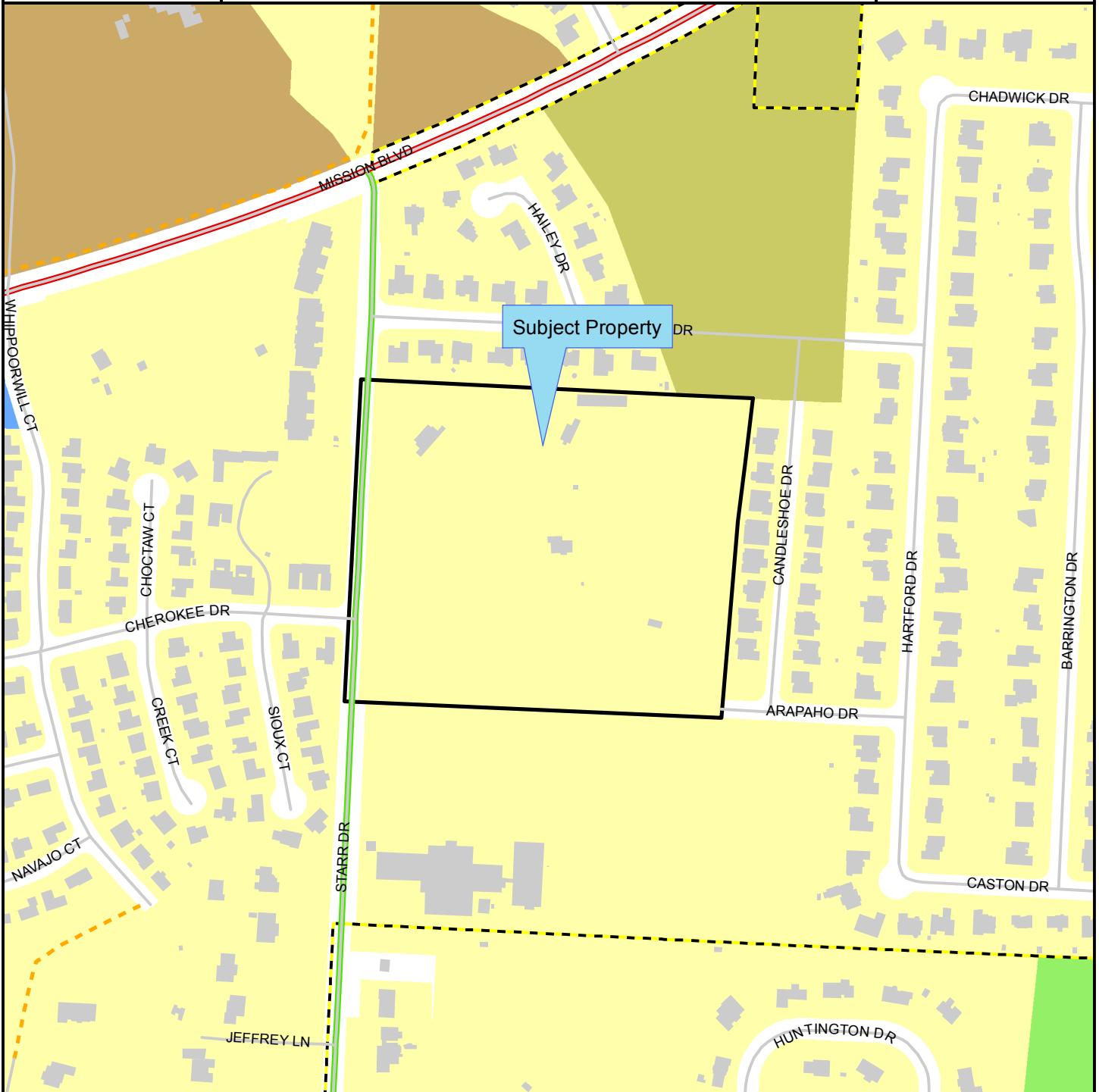
Feet



RZN 16-5609

Future Land Use

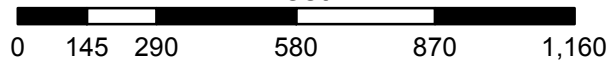
HAYS



Legend

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

Feet



1 inch = 400 feet

FUTURE LAND USE 2030

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0517

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

RZN 16-5633 (2350 W. WEDINGTON DR./UPTON):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5633 FOR APPROXIMATELY 0.80 ACRES LOCATED AT 2350 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS, NEIGHBORHOOD SERVICES

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

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

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

City of Fayetteville Staff Review Form

2016-0517

Legistar File ID

11/15/2016

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

Jeremy Pate

10/28/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5633: Rezone (2350 W. WEDINGTON DR./UPTON, 403): Submitted by JEFF UPTON for property at 2350 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 15, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: October 28, 2016

SUBJECT: **RZN 16-5633: Rezone (2350 W. WEDINGTON DR./UPTON, 403):**
Submitted by JEFF UPTON for property at 2350 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NS, Neighborhood Services, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located one lot east of the northeast corner of Wedington Drive and Porter Road. The property is developed with an approximately 2,800 square foot, 2-story building that was constructed in 1955 according to County records. This was roughly one year before the property's annexation in to the City of Fayetteville in December of 1956. Of the structure's square footage, about 1,800 is on the first floor and classified as retail by Washington County records, while the remainder is upstairs and has been used as an apartment.

The property is currently zoned RSF-4, Residential Single-family, 4 Units per Acre. However, according to the current property owner and county records the building has consistently been used for commercial purposes other than its recent period of vacancy, and the Washington County Assessor lists the property type as "commercial improved." In researching City records, there is evidence that this property was previously zoned R-1, Low-density Residential prior to the 2003 citywide adoption of a digital zoning map to replace the hand-drawn paper maps utilized since the 1970's.

Request: The request is to rezone the subject property from RSF-4, Single-family Residential, 4 Units per Acre to NS, Neighborhood Services. The property has long been used for nonresidential purposes, but the abandonment of use and the current zoning of RSF-4 make commercial use of the building not possible unless the property is rezoned or a conditional use permit is granted. City Code considers a nonconforming use abandoned if it does not occur for a period of six months, and given the building's recent, multi-year vacancy, the only allowable uses are those permitted by right in the RSF-4 zoning district.

Land Use Compatibility: The subject property is surrounded by single-family structures on both sides of Wedington Drive. These homes range in construction date from 1946 to 1968. That said, the subject property's structure, having been built in 1955 and developed alongside the existing neighborhood, is an established part of the character of the neighborhood as a commercial use. It is scaled appropriately with the approximately 2,800 square foot building size acting as a limitation in and of itself on the potential impacts to adjacent homes. Furthermore, the NS, Neighborhood Services zoning district would not offer the opportunity to develop significantly more on the existing lot. With floor area maximums varying between 1,500 and 3,000 depending on the use, any business will be inherently restricted in scale and intensity.

Land Use Plan Analysis: The Future Land Use Map designates the property as a Residential Neighborhood Area. These areas are primarily residential, but low-intensity, non-residential uses can be appropriate. The subject property is adjacent to Wedington Drive, a 4-lane state highway, classified by the City of Fayetteville's Master Street Plan as a Principal Arterial. Rezoning the property to NS, Neighborhood Services, is consistent with land use planning objective and zoning plans as it limits non-residential uses to a maximum size of 3,000 square feet, thereby providing an appropriate scale and location to offer goods and services to the adjacent community and wider area.

DISCUSSION:

On October 24, 2016 the Planning Commission forwarded the applicant's request with a recommendation for approval by a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

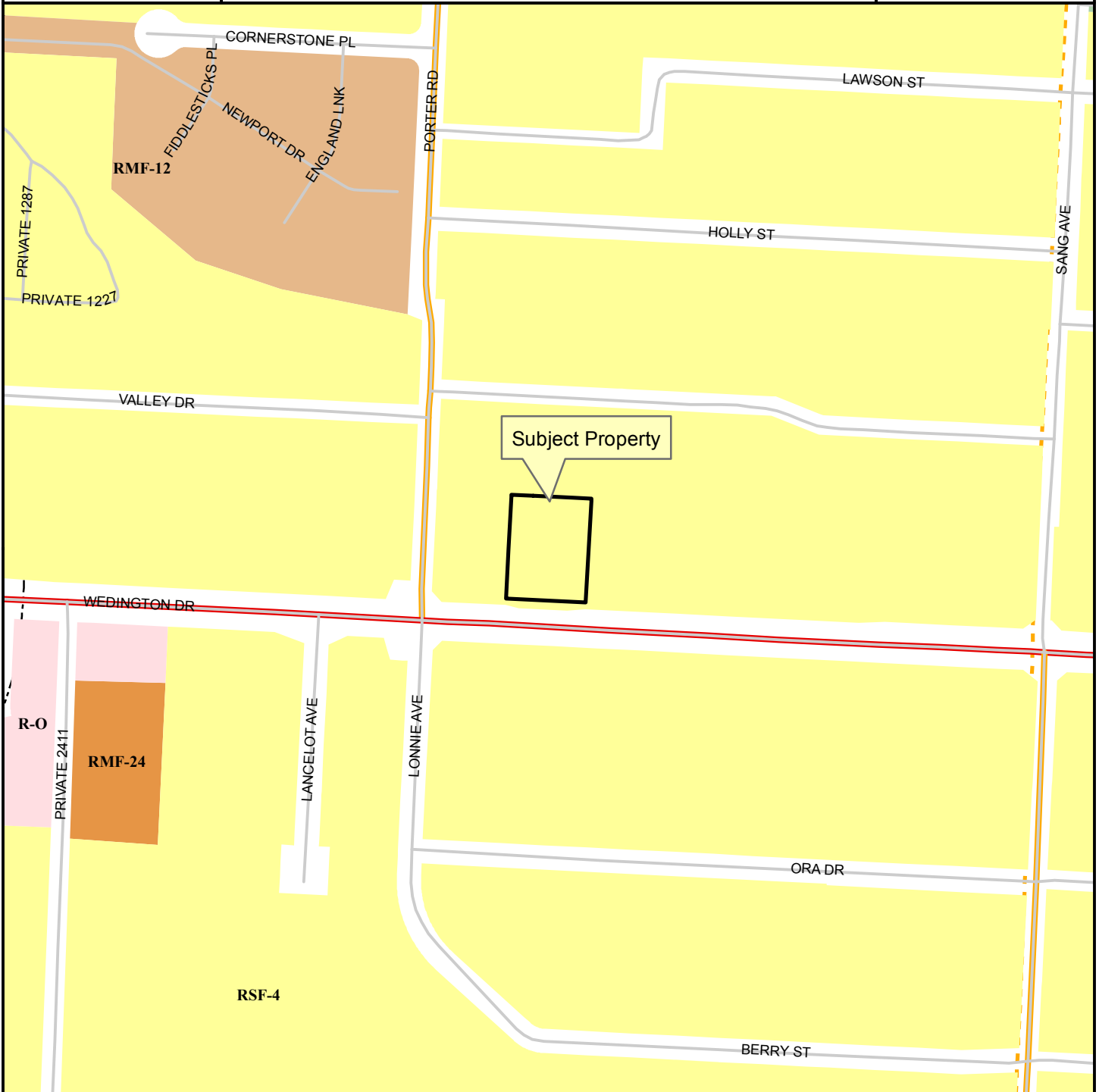
16-5633
EXHIBIT 'A'

RZN 16-5633

UPTON

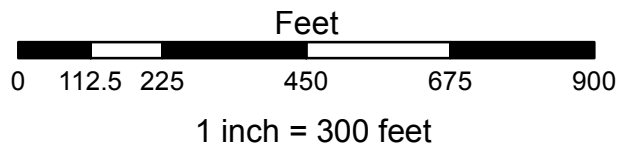


Close Up View



Legend

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



- RSF-4
- RMF-12
- RMF-24
- Residential-Office
- P-1

16-5633
EXHIBIT 'B'

A Part of the Southwest Quarter of the Northwest Quarter of Section Eight (8), Township Sixteen (16) North, Range Thirty (30) West, more particularly described as follows: begiiniing at a point which is 12 rods East of the Southwest corner of said SW 1/4 of the NW 1/4 and running.thence East 10 rods, thence North 16 rods, thence West 10 rods, thence South 16 rods to the point of beginning, containing one (1) acre. LESS AND EXCEPT That portion previously conveyed to the Arkansas State Highway Commission in warranty deed filed for record October 18, 1995 as land document No. 95-55589 of the records of Washington County, Arkansas, containing in said exception 0.03 acres, more or less.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5633

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

403

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

Application:

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

Applicant (person making request):

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

Name: Jeff & Ann Upton

Name:

Address: 97 DYE Creek Rd.
West Fork AR 72724

Address:

E-mail: jupton@cox.net

E-mail:

Phone: (479) 684-9689

Phone:

(479) 571-0190

()

Fax: ()

Fax: ()

Site Address / Location: 2350 W. Wedington Drive
Fayetteville AR 72701

Current Zoning District: RSF-4

Requested Zoning District: NS

Assessor's Parcel Number(s) for subject property: 765-13824-000

FINANCIAL INTERESTS

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

Jeff & Ann Upton

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

Name (printed): Ann Upton Date: 10-6-16

Signature: [Signature]

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

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

Name (printed): Jeff Upton

Signature: [Signature]

Date: 10-6-16

Address: 97 Dye Creek Rd
West Fork Ar. 72774

Phone: (479) 684-8689

Name (printed): Ann Upton

Signature: [Signature]

Date: 10-6-16

Address: 97 Dye Creek Rd
West Fork Ar. 72774

Phone: (479) 591-0190

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 24, 2016 (**Updated with Planning Commission Results**)

SUBJECT: **RZN 16-5633: Rezone (2350 W. WEDINGTON DR./UPTON, 403):**
 Submitted by JEFF UPTON for property at 2350 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5633** with a recommendation for approval.

BACKGROUND:

The subject property is located one lot east of the northeast corner of Wedington Drive and Porter Road. The property is developed with an approximately 2,800 square foot, 2-story building that was constructed in 1955 according to County records. This was roughly one year before the property's annexation in to the City of Fayetteville in December of 1956. Of the structure's square footage, about 1,800 is on the first floor and classified as retail by Washington County records, while the remainder is upstairs and has been used as an apartment.

The property is currently zoned RSF-4, Residential Single-family, 4 Units per Acre. However, according to the current property owner and county records the building has consistently been used for commercial purposes other than its recent period of vacancy, and the Washington County Assessor lists the property type as "commercial improved." In researching City records, there is evidence that this property was previously zoned R-1, Low-density Residential prior to the 2003 citywide adoption of a digital zoning map to replace the hand-drawn paper maps utilized since the 1970's. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family
South	Single-family Residential	RSF-4, Residential Single-family
East	Single-family Residential	RSF-4, Residential Single-family
West	Single-family Residential	RSF-4, Residential Single-family

Request: The request is to rezone the subject property from RSF-4, Single-family Residential, 4 Units per Acre to NS, Neighborhood Services. The property has long been used for nonresidential purposes, but the abandonment of use and the current zoning of RSF-4 makes the use of the building an existing non-conforming use. City Code considers a nonconforming use abandoned if it does not occur for a period of six months, and given the building's recent, multi-year vacancy, the only allowable uses are those permitted by right in the RSF-4 zoning district.

Public Comment: Minimal public comment has been received, but what staff has heard is supportive of this rezoning, citing the need for the building and property to be maintained and that the proposed tenant is an ideal fit for the area.

INFRASTRUCTURE:

Streets: The subject parcel has access to Wedington Drive, a fully improved Principal Arterial-classified street and state highway. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the site. There is an existing 8-inch water main in the Wedington Drive right-of-way available for service.

Sewer: Sanitary sewer is available to the site. There is an existing 6-inch located along the northern edge of this parcel available for service.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. Much of this property is identified as FEMA-regulated floodplains. No portions of this parcel lies within the Hilltop-Hillside Overlay District or has slopes in excess of 15%. Hydric soils are present on the site and any proposed development may be required to provide a preliminary wetlands statement.

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

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map* designates the property as a **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. The designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF:

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **In staff's opinion, a rezoning of the subject property from the incongruous single-family residential zoning district to the proposed low-intensity commercial zoning district is compatible with surrounding uses and generally consistent with City Plan 2030.**

Land Use Plan Analysis: The subject property is surrounded by single-family structures on both sides of Wedington Drive. These homes range in construction date from 1946 to 1968. That said, the subject property's structure, having been built in 1955, developed alongside the existing neighborhood and has been present ever since. It is scaled appropriately with the approximately 2,800 square foot building size acting as a limitation in and of itself on the potential impacts to adjacent homes. Furthermore, the NS, Neighborhood Services zoning district would not offer the opportunity to develop significantly more on the existing lot. With floor area maximums varying between 1,500 and 3,000 depending on the use, any business will be inherently restricted in scale and intensity.

Land Use Plan Analysis: The Future Land Use Map designates the property as a Residential Neighborhood Area. These areas are primarily residential, but low-intensity, non-residential uses can be appropriate. The subject property is adjacent to Wedington Drive, a 4-lane state highway, classified by the City of Fayetteville's Master Street Plan as a Principal Arterial. Rezoning the property to NS, Neighborhood Services, is consistent with land use planning objective and zoning plans as it limits non-residential uses to a maximum size of 3,000 square feet, thereby providing an appropriate scale and location to offer goods and services to the adjacent community and wider area.

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

Finding: In staff's opinion the rezoning is justified and needed. According to the City and Country records, the property has been used for non-residential uses or owned by non-residential entities since it was constructed in 1955. Further, it appears that the property was originally developed outside of the City's boundaries, and was subsequently zoned R-1, Low-density Residential despite the property's non-commercial structure and use.

The current residential zoning does not permit commercial uses by right. Currently, a commercial use of the building is not possible as it has been determined that there has been an "abandonment of use" for more than six consecutive months. This restricts the use of the existing commercial building.

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

Finding: The property has been used for a variety of non-residential uses for approximately 60 years and it does not appear to have increased traffic danger or congestion to any noticeable degree. Rezoning the property to Neighborhood Services will allow a greater variety of both residential and non-residential uses, some of which could generate more traffic. However, the square footage limitation required by the Neighborhood Services district will prevent the property from being developed with a large commercial structure or more than a few residential dwellings, neither of which could appreciably increase traffic and congestion.

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

Finding: **Rezoning the property to Neighborhood Services should not create an undesirable increase on public services. The property has been used historically for non-residential uses. The Fayetteville Police and Fire Departments have reviewed and commented on this rezoning request with no objections.**

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

Finding: **N/A**

RECOMMENDATION: Staff recommends forwarding RZN 16-5633 to the City Council with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 24, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan	Second: Selby	Vote: 6-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved		☐ Denied

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
 - o §161.07, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.17, NS, Neighborhood Services
- Request letter
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

Land area per dwelling unit	8,000 square feet	6,000 square feet
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(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

161.17 - Neighborhood Services

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	Ten (10) or less
----------------	------------------

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
---------------	---------

Two (2)family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback Regulations.*

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

(F) *Building height Regulations.*

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

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(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. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)

RZN 16-5633

Request Letter

Dear Planning commission,

My name is Jeff Upton and my wife and I bought the commercial building at 2350 W Wedington Dr to use for our locksmith shop that is currently on N. College Ave.

The building on Wedington is currently zoned as RSF4 and we are requesting it be changed to NS (neighborhood services) so we can operate our current business in that location.

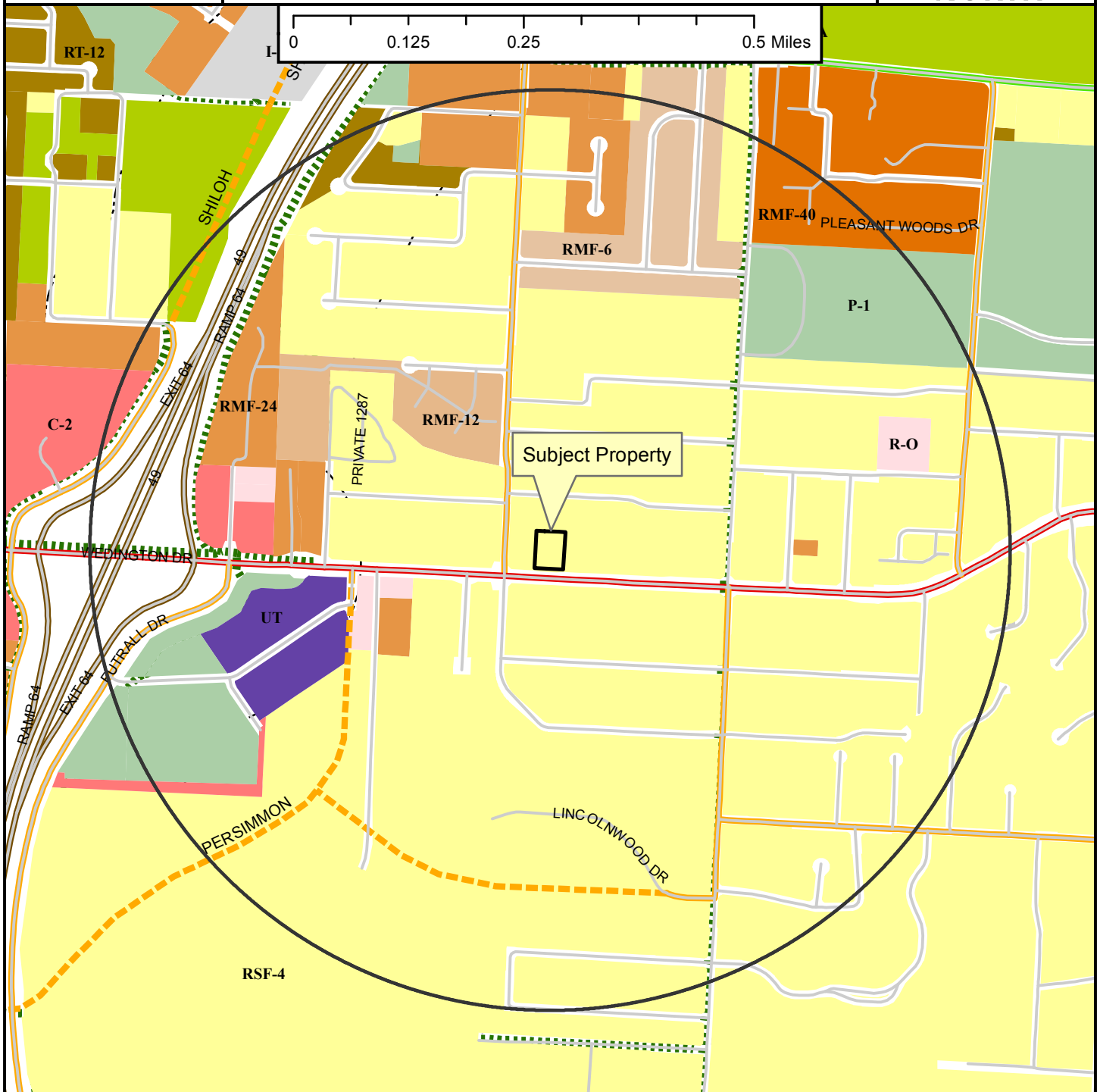
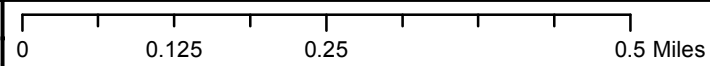
Thank you
Jeff Upton
97 Dye Creek Rd
West Fork Ar 72774
479-684-9689



RZN 16-5633

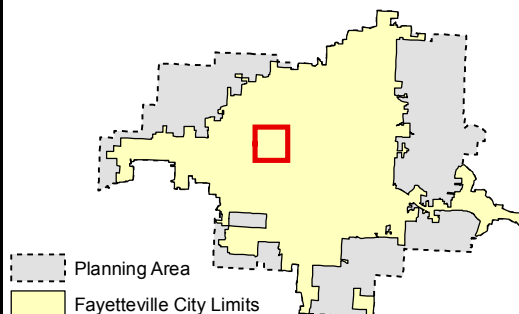
One Mile View

UPTON



Legend

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



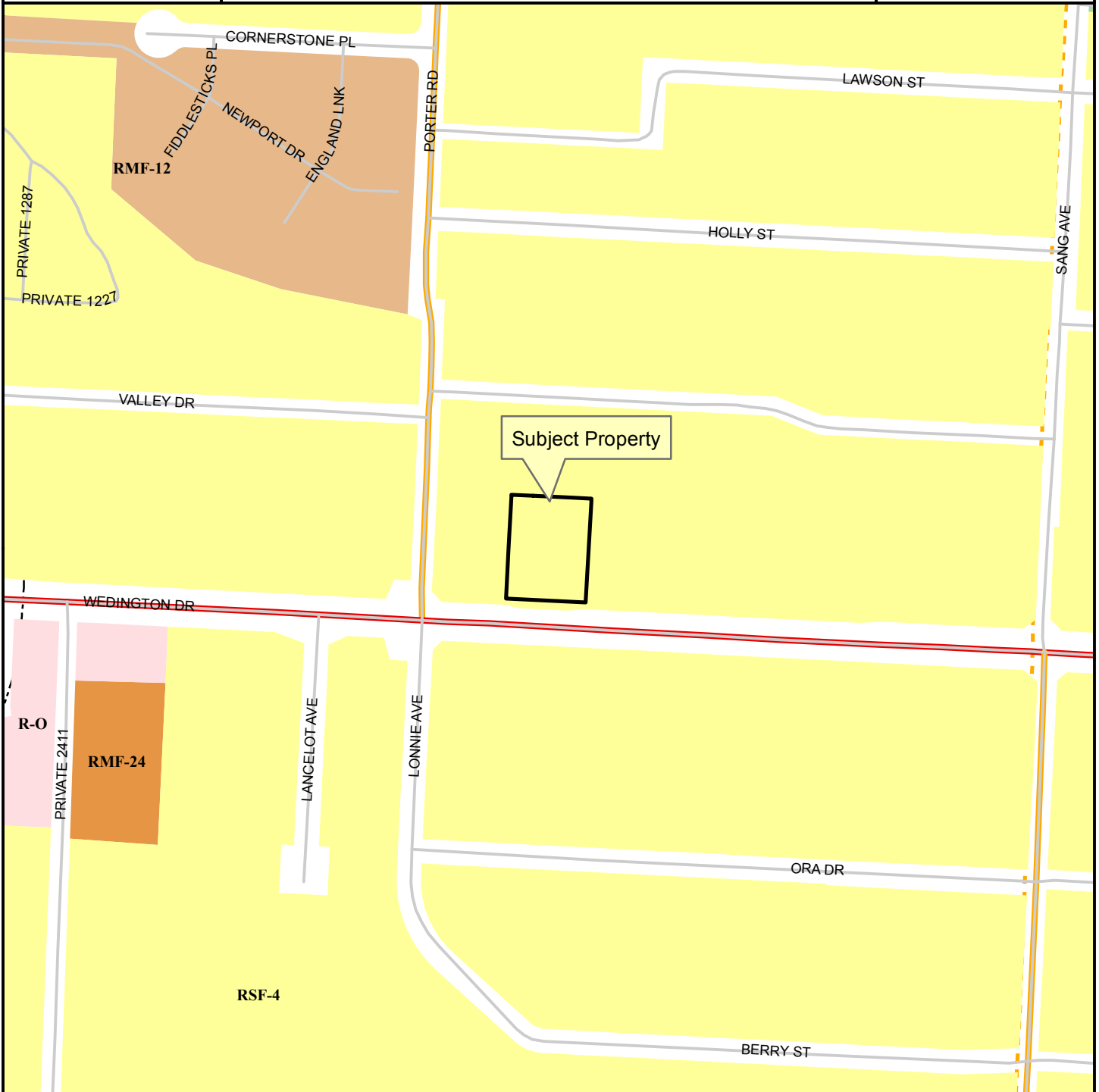
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RT-12 Residential Two and Three-family
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial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

RZN 16-5633

UPTON

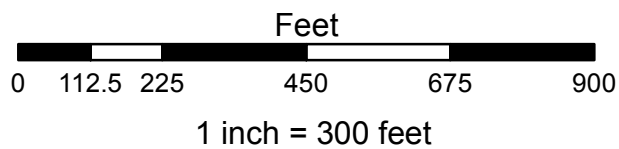


Close Up View



Legend

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



- RSF-4
- RMF-12
- RMF-24
- Residential-Office
- P-1

RZN 16-5633

Current Land Use

UPTON



Legend

Streams

Street

Streets Existing

MSP Class

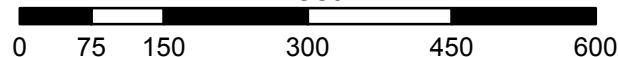
COLLECTOR

PRINCIPAL ARTERIAL

Planning Area

Fayetteville City Limits

Feet





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0523

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5598 FOR APPROXIMATELY 3.74 ACRES LOCATED AT 1777 SOUTH SMOKEHOUSE TRAIL FROM R-A, RESIDENTIAL AGRICULTURAL TO UT, URBAN THOROUGHFARE

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

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

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

City of Fayetteville Staff Review Form

2016-0523

Legistar File ID

11/15/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/28/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5598: Rezone (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE, 595): Submitted by FRANK SHARP for property at 1777 S. SMOKEHOUSE TRAIL. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.74 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 15, 2016

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Quin Thompson, Planner
DATE: October 28, 2016

SUBJECT: RZN 16-5598: Rezone (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE, 595): Submitted by FRANK SHARP for property at 1777 S. SMOKEHOUSE TRAIL. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.74 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to UT, Urban Thoroughfare, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for approximately 3.74 acres south of Martin Luther King Boulevard, and west of Smokehouse Trail. The property is currently within the R-A zoning district, and is developed with a large (14,400 square foot) warehouse structure and associated parking lot, formerly an Ozark Mountain Smokehouse facility built in 1975. The property also contains a single-family home that appears to be vacant.

The warehouse has been in commercial use for several years by Conditional Use Permit. The City's expansion of Ruppel Road will create a signalized intersection adjacent to this site on Martin Luther King Boulevard.

Request: The request is to rezone three parcels (approximately 3.74 acres) of the property from R-A to UT, Urban Thoroughfare, in order to allow the existing buildings to be used for commercial purposes without the need for Conditional Use Permits.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which contains a mixture of small residential and commercial developments and undeveloped property. Large parcels to the east and south are currently forested, while land to the west and north are developed with residential and commercial uses. With the extension of Ruppel Road adjacent to the northeast of this site, a signalized intersection will be created adjacent to this site. This new street infrastructure makes the property an ideal location for the more intensive and dense use allowed under the UT zoning.

Land Use Plan Analysis: The proposed zoning is fully consistent with the Future Land Use Map (FLUM) designation of this property as a City Neighborhood Area.

The goals of City Plan 2030 include making traditional town form the standard. The UT zoning district encourages patterns of development that result in realizing this goal over time, including an expectation that non-residential buildings will be located near streets and at corner locations, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

DISCUSSION:

On October 24, 2016 the Planning Commission forwarded the applicant's request with a recommendation for approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

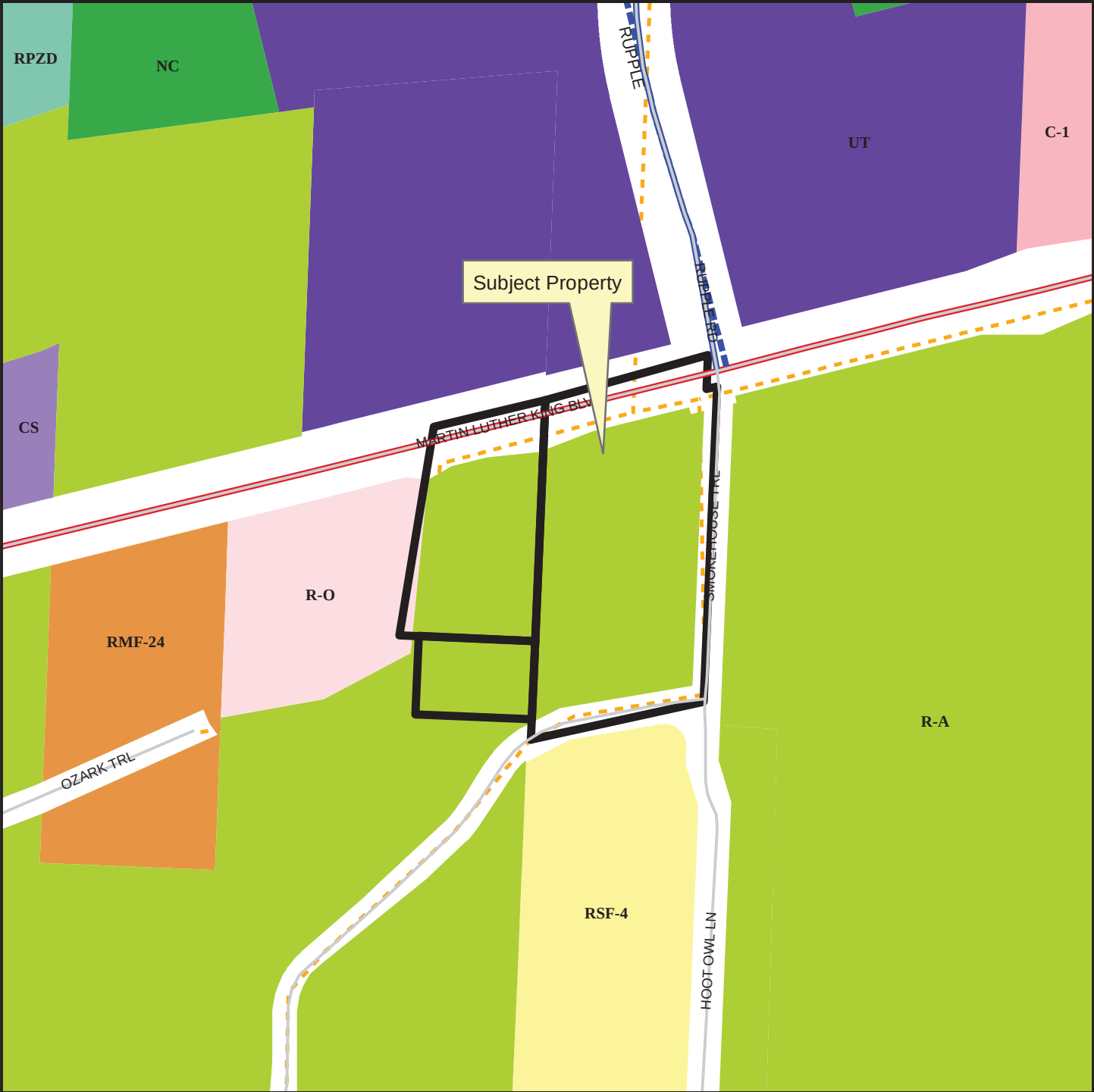
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5598
EXHIBIT 'A'

RZN 16-5598

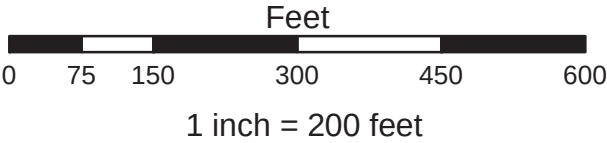
Close Up View

OZARK SMOKEHOUSE



Legend

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



- Residential-Agricultural
- RSF-4
- RMF-24
- Residential-Office
- C-1
- Urban Thoroughfare
- Community Services
- Neighborhood Conservation
- Commercial, Industrial, Residential

RZN 16-5598
EXHIBIT 'B'

DESCRIPTION OF REAL ESTATE FOR
TRACT 1

Part of the East Half of the Northwest Quarter of the Southeast Quarter of Section 24, in Township 16 North, of Range 31 West, described as follows: Beginning at a point in the center line of the County Road which is 187 feet North of the Southwest corner of said 20 acre tract, and running thence North $75^{\circ} 9'$ East with the center line of said road to a point 234 feet East of the West line of said 20 acre tract; thence North 434.1 feet; thence South $74^{\circ} 6'$ West 15 feet; thence North 46.6 feet or to the center line of U. S. Highway No. 62; thence West bearing South with the center line of said Highway to the West line of said 20 acre tract; thence South 469.04 feet to the point of beginning, less and except that part lying within the County Road and U. S. Highway No. 62, leaving 2.17 acres, more or less.

A part of the West half of the Northwest quarter of the Southeast quarter of Section twenty-four (24) in Township sixteen (16) North, of Range thirty-one (31) West, described as follows: Beginning at a point which is three hundred twenty-three (323) feet North of the Southeast corner of twenty acre tract, and running, thence West two and eighty-three hundredths (2.83) chains to the center of a ditch; thence North 7° East with the center-line of said ditch four and forty hundredths (4.40) chains to the center-line of U.S. Highway No. 62; thence North 74° East with the center-line of said highway two and forty hundredths (2.40) chains to the East line of said twenty acre tract; thence South five (5) chains to the place of beginning, containing one and seventeen hundredths (1.17) acres, more or less, subject to an easement for roadway over and across a strip fifteen (15) feet wide off of the East side of said tract.

RZN 16-5598
EXHIBIT 'B'
Pg 2 OF 2

DESCRIPTION OF REAL ESTATE FOR TRACT 2

Beginning at a point 214 feet north of the northeast corner of the West half (W1/2) of the Southwest quarter (SW1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-four (24) in Township sixteen (16) North of Range thirty-one (31) West, Washington County Arkansas, containing 20 acres, more or less, and running thence North for one hundred and eight (108) feet, thence West, one hundred sixty (160 feet), thence South one hundred and eight (108) feet and thence East, one hundred and sixty (160 feet) to the point of beginning, containing about four tenths (0.4) of an acre.

APPROVED

By Gun Coaty at 1:43 pm, Oct 21, 2016

RZN16-5598
TRACT 2 REVISION

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

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

Application:

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

Applicant (person making request):

Name: **Frank Sharp**

Address: **2062 S. Smokehouse Trail**
Fayetteville, AR 72701

E-mail: **fsharp@pgtc.com**

Phone: **479-957-4069**
() **470-267-3205**

Fax: ()

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

Name: _____

Address: _____

E-mail: _____

Phone: ()

Fax: ()

Site Address / Location: **1725 S. Smokehouse Trail**
1777 S. Smokehouse Trail

Current Zoning District: **Residential-Agricultural**

Requested Zoning District: **Urban-Thoroughfare**

Assessor's Parcel Number(s) for subject property: **765-16299-000 765-16281-000**

FINANCIAL INTERESTS

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

Ozark Mountain Smokehouse, Inc.
Sharpridge Trust

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

Name (printed): Frank Sharp Date: _____
Signature: Frank Sharp

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

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

Name (printed): Ozark Mountain Smokehouse, Inc Address: 2062 S. Smokehouse Trail
Signature: Frank Sharp, President Fayetteville, AR 72701
Date: _____ Phone: 479-267-3205
()

Name (printed): Sharpridge Trust Address: 2062 S. Smokehouse Trail
Signature: Frank Sharp, Trustee Fayetteville, AR 72701
Date: _____ Phone: 479-267-3205
()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~October 24, 2016~~ **UPDATED with Planning Commission results**

SUBJECT: **RZN 16-5598: Rezone (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE, 595):** Submitted by FRANK SHARP for property at 1777 S. SMOKEHOUSE TRAIL. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.38 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5598** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is for approximately 3.38 acres south of Martin Luther King Boulevard, and west of Smokehouse Trail. The property is currently within the R-A zoning district, and is developed with a large(14,400 sf) warehouse structure and associated parking lot, formerly an Ozark Mountain Smokehouse facility built in 1975. The property also contains a single-family home that appears to be vacant.

The warehouse has been in commercial use for several years by Conditional Use Permit. The City's expansion of Ruppel Road will create a signalized intersection adjacent to this site on Martin Luther King Boulevard.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Commercial/office	UT, Urban Thoroughfare
South	Single-family Residential/Undeveloped	R-A, Residential Agricultural/RSF-4, Residential Single-family
East	Forest/Undeveloped	R-A, Residential Agricultural/RSF-4, Residential Single-family
West	Single and two-family Residential	RMF-24, Residential Multi-family/R-O, Residential Office

Request: The request is to rezone two parcels (approximately 3.38 acres) of the property from R-A to UT, Urban Thoroughfare, in order to allow the existing buildings to be used for commercial purposes without the need for Conditional Use Permits.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcels have access to Martin Luther King Boulevard and Smokehouse Trail. Martin Luther King Boulevard is an improved principal arterial and state highway; however, sidewalk has not been constructed along the frontage of the subject parcel. Smokehouse Trail is an unimproved local street without storm drainage, curb/gutter, or sidewalks. Any further street improvements would be determined at time of development.

Water: Public water is available to the site. A 12" water main exists in the Martin Luther King Boulevard right of way.

Sewer: Sanitary Sewer is available along the southern edge of the property. A 6" public sewer main extends across the frontage of this parcel and within the Smokehouse Trail right-of-way.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No part of the parcel lies within the HHOD, however some slopes exist on site in excess of 15% grade.

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

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are expected to be more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning is compatible with surrounding land use patterns in this area, which contains a mixture of small residential and commercial developments and undeveloped property. Large parcels to the east and south are currently forested, while land to the west and north are developed with residential and commercial uses. With the extension of Ruppel Road adjacent to the northeast of this site, a signalized intersection will be created adjacent to this site. This new street infrastructure makes the property an ideal location for the more intensive and dense use allowed under the UT zoning.

Land Use Plan Analysis: The proposed zoning is fully consistent with the Future Land Use Map (FLUM) designation of this property as a City Neighborhood Area.

The goals of City Plan 2030 include making traditional town form the standard. The UT zoning district encourages patterns of development that result in realizing this goal over time, including an expectation that non-residential buildings will be located near streets and at corner locations, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

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

Finding: The proposed UT, Urban Thoroughfare zoning will allow certain businesses to operate in the existing commercial building without further Planning Commission review. The UT District is designed primarily to provide goods and personal services for persons living in the wider regional community and is intended to provide for adaptable mixed use centers located along commercial corridors such as Martin Luther King Boulevard. The existing R-A zoning is no longer appropriate for this property given the City creation of a major signalized intersection along this busy State highway. The requested re-zoning is justified.

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

Finding: The UT zoning allows a wide range of commercial activity and unlimited residential density. The proposed rezone would create the potential for increased traffic in the area over the existing R-A zoning. The property is located on a corner of Martin Luther King Boulevard, a partially improved 'Principal Arterial' street and Smokehouse Trail, an un-improved 'Local' street. The capacity of Martin Luther King Boulevard will allow future development of this parcel without creating or significantly increasing traffic danger and congestion. Further, the signalized intersection at Martin Luther King /Rupple Road should help to accommodate increased traffic to this site.

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

Finding: Rezoning the property from R-A to UT could significantly alter population density in the area. CS zoning allows a wide range of commercial activity and unlimited residential density. The rezone request is not likely to undesirably increase load on public services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 16-5598 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03 & 161.22
- Request letter
- Rezone exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 24, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: QUINLAN			
Second: BROWN			
Vote: 8-0-0			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>November 15, 2016</u>	☐ Approved	☐ Denied	

161.03 - District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

161.22 - Urban Thoroughfare

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot area minimum.* None

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

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

*A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)

APPLICANT'S REQUEST LETTER

Rezoning Checklist

- (5) A written description of this request addressing the following items:
- a. The current Owner of Tracts 1 is the *Ozark Mountain Smokehouse, Inc.*, Frank Sharp, President (the *Sharpridge Trust* owns the stock of the *Ozark Mountain Smokehouse, Inc.*) and Tract 2 is owned by the *Sharpridge Trust*, Frank and Sara Sharp, Trustees.
 - b. The reason to request the zoning change is because the area has changed so much in the last 40 years, since 1976, when the *Ozark Mountain Smokehouse* building was constructed. Highway 62 West (later *Martin Luther King, Jr. Boulevard*) was a two lane highway and *Smokehouse Trail* was a gravel road (built in 1961 and dedicated to Washington County.) The *Ozark Mountain Smokehouse* was started behind the Sharp's house (now 1725 S. *Smokehouse Trail*) and remained there until the move to the "new" smokehouse in 1976.

In 1976 the area was primarily agricultural, with a few private homes. There were very few commercial buildings between the present day *Whataburger* and Farmington.

The functions of the "new" smokehouse consisted of production (smoked meats, cheeses, jellies, jams and candies, Sales (retail and mail order) warehousing and offices. The present building is still used for warehousing (*Fayettechill*, and outdoor outfitter) and offices (*Northwest Arkansas Land Trust*, *Fayettechill*, *Ozark Off Road Cyclists* and *Big Bot* (an artist's studio.) With these properties, located at the south terminus of the *Rupple Road/Van Ashe Boulevard "box"*, the area will probably be subject to extensive development in the next fifty years.

In addition, the property are serving as the major western entrance and trailhead to *Kessler Mountain*. Tract 2 is adjacent to twenty acres of woods and trails, protected by a conservation easement (held by the City of Fayetteville) dedicated in 2008. In addition to being the trailhead for hikers, runners and mountain bikers enjoying the new 376 acre *Kessler Mountain Reserve* and the 200 acre new regional park , The properties are being used for outdoor education by the *Kessler Mountain Outdoor Classroom and Nature Center*, which is supported by the *Fayetteville Public Schools*, the *Northwest Arkansas Land Trust* and *Fayetteville Natural Heritage Association*. In April 2016, 226 students from Happy Hollow and McNair Middle School were taught about rocks, birds, trees and other elements of nature, led by Professor Walt Manger and students from the *Department of Geosciences* at the *University of Arkansas*, members of the *Audubon Society*, staff of the *NWA Land Trust* and volunteers.

The property is also being used for outdoor events such as the annual *Kessler Mountain Trail Run* and the first annual Gumbo Cookoff.

The rooms in the smokehouse once used for food processing are now being used as meeting places by the *Ozark Off Road Cyclists*, the *Writers' Workshop*, *International Mountain Biking Association*, *NWA Regional Planning* and other nonprofits.

- b. The Ruppel Road extension to MLK, Jr. Boulevard, has prompted recent rezoning of properties adjoining Ruppel Road. This property is due north of the subject properties.
- c. The twenty acres of woods, protected by the conservation easement (no structures, paved trails or even bicycles are allowed!) will serve as a permanent buffer from the commercial properties at the Ruppel/MLK, Jr. intersection and the residential/agricultural properties on Kessler Mountain to the south. The traffic on Smokehouse Trail will be a mere fraction of the traffic on the Ruppel and MLK, Jr. Trail signage will be consistent with a nature center. Other signs will adhere to the city sign ordinance.
- d. 6" sewer lines are on the south side of MLK, Jr. and the west side of Smokehouse Trail. There is a short section of 8" sewer line (running east and west)) on the south side of Smokehouse Trail, (marked in red on the attached map.)
There are two waterlines running north and south on the east side of Smokehouse Trail and Hoot Owl Lane - a 2.25" Cast Iron Pipe closest to the road and an 8" PVC line east of that. There is a 2.25" Cast Iron Pipe on the south side of Smokehouse Trail running west (marked in blue on the attached map)
- e. The proposed zoning category of Urban Thoroughfare is consistent with the future land use objectives as expressed by the City of Fayetteville City Plan 2030 document and the Master Street Plan. The subject property is at the intersection of a Principal Arterial (MLK Jr. Boulevard) and a Principle Arterial Parkway (Ruppel Road). This site therefore has a significant civic importance that is inconsistent with the existing R-A Residential Agricultural zoning category. The Future Land Use Map indicates that this area to be City Neighborhood in character, which is described as follows:

"City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street

RZN 16-5598

Current Land Use

OZARK SMOKEHOUSE



Legend



RZN16-5598

Street

Streets Planned

MSP Class

PRIN ARTERIAL PKWY

Streets Existing

MSP Class

PRIN ARTERIAL PKWY

PRINCIPAL ARTERIAL

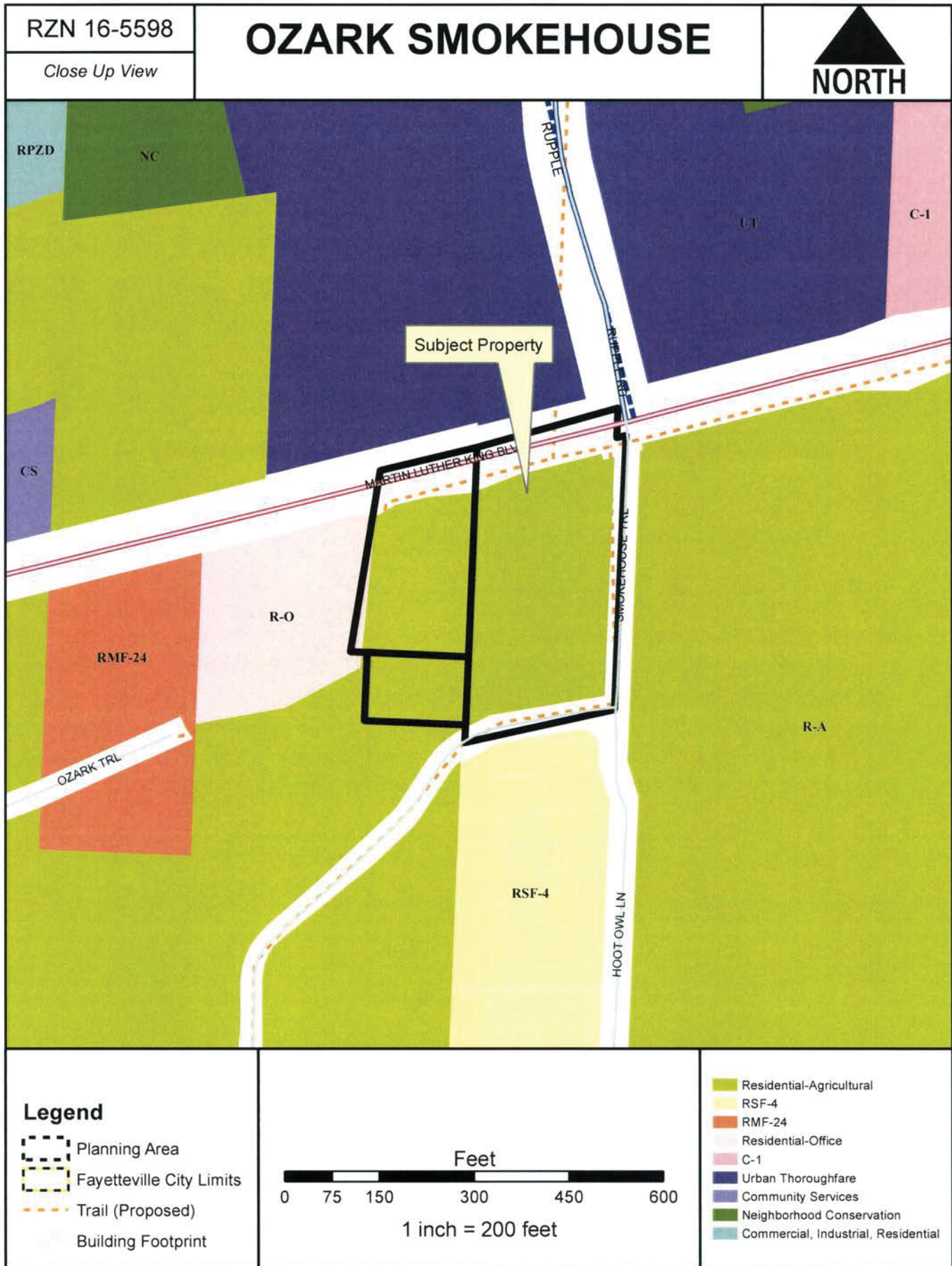
Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

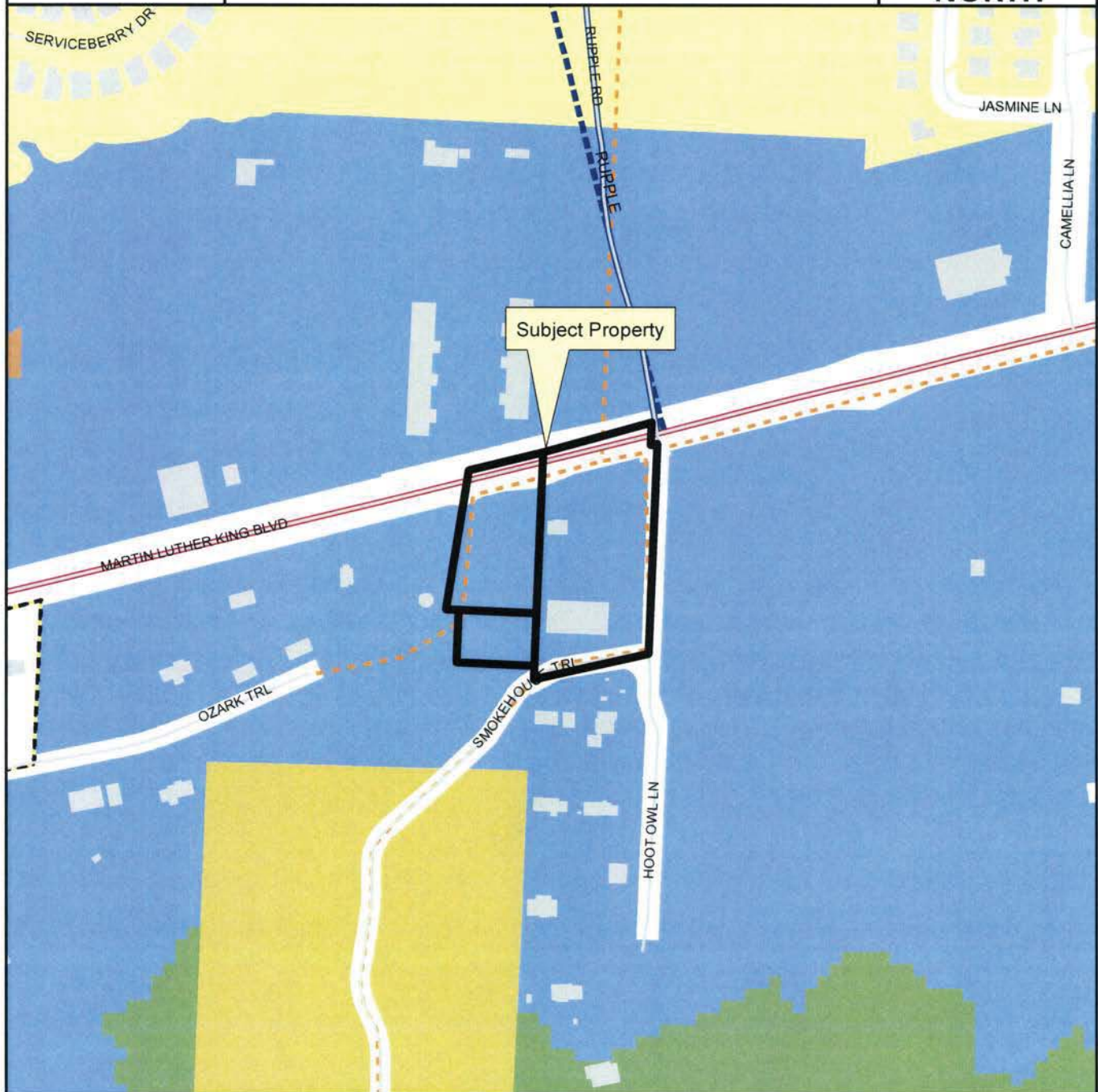
2016 Imagery



RZN 16-5598

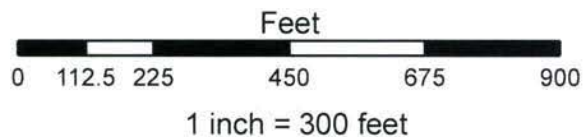
Future Land Use

OZARK SMOKEHOUSE



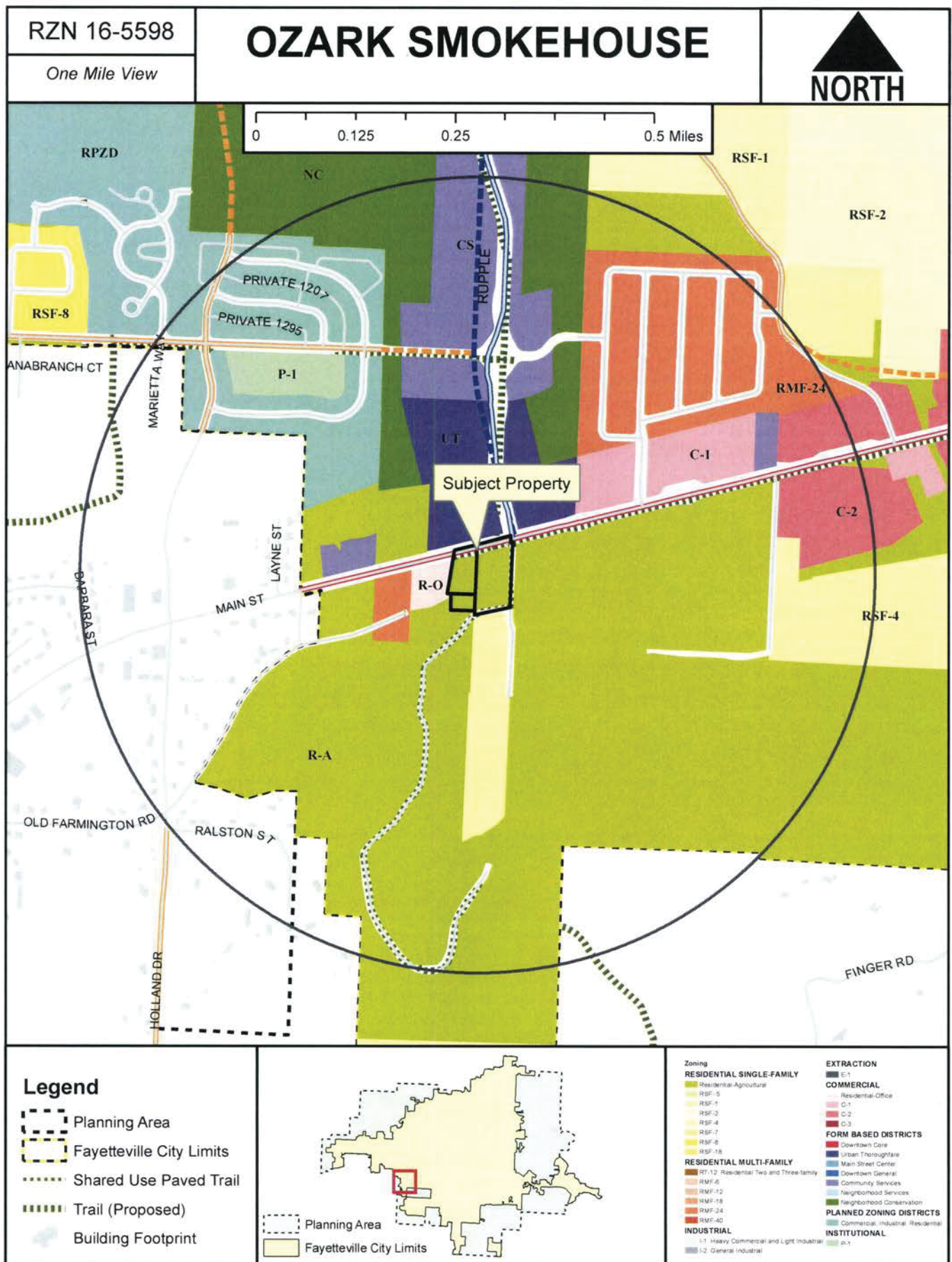
Legend

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



FUTURE LAND USE 2030

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





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0508

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 6

AMEND § 31.18 DISTRICT JUDGE COMPENSATION:

AN ORDINANCE TO AMEND § 31.18 **DISTRICT JUDGE COMPENSATION** BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

WHEREAS, A.C.A. § 16-17-1112 mandates that on January 1, 2017 Fayetteville and other cities in the Second District (primarily Washington County) will have their current local district courts reorganized as state district courts; and

WHEREAS, A.C.A. § 16-17-1106 (a) mandates that the “state shall pay the salary and benefits of the state district judges created under this subchapter”; and

WHEREAS, Chief District Court Clerk Dena Stockalper has notified the City Administration of this upcoming change including the renaming of the District Court in her memo of October 19, 2016.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals in its entirety § 31.18 **District Judge Compensation** and enacts a replacement § 31.18 as shown below:

“§ 31.18 Washington County District Court, Fayetteville Department.

Pursuant to state law, the former Fayetteville District Court will be renamed the Washington County District Court, Fayetteville Department effective January 1, 2017. The Washington County State District Judges will become full time state employees on January 1, 2017. The state will pay all of the Washington County State District Judges’ salaries and benefits on and after January 1, 2017.”

Legistar ID No.: 2016-0508

AGENDA REQUEST FORM

FOR: Council Meeting of November 15, 2016

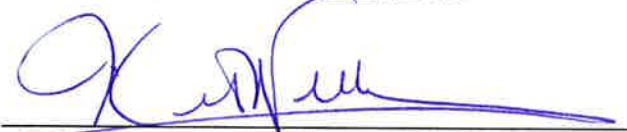
FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 31.18 **DISTRICT JUDGE COMPENSATION** BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

APPROVED FOR AGENDA:



City Attorney Kit Williams

Oct 20, 2016

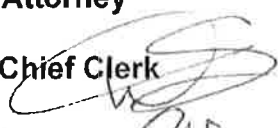
Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DISTRICT COURT

JUDGE WILLIAM A. STOREY
CHIEF CLERK
DENA STOCKALPER

TO: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Paul Becker, Admin. Services
Brenda Reed, Human Resources
Kit Williams, City Attorney

From: Dena Stockalper, Chief Clerk 

Thru: Judge William A. Storey 

Subject: District Court Judge

Date: October 19, 2016

Beginning January 1, 2017 Judge Williams A. Storey will preside over what is currently Fayetteville District Court. The judge will become a full time state employee. His salary and benefits will be paid by a combination of state, city and county contributions to be determined by the Department of Finance and Administration.

The Fayetteville District Court will be renamed Washington County District Court Fayetteville Department.

These changes have all been included in the 2017 budget.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council
Judge Storey

CC: Don Marr, Chief of Staff
Paul Becker, Finance Director
Dena Stockalper, District Court Administrator

FROM: Kit Williams, City Attorney

DATE: October 20, 2016

RE: Reorganization and renaming of the Fayetteville District Court

Pursuant to A.C.A. § 16-17-1112, the current Fayetteville District Court will be reorganized and become part of the Second District of Arkansas which "shall be composed of Washington County and the city limits of Springdale as of January 1, 2011, including that portion of Springdale which extends into Benton County." A.C.A. § 16-17-1112 (b)(1)(A).

"(B) The Second District shall have ten (10) departments as follows:
...(iv) One (1) located in Fayetteville;..."

"(C) The Second District shall be served by four (4) state district court judges;...designated as Division 1;...Division 2;...Division 3; and...Division 4."

"(E) The Second District judges shall be elected districtwide."

"(F) The Second District court shall have districtwide jurisdiction."
A.C.A. § 16-17-1112 (b) (1) (B), (C), (E) and (F).

Because of the change from Fayetteville District Court to state district courts and the assumption of paying all state district judges by the State, we need to amend § 31.18 **District Judge Compensation** to § 31.18 **Washington County District Court, Fayetteville Department** pursuant to state law and in conformity with Chief District Court Clerk Dena Stockalper's memo (attached).

(B) The Fortieth District shall have four (4) departments as follows:

- (i) One (1) located in Arkadelphia;
- (ii) One (1) located in Amity;
- (iii) One (1) located in Caddo Valley; and
- (iv) One (1) located in Gurdon.

(C) The Fortieth District shall be served by one (1) state district court judge.

(D) The Fortieth District judge shall be elected districtwide.

(E) The Fortieth District court shall have districtwide jurisdiction.

History. Acts 2011, No. 1219, § 10.

16-17-1112. Reorganization of local district courts to state district courts as of January 1, 2017.

(a)(1) Beginning January 1, 2017, the following cities and counties that are currently served by local district courts pursuant to § 16-17-901 et seq. shall be reorganized as state district courts and served by a state district court judge.

(2) The new state district court judgeships created by this section shall become effective January 1, 2017, and shall be placed on the ballot to be elected in the 2016 nonpartisan judicial election from the newly constructed judicial district.

(3) The cities and counties which were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2017.

(b)(1)(A) The Second District shall be composed of Washington County and the city limits of Springdale as of January 1, 2011, including that portion of the City of Springdale which extends into Benton County.

(B) The Second District shall have ten (10) departments as follows:

- (i) One (1) located in Springdale;
- (ii) One (1) located in Elm Springs;
- (iii) One (1) located in Johnson;
- (iv) One (1) located in Fayetteville;
- (v) One (1) located in Elkins;
- (vi) One (1) located in West Fork;
- (vii) One (1) located in Greenland;
- (viii) One (1) located in Prairie Grove;
- (ix) One (1) located in Lincoln; and
- (x) One (1) located in Farmington.

(C) The Second District shall be served by four (4) state district court judges;

- (i) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 1;
- (ii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 2;

(iii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 3; and

(iv) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 4.

(D) The presiding judge of the departments under subdivision (b)(3)(B) of this section shall be determined by the mutual agreement of the state district court judges.

(E) The Second District judges shall be elected districtwide.

(F) The Second District court shall have districtwide jurisdiction.

(2)(A) The Third District shall be composed of the counties of Carroll and Madison.

(B) The Third District shall have three (3) departments as follows:

- (i) One (1) located in Berryville;
- (ii) One (1) located in Eureka Springs; and
- (iii) One (1) located in Huntsville.

(C) The Third District shall be served by one (1) state district court judge.

(D) The Third District judge shall be elected districtwide.

(E) The Third District court shall have districtwide jurisdiction.

(3)(A) The Twenty-Seventh District shall be composed of the counties of Desha and Chicot.

(B) The Twenty-Seventh District shall have five (5) departments as follows:

- (i) One (1) located in Dermott;
- (ii) One (1) located in Eudora;
- (iii) One (1) located in Lake Village;
- (iv) One (1) located in Dumas; and
- (v) One (1) located in McGehee.

(C) The Twenty-Seventh District shall be served by one (1) state district court judge.

(D) The Twenty-Seventh District judge shall be elected districtwide.

(E) The Twenty-Seventh District court shall have districtwide jurisdiction.

(4)(A) The Thirty-Third District shall be composed of the counties of Grant and Hot Spring.

(B) The Thirty-Third District shall have five (5) departments as follows:

- (i) One (1) located in Sheridan;
- (ii) One (1) located in Malvern;
- (iii) One (1) located in Donaldson;
- (iv) One (1) located in Friendship; and
- (v) One (1) located in Rockport.

(C) The Thirty-Third District shall be served by one (1) state district court judge.

(D) The Thirty-Third District judge shall be elected districtwide.

(E) The Thirty-Third District court shall have districtwide jurisdiction.

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History. Acts 2013, No. 1489, § 1;

A.C.R.C. Notes.
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Amendments. Th
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**16-17-1113. Reo:
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(5)(A) "State district court" means a district court that is created by this subchapter and has:

(i) Criminal jurisdiction, as established by the General Assembly; and

(ii) Civil jurisdiction, as established by the Supreme Court.

(B) "State district court" includes a department of a state district court; and

(6) "State district court judge" means a full-time judge:

(A) Whose salary is paid by the state;

(B) Who is not engaged in the private practice of law; and

(C) Who is available for work in circuit court under rules adopted by the Supreme Court.

History. Acts 2007, No. 663, § 2; 2011, No. 1219, § 2.

Amendments. The 2011 amendment

deleted former (1) through (3) and inserted present (1) through (6).

16-17-1103. [Repealed.]

Publisher's Notes. This section, concerning creation of pilot state district court judgeships, was repealed by Acts

2011, No. 1219, § 3. The section was derived from Acts 2007, No. 663, § 2; 2009, No. 345, § 3.

16-17-1104. State district court judges — Salaries.

(a) The judges who are appointed or elected to serve the courts created under this subchapter are state district court judges.

(b) The salaries of the state district court judges are uniform and shall be paid with moneys appropriated from the Constitutional Officers Fund, § 19-5-205, by the General Assembly.

History. Acts 2007, No. 663, § 2; 2009, No. 345, § 4; 2011, No. 1219, § 4.

Amendments. The 2011 amendment rewrote the section.

16-17-1106. Salary of state district court judges — Cost-sharing.

(a) The state shall pay the salary and benefits of state district court judges created under this subchapter.

(b)(1)(A) Each county and town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half ($\frac{1}{2}$) of the base salary established by law for state fiscal year 2009 for that district's state district court judge.

(B) The proportionate share is calculated as follows:

(i)(a) Determine the sum total of the base salary paid by each county and town or city in a district to that county and town or city's district court judge or city court judge for the calendar year immediately preceding the creation of the state district court judgeship; and

(b) Determine the proportion of the base salary of each county and town or city to the sum total base salary of the district; and



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0520

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 7

AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION:

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT** AND § 33.351 **COMPOSITION** OF ARTICLE XXIII **ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 33.350 **Purpose and Establishment** of Article XXIII **Active Transportation Advisory Committee** and enacts a new § 33.350 as follows:

"There is hereby established (as a continuance of the former Sidewalk and Trails Advisory Board) the Active Transportation Advisory Committee. This committee shall make recommendations to the Transportation Committee on active transportation projects and issues that may arise, including but not limited to:

(A) Yearly trail, sidewalk, and paving overlay construction program plans. Review of overlay plan will be focused on incorporation of active transportation facilities.

(B) 5-year trail construction prioritization plan.

(C) Proposed trail, sidewalk, and bikeway related improvement plans for major projects to be partially or fully funded by the city. Said review will be at the preliminary stage, and will include typical cross sections and preliminary horizontal and vertical alignments. Said projects will be at the discretion of the City Administration, but generally will include major sidewalk projects, trails and the active transportation component of the projects where major changes to existing street cross sections are planned.

(D) Changes, additions, or deletions to the Active Transportation Plan and the Sidewalk Master Plans."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 33.351 **Composition** of Article XXIII **Active Transportation Advisory Committee** by repealing the first sentence after the heading and subsection (A) and replacing them with the following:

"The Active Transportation Advisory Committee shall be comprised of eight (8) voting members, and seven (7) non-voting staff/support members, as listed below. The members shall elect a Chair at its first annual meeting.

(A) One (1) voting member of the committee shall be a member of the City Council. It is recommended that this person also serve on the Transportation Committee;"

AGENDA REQUEST FORM

FOR: Council Meeting of November 15, 2016

FROM:

City Council Member Sarah Marsh

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT** AND § 33.351 **COMPOSITION** OF ARTICLE XXIII **ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

APPROVED FOR AGENDA:



City Council Member Sarah Marsh

10/21/2016
Date



Assistant City Attorney Blake Pennington
(as to form)

10/27/2016
Date

Pennington, Blake

To: Williams, Kit
Subject: RE: ATAC ordinance language

From: Marsh, Sarah
Sent: Friday, October 07, 2016 4:09 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Fw: ATAC ordinance language

Kit,

I would like to sponsor this ordinance change to the scope of the Active Transportation Committee. Please write it up for placement on the next agenda.

Thanks,

Sarah Marsh, BARCH, LEED AP BD+C
Vice Mayor | City Council Member, Ward 1, Position 2
City of Fayetteville, Arkansas
ward1_pos2@fayetteville-ar.gov | 479.799.0393

From: Mihalevich, Matthew
Sent: Thursday, October 6, 2016 10:49 AM
To: Marsh, Sarah
Subject: ATAC ordinance language

Sarah,
Please find the attached word file of the proposed ordinance language revision.

Thank you for pushing this through,
Matt

Matt Mihalevich
Trails Coordinator
Engineering Division
City of Fayetteville, Arkansas
113 W. Mountain 72701
mmihalevich@fayetteville-ar.gov
T 479.444.3416 | F 479.575.8202
[Trails Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

ARTICLE XXIII - ACTIVE TRANSPORTATION ADVISORY COMMITTEE

33.350 - Purpose And Establishment

There is hereby established (as a continuance of the former Sidewalk and Trails Advisory Board) the Active Transportation Advisory Committee. This committee shall make recommendations to the Transportation Committee on active transportation projects and issues that may arise, including but not limited to: review public comments and advise city staff and City Council on the prioritization and land acquisition/easements for sidewalks and trails within our city. The Active Transportation Advisory Committee is also responsible for recommending the adoption of Sidewalk and Trails Master Plans to the City Council. Recommendations relating to trails shall be forwarded to the Parks and Recreation Advisory Board. Recommendations relating to sidewalks shall be forwarded to the Transportation Division.

- 1.) Yearly trail, sidewalk, and paving overlay construction program plans. Review of overlay plan will be focused on incorporation of active transportation facilities.
- 2.) 5-year trail construction prioritization plan.
- 3.) Proposed trail, sidewalk, and bikeway related improvement plans for major projects to be partially or fully funded by the city. Said review will be at the preliminary stage, and will include typical cross sections and preliminary horizontal and vertical alignments. Said projects will be at the discretion of the City Administration, but generally will include major sidewalk projects, trails and the active transportation component of the projects where major changes to existing street cross sections are planned.
- 1-4.) Changes, additions, or deletions to the Active Transportation Plan and the Sidewalk Master Plans.

(Ord. No. 5343, 8-3-10)

33.351 - Composition

The Active Transportation Advisory Committee shall be comprised of eight (8) voting members, and seven (7) non-voting staff/support members, as follows listed below. : The members shall elect a Chair at its first annual meeting.

- (A) One (1) voting members of the committee shall be a member of the City Council; It is recommended that this person also serves on the Transportation Committee;
- (B) One (1) voting member shall be a member of the Planning Commission;
- (C) One (1) voting member shall be a member of the Parks and Recreation Advisory Board;
- (D) Five (5) voting members shall be private citizens, who are qualified electors residing in the City of Fayetteville, and appointed by the City Council, at least one (1) of whom shall represent a bicycle advocacy organization;
- (E) Five (5) non-voting members shall represent the City of Fayetteville staff, with one (1) member each from the Transportation Division, Parks and Recreation Division, Fayetteville Police Department, Planning Division, and Information Technology Division;
- (F) One (1) non-voting member shall represent the Washington County Planning Staff;
- (G) One (1) non-voting member shall represent the Northwest Arkansas Regional Planning Commission.

(Ord. No. 5343, 8-3-10)

33.352 - Terms Of Office

Private citizen members shall serve two (2) year terms, with no limit to the number of terms they may serve. City Council, Planning Commission, and Parks and Recreation Advisory Board representatives may serve as long as they retain membership on their sponsoring body.

(Ord. No. 5343, 8-3-10)

33.353 - Officers

At the first regularly scheduled committee meeting of each calendar year, the voting members of the committee shall, by a simple majority, elect from among themselves a chair and vice chair.

(Ord. No. 5343, 8-3-10)

33.354 - Meetings

The Active Transportation Advisory Committee shall meet at least once per quarter to conduct regular business, at a time and place that is mutually convenient to the membership. The Active Transportation Advisory Committee may meet more frequently if needed.

(Ord. No. 5343, 8-3-10)

33.355 - Selection Process

The City Council shall appoint the private citizen members through the normal Nominating Committee process. All other members of the Active Transportation Advisory Committee shall be appointed by their respective organizations.

(Ord. No. 5343, 8-3-10)

33.356—33.359 - Reserved



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0505

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 8

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.2.2 WARRANTLESS DETENTION, SEARCH AND SEIZURE; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 1.3.6 OFFICER-INVOLVED SHOOTING; AND 22.3 SECONDARY EMPLOYMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Fayetteville Police Department policies 1.2.1 Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3 Secondary Employment.

City of Fayetteville Staff Review Form

2016-0505

Legistar File ID

11/15/2016

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

Greg Tabor, Chief of Police

10/28/2016

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Council approves resolution adopting Fayetteville Police Policies 1.2.1, Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1, Use of Force; 1.3.4, Less-Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3, Secondary Employment.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police



DATE: October 28, 2016

SUBJECT: Police Department Policy

RECOMMENDATION:

Council approves resolution adopting Fayetteville Police Policies 1.2.1, Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1, Use of Force; 1.3.4, Less-Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3, Secondary Employment.

BACKGROUND:

The Fayetteville Police Department is currently in the process of reviewing policies and updating as necessary to conform to current practices and to comply with accreditation standards. Policy 1.3.6, Officer-Involved Shooting, is a new policy, and it has already been vetted through the City Attorney's Office. Policy 1.2.1, Limits of Authority, is an existing policy that was approved by the council on March 17, 2015. Policy 1.2.2 Warrantless Detention, Search and Seizure, is an existing policy that was approved by the council on November 8, 2012. Policy 1.3.1, Use of Force, is an existing policy that was approved by the council on March 17, 2015. Policy 1.3.4, Less-Lethal Weapons and Defensive Tactics, is an existing policy that was approved by the council on October 6, 2015. Policy 22.3, Secondary Employment, is an existing policy that was approved by the council on July 7, 2015.

DISCUSSION:

Policy 1.3.6, Officer Involved Shooting, is a new policy that addresses our current practices. The remaining five policies are existing policies that contain changes for clarity and to comply with written directives, state laws, and current practices of the department. All changes are highlighted.

BUDGET/STAFF IMPACT:

These policies will not have any impact on budget or staff.

Attachments:

Fayetteville Police Policy 1.2.1, Limits of Authority
Fayetteville Police Policy 1.2.2, Warrantless Detention, Search and Seizure
Fayetteville Police Policy 1.3.1, Use of Force
Fayetteville Police Policy 1.3.4, Less-Lethal Weapons and Defensive Tactics
Fayetteville Police Policy 1.3.6, Officer Involved Shooting
Fayetteville Police Policy 22.3, Secondary Employment

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.1 Limits of Authority	Effective Date: March 17, 2015
Reference: 41.2.7, 71.1.1	Version: 5
CALEA: 1.1.3, 1.1.4, 1.2.1, 1.2.2, 1.2.4, 1.2.5, 1.2.6, 1.2.7, 1.3.5, 11.3.1, 22.2.7	No. Pages: 8

I. Purpose

The purpose of this policy is to outline the limits of law enforcement authority delegated to officers of the Fayetteville Police Department pertaining to the enforcement of laws, statutes and ordinances within their jurisdiction.

It also defines circumstances and establishes limits involving officer discretion and provides guidelines for exercising such discretion utilizing alternatives to arrest and/or pre-arraignment confinement.

II. Definitions

Arrest: Arrest is the taking of a person into custody, the purpose of which is to restrain the accused until he can be held accountable for the offense at court proceedings.

Probable Cause: Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.

Felony: A felony is a serious offense, which carries a penalty of incarceration usually for one year or more. Persons convicted of felony offenses lose certain rights such as the right to vote, hold an elective office of federal government position or maintain certain licenses.

Misdemeanor: A misdemeanor is a less serious offense punishable by incarceration for not more than one year in a county jail or fine or similar penalty.

Off-Duty: For the purposes of this section, officers are considered to be “off-duty” when not working in furtherance of departmental objectives during regularly scheduled hours or other hours as required by a police supervisor or court order.

III. Policy

A. JURISDICTION AND STATUTORY AUTHORITY

1. Officers of the Fayetteville Police Department shall have within the corporate limits of the City of Fayetteville all the powers invested in law enforcement officers as described under Arkansas Code Annotated 14-52-203 [CALEA 1.2.1, 1.2.2], [CALEA 11.3.1 a.].
2. Officers shall also have the power to serve all civil and criminal process that may be directed to them by any officer of the court and enforce the ordinances and regulations of the city as the city council may direct.
3. In addition to their authority within the corporate limits, officers shall have all the powers invested in law enforcement officers by the Arkansas Constitution, State statutes and the Rules of Criminal Procedure.
4. An officer outside his or her jurisdiction may affect an arrest without a warrant upon having both probable cause and the request or permission of the agency having jurisdiction. Upon doing so, the officer must notify the law enforcement agency having jurisdiction as soon as practicable and relinquish custody of the suspect to that agency as described under Arkansas Code Annotated 16-81-106.
5. An officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all privileges, immunities and benefits to which he would be entitled if acting within the city, including coverage under the worker's compensation laws.
6. Each employee of the department is accountable for the use of delegated authority invested by statute [CALEA 11.3.1 b.].

B. ARREST AUTHORITY

An officer may affect an arrest if there is probable cause to believe a person has committed an offense as it is defined in the Arkansas Criminal Code. Probable cause is the legal requirement for an arrest [CALEA 1.2.5].

1. An arrest occurs when the following conditions exist:
 - a. The officer believes that sufficient legal evidence exists that a crime is being committed, and intends to restrain the suspect;
 - b. The officer deprives the individual of his liberty; and
 - c. The suspect believes he or she is in custody of the police and cannot voluntarily leave.
2. An arrest can be initiated with or without a warrant and must be based on probable cause.
 - a. Arrest Pursuant to Warrant – An arrest warrant issued by the court determines an arrest should be made and directs the police to bring the named person before court.
 - (1) An officer having a warrant in possession may arrest the person named on or described in the warrant at any time and at any place within the jurisdiction of the City of Fayetteville.
 - (2) An officer, who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant in his possession, may arrest the person named in the warrant according to Arkansas State Law.
 - (3) The officer must inform the person arrested of the existing warrant, and
 - (4) The officer must serve the warrant on the person as soon as possible.

- b. Arrest Without a Warrant – According to Rule 4 of the Arkansas Court Rules of Criminal Proceedings, a law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed [CALEA 1.2.5]:
 - (1) a felony;
 - (2) domestic violence; as further detailed in FPD 1.2.4, Domestic Violence
 - (3) a traffic offense involving:
 - a. death or physical injury to a person; or
 - b. damage to property; or
 - c. driving a vehicle while under the influence of intoxicants or narcotics;
 - (4) Any violation of law in the officer's presence.
 - (5) A private person may make an arrest where he has reasonable grounds for believing the person arrested has committed a felony.
 - (6) It is not necessary that an officer or citizen be able to articulate the specific offense at the time of the arrest.
 - (7) A warrant-less arrest by an officer not personally possessed of information sufficient to constitute reasonable cause is valid where the arresting officer is instructed to make the arrest by a police agency, which collectively possesses knowledge sufficient to constitute reasonable cause.
 - (8) In the case of a misdemeanor, probable cause as well as the officer's presence at the time of the offense is required, with the following exceptions:
 - a. The officer believes the suspect may cause physical injury to self or others, or damage to property unless immediately arrested (see ACA 16-81-113) and Domestic Abuse Act as defined by Arkansas State Law.
 - b. The suspect has committed the offense of shoplifting when the officer, merchant or merchant's employee who has observed the person accused of shoplifting shall provide a written statement which shall serve as probable cause to justify the arrest (See ACA 5-36-116).
 - c. The officer has reason to believe the suspect will not be apprehended unless immediately arrested.
- 3. Upon making an arrest, an officer must:
 - a. Identify himself as a law enforcement officer unless his identity is otherwise apparent;
 - b. Inform the arrested person that he is under arrest; and
 - c. As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.
- 4. An arrest is complete when:
 - a. The person submits to the control of the arresting officer who has indicated his intention to arrest, or
 - b. The arresting officer, with intent to make an arrest, takes a person into custody by the use of physical force.
- 5. An officer may enter private premises or vehicles to effect an arrest when:
 - a. The officer has in his possession a warrant or order for arrest of a person or is authorized to arrest a person without a warrant or order having been issued;

- b. The officer has reasonable cause to believe the person to be arrested is present, and
 - c. The officer has given, or made reasonable effort to give notice of his authority and purpose to an occupant thereof, unless there is reasonable cause to believe the giving of such notice would present a clear danger.
- 6. Arrest for Serious Crime – When an officer arrests a person for a serious crime, the officer shall advise the supervisor on duty and a determination will be made if the Criminal Investigation Division shall be notified of the arrest for further interviewing and investigation.
- 7. Arrest of Military Deserter – Officers with probable cause that a person is a military deserter may arrest that person and arrange as soon as possible to release the person to the proper military authority.
- 8. Arrest of Injured Person – Upon arresting a person who has been injured, or is injured during the arrest process, the officer shall conduct an assessment of the injury based on visual and/or verbal clues of the person and/or injury. In doing so, the officer shall [CALEA 1.3.5]:
 - a. Transport the person for normal booking procedures if the injury is apparently non-debilitating and not life threatening.
 - b. Request for Emergency Medical Services to respond to the scene if the injury appears to be life threatening or debilitating.
 - c. Not transport the person to a medical facility if the injury is life threatening or debilitating unless exigent circumstances exist. Further reference may be made to FPD 71.1.1, Detainee Transportation.
- 9. Arrest of Unconscious or Semiconscious Person – Whenever an officer arrests an individual who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition, and who is unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the person arrested is wearing a bracelet or necklace containing the Medic Alert Foundation's emergency alert symbol to indicate that the person suffers from diabetes, epilepsy, cardiac condition or any other form of illness which would cause a loss of consciousness. If such a symbol is found indicating that the person being arrested suffers from one of those conditions, the officer must make a reasonable effort to have appropriate medical care provided.
- 10. Arrest of Foreign Nationals – Whenever a foreign national is arrested or detained in the United States, there are legal requirements contained in the Vienna Convention on Consular Relations to ensure that the foreign national's government can offer him/her appropriate consular assistance. In all cases the foreign national must be told of the right of consular notification and access. According to the Department of State, this requirement applies even if the foreign national is not in the United States legally. A list of contact information for embassies and consulates within the United States is available in the squad room and the Washington County Detention Center.

In some cases, mandatory notification must be made to the nearest consulate or embassy without delay, or within the time specified in a bilateral agreement between the United States and the foreign national's country, regardless of whether the foreign national request such notification. If the foreign national's country is on the list of mandatory notification countries, notify that country's nearest consular official, without delay, of the arrest/detention. A list of the mandatory notification

countries is available in the squad room and the Washington County Detention Center.

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification process should still be honored, but it is possible to take precautions regarding disclosure of information. The State Department should be consulted in these situations. Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.

It is the responsibility of the arresting officer, not the detaining facility, to notify the arrested person's nearest consular official. It is also the arresting officer's responsibility to inform the arrestee notification has been made. A form documenting arrest notification that can be sent via FAX is available in the squadroom and the Washington County Detention Center. A copy of this notification process should be attached to the arrest report [CALEA 1.1.4].

11. Misuse of Arrest Authority – Officers of the Fayetteville Police Department shall not misuse the arrest authority that has been delegated to them.

C. USE OF DISCRETION AND ALTERNATIVES TO ARREST

The Chief of Police shall determine what measures (policies and procedures) shall be enforced to influence officer discretion at the operative level of patrol.

Officers are encouraged to be sensitive to cues as the probability of clearance, witness identification, victim prosecution and other factors when making arrests, issuing citations or other law enforcement activities.

In the instances of lesser violations, the officer may weigh the seriousness of the offense and the surrounding circumstances and choose an alternative to arrest. The proper exercise of discretion does not relieve the officer of his responsibility to conduct a thorough investigation [CALEA 1.2.7].

1. Alternatives to Arrest [CALEA 1.2.6]
 - a. Issuance of a citation or criminal summons (when the district judge determines the offense to be citable) which would allow the arrested person to appear in court on his/her own recognizance.
 - b. Informal resolution; or
 - c. Warnings.
2. At his discretion, an officer may assist, as an alternative to arrest and incarceration, an individual found intoxicated in a public place by taking the following actions [CALEA 1.2.7]:
 - a. The officer may transport the intoxicated individual home;
 - b. The officer may transport the intoxicated individual to the residence of another individual willing to accept him/her;

- c. The officer may transport the intoxicated individual to a public or private shelter facility if the individual is apparently in need of and unable to provide for himself food, clothing or shelter but not in need of medical care;
 - d. The officer may transport the intoxicated individual to a medical facility if it is apparent the individual is in need of but unable to provide for himself immediate medical care.
3. Criminal justice and social services programs are available resources that should be considered and utilized when possible. Officers should carefully weigh the available options in any given situation; supervisory consultation may be necessary. Diversion programs available may include, but are not limited to [CALEA 1.1.3]:
- a. Juvenile offender diversions via the Juvenile Division of the Fourth Judicial Circuit Court
 - b. Fourth Judicial District Victim's Rights Advocate
 - c. The Fayetteville Women's Shelter
 - d. Northwest Arkansas Rape Crisis Center
 - e. Salvation Army
 - f. Local churches and homeless shelters
 - g. Local mental health facilities (See FPD 41.2.7)

D. OFF-DUTY ARREST

Officers of the Fayetteville Police Department have liability protection for on-duty and off-duty performance of official duties. This protection does not extend to willful acts to cause injury, to damage or to those actions that the police officer knew, or reasonably should have known, were in conflict with the established policies of this department.

- 1. When off-duty and within legal jurisdiction of this department, a police officer may make an arrest when:
 - a. There is an immediate need for the prevention of bodily injury or property loss/damage or apprehension of a suspect;
 - b. The arresting officer is in possession of appropriate police identification.
- 2. Off-duty officers shall not enforce minor traffic offenses or utilize personal vehicles to pursue or attempt the apprehension of persons.
 - a. Off-duty officers may cautiously follow suspects to obtain vehicle and suspect descriptions or destinations, but officers must realize there is no authorization under state law or departmental policy to violate traffic laws while operating a private vehicle.
 - b. If an off-duty arrest is made, the off-duty officer shall abide by all departmental policies and procedures and shall notify an on-duty supervisor of the circumstances of the arrest and complete any documentation required by procedure.
 - c. No prisoner or arrestee, under any circumstances, shall be transported in a privately owned vehicle.
- 3. Officers that engage in the duties of a law enforcement officer, as defined by Arkansas Statute 12-9-102, shall be considered on-duty and shall be compensated by the City of Fayetteville.
 - a. It is the responsibility of the sworn employee to reconcile their work time through the City's timekeeping software.

E. POST ARREST PROTOCOL

The Chief of Police, state law requirements, and jail procedures will dictate what protocol will be followed post-arrest pertaining to preparing reports, fingerprinting, and photographing.

1. For probable cause arrests made by officers that do not include warrants issued by a judge, officers will complete a preliminary report as part of the booking process as well as an arrest incident report in the police department's reporting system. If the arrest also includes a criminal offense involving a victim, the officer will complete that part of the report as well as the suspect's arrest report [CALEA 1.2.5 a.].
2. Fayetteville Police Department is responsible for the fingerprinting and photographing of arrested subjects per state law requirements. Per Arkansas 12-12-1006, immediately following an arrest for an offense, a law enforcement official at the receiving criminal detention facility shall take, or cause to be taken, the fingerprints and a photograph of the arrested person if the offense is a felony or a Class A misdemeanor. When the first appearance of a defendant in court is caused by a citation or summons for an offense, a law enforcement official at the receiving facility shall take, or cause to be taken, the fingerprints and a photograph of the arrested person when the offense is a felony or a Class A misdemeanor. While this policy does allow officers to utilize discretion as to whether or not a physical arrest is made or a citation is issued for a Class A misdemeanor, the District Court Judge may provide a list of offenses that will require a physical arrest for certain offenses.
3. Juvenile post arrest requirements are set forth in A.C.A. 9-27-320. For juvenile arrest procedures and protocols, see Juvenile Operations 44.1.1.

F. PERSONNEL IDENTIFICATION MEASURES

The following will govern identification requirements of all police department personnel [CALEA 22.2.7]:

1. All personnel will be issued an identification card with their photograph that is required to be carried and accessible while the employee is on duty [CALEA 22.2.7 b.].
2. All employees shall be able to display their identification card upon a reasonable and safe request. Sworn personnel should display this in the accompaniment of their issued badge. Exceptions to this display are when necessary during the performance of police duties at an incident where the officer's status is obvious or in a required undercover capacity where doing so would jeopardize the mission of the operation or the officer's cover [CALEA 22.2.7 a.].
3. In cases where an officer is unable to show identification during an incident, that officer should make every attempt to show his credentials to the requesting party once the scene is secured [CALEA 22.2.7 a.].
4. All officers including uniformed officers should have access to their full credentials while on duty for cases where additional credential checks may be required. Exceptions to this requirement may occur in undercover assignments [CALEA 22.2.7 a.].
5. In the course of conducting official department business over the telephone, all employees should identify themselves by title, department, and name. Should the

other party question the department employee's credibility, the employee should welcome the other party to verify their identity. The employee should suggest the other party may hang up and call the Fayetteville Police Department for verification through Dispatch. Employees may provide the other party with the telephone number and tell the other party they are welcome to look up the phone number independently [CALEA 22.2.7 c.].

6. The issuance of identification shall be considered a standard procedure. A record will be maintained documenting the date of issuance, the person issuing, and the person issued. Employees will be expected to maintain their identification in a professional manner. Lost or stolen identification cards shall be reported to the immediate supervisor.
7. Upon separation of employment, the employee shall relinquish his or her identification card to police personnel.

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.2 Warrantless Detention, Search & Seizure	Effective Date: November 8, 2012
Reference: 61.4.3	Version: 1
CALEA: 1.2.3, 1.2.4	No. Pages: 5

I. Purpose

The purpose of this policy is to establish guidelines for temporary detention, warrantless search and seizure decisions by officers in order to assure they are made in a manner consistent with constitutional guidelines, federal and state laws.

II. Definitions

Consent: Permission for an officer to search a constitutionally protected area given by a person with standing to grant it. Permission must be given without force, duress or coercion of any kind.

Field Interview: A field interview is a brief interview of a person to determine the person's identity and to resolve the officer's suspicions about possible criminal activity. A field interview is intended to resolve an ambiguous situation. A field interview contrasts with an investigative stop in that an investigative stop must be based upon reasonable suspicion of criminal behavior. A field interview may be conducted only with the voluntary cooperation of the citizen being interviewed and shall be immediately terminated if the citizen does not wish to speak.

Frisk: A frisk is a "pat down" of the outer garments for a weapon or contraband.

Investigative Stop: An investigative stop is the temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring or is about to occur and that the person to be stopped is involved or is a witness.

Probable Cause: Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.

III. Procedure

- A. Field Interview – The fourth amendment allows an officer to approach a person and ask if he/she is willing to answer questions, and to ask questions if the person is willing to listen and respond. The person shall not be detained and may leave at any time without answering questions. No stop or detention of a person or a driver of a vehicle is allowed.

The person's voluntary answers to such questions may be offered into evidence in any subsequent criminal proceedings. [CALEA 1.2.3a]

- B. Investigative Stop – An officer may temporarily detain a person if reasonable suspicion exists that a crime has been committed, is committed or is about to be committed; or the officer reasonably suspects the person is illegally carrying a concealed weapon.
1. Officers may make such stops even if probable cause is insufficient to make an arrest.
 2. The following factors may be considered in determining whether reasonable suspicion exists to justify an investigative stop of a person. These factors must be considered in view of the officer's training, knowledge and experience. All of the factors need not be present in order to establish reasonable suspicion:
 - a. The officer has valid knowledge that a person has a prior felony record.
 - b. The person fits the description of a wanted person.
 - c. The person has exhibited conduct in an attempt to conceal an object from the officer's view.
 - d. The person exhibits unusual behavior.
 - e. The area or time of day is indicative of possible criminal activity.
 - f. Hearsay information or an anonymous tip is acceptable dependent upon the content of the information and the degree of reliability. An officer must corroborate some of the hearsay information when developing reasonable suspicion to conduct the investigative stop.
 3. An investigative stop must be conducted as briefly as possible. The stop must be restricted only to the time necessary to confirm or dispel the officer's reasonable suspicion of criminal activity.
 - a. Upon determining the basis for the stop no longer exists, the person detained will be immediately released.
 - b. The detention period may be lengthened only if the suspicion becomes reinforced with additional supportive information or if the officer develops probable cause.
 4. Field Interview (FI) Cards: Officers are encouraged to conduct field interviews as an investigative tool, crime prevention and information in collecting, preserving and disseminating information on potential suspects or criminal activity. Officers shall document all field interviews on a "Field Interview" form in order to provide other officers and investigators with information concerning suspicious activities or persons. Completed field interview cards will be submitted to the Criminal Investigation Division (CID) for entry in to the department's Records Management System.
- C. Frisk – Although an officer may have reasonable cause to stop an individual, there must be a separate belief, based on articulable facts, that the subject is armed and dangerous in order to justify a frisk. The purpose of the frisk is not to discover a crime, but to allow the officer to continue the investigation without fear of violence. [CALEA 1.2.4]
1. The frisk is limited to a pat down of the outer clothing.
 2. If bulky clothing, such as a heavy overcoat, is worn the officer may require the subject to open or temporarily remove the coat in order to complete the pat down.
- D. Search Incidental to Lawful Arrest – An officer shall search a subject incidental to that subject's lawful arrest for any weapons, contraband or evidence of the crime. The

search shall be confined to the subject arrested and that subject's access area at the time of arrest [CALEA 1.2.5 commentary].

1. The search may extend beyond the arrestee's access area for other persons who the officer has reason to believe may endanger the safety of the officer making the arrest.
 2. The search should be limited to locating and controlling the movements of such persons.
 3. An officer should not make an arrest solely as a pretext to search for evidence.
- E. Search by Consent – An officer may conduct a search of any person, place or thing without probable cause when the person having legal control over that area consents to the search. [CALEA 1.2.4]
1. Consent must be freely and voluntarily given. Consent must be granted by a person who appears to possess the competent mental ability and language skills to fully understand the circumstances.
 2. Burden of proof consent was granted is on the officer.
 3. Consent may be verbal or written. Officers must inform the subject he/she has the right to refuse a consensual search of a residence; such warning is not required for consensual search of a vehicle.
 4. Consent may be withdrawn at any time by the subject.
 5. Scope of the search may be limited in any way the subject wishes.
 6. If the search exceeds the authorized scope, it is unlawful.
- F. Officers may enter and search a constitutionally protected area under lawful exigent circumstances to include medical emergencies, or public safety issues such as violent felony in progress. This exception only extends to the termination of the emergency. [CALEA 1.2.4]
- G. Search of Vehicle under Movable Exception Rule – Due to the inherent mobility of a motor vehicle, the courts have historically held officers to a standard of probable cause for their search. There are conditions under which the officer does not need a search warrant in order to search a motor vehicle [CALEA 1.2.4]
1. The passenger compartment incident to and contemporaneous with the arrest of an occupant ~~or~~ only if it is reasonable to believe the arrestee might access the vehicle at the time of the search or the officer has reason to believe the vehicle contains evidence of the offense of the arrest.
 2. Based on probable cause to believe the vehicle contains evidence of a crime or contraband. This search is only limited by the scope of where those items could be concealed.
 3. In the event of a detention of the driver or occupant, and the officer has a basis for a frisk of that person, the frisk may extend into the vehicle to the areas where the subject might leap or lunge for weapon.
 4. An inventory shall be conducted on all vehicles impounded by this department. Reference should be made to FPD 61.4.3 [CALEA 1.2.4]

H. Search at the Scene of a Crime – If a crime scene includes a constitutionally protected area, and the suspect might have a reasonable expectation of privacy, it will be searched pursuant to a search warrant. Exceptions include [CALEA 1.2.4]

1. Officers may conduct a protective sweep of a crime scene for their protection prior to securing the scene pending a warrant or consent.
2. Upon exigent entry, the scope of any search is limited to provide aid to those believed to be in need of assistance or to secure evidence in plain view. Once aid is provided, a search warrant must be obtained before searching for evidence or contraband.
3. Constitutionally protected areas may be searched with the consent of a person with standing to give it.
4. When the suspect is arrested in the crime scene, an officer may search the area under immediate control of the suspect contemporaneous with the arrest.
5. Officers may enter and search a constitutionally protected area under lawful exigent circumstances to include medical emergencies, or public safety issues such as a violent felony in progress. This exception only extends to the termination of the emergency.

I. Jail Booking Strip and Body Cavity Searches [CALEA 1.2.8]

1. Strip and body cavity searches during jail booking are sometimes necessary for officer safety, as well as the safety of the public, including other detainees. Such searches may be required to detect, secure and seize weapons, contraband or evidence of criminal activity. Body cavity searches are those that are conducted involving the anus or vagina.
2. Such intrusive searches shall be conducted only with proper authority, justification and within the policies and procedures of the detention center where the detainee is to be taken.
3. A strip search shall not be conducted unless there is a reasonable suspicion that such detainees are concealing weapons or contraband on their person [CALEA 1.2.8 a.].
4. A body cavity search shall not be conducted unless there is probable cause to suspect such detainees are concealing weapons or contraband and consent to search or a search warrant has been obtained.
5. For body cavity searches officers will notify county jail supervisors, and only a nurse or physician may conduct body cavity searches [CALEA 1.2.8 a.].
6. Officers involved in a strip search should ensure that the search is conducted by personnel of the same gender as that of the subject being searched and that the search is done out of the public view and with regard for human dignity [CALEA 1.2.8 b.]. If a question arises regarding the gender of the subject to be searched, the subject's gender will be determined based on the policies, procedures and rules of the detention facility.
7. Officers of the department that cause a strip or body cavity search to be conducted or that are involved in a strip search should include the details of the search in a report to include gender of the subject and identification and gender of personnel conducting the search [CALEA 1.2.8 c.].

J. Other Searches authorized by State and Federal Provisions [CALEA 1.2.4]

1. Officers may enter an open field and search it for items subject to seizure when they have reason to believe that the stated items are to be found at that location.
2. Officers may search public places, such as a public park, when they have reason to believe that the items subject to seizure are at that location.
3. Officers may search private locations open to the public, such as the lobby of a bank, when they have reason to believe that items subject to seizure are at that location.
4. Officers may seize items that are immediately apparent as evidence when they come into view and the officers have the right to be in the area at the time.
5. Officers may search abandoned property if it can be established that the owner or person in possession of the property intended to abandon it.

K. Warrantless Search by Law Enforcement Officer of a Supervised Probationer or Parolee.

1. A person who is placed on supervised probation or is released on parole is required to agree to a waiver as a condition of his or her supervised probation or parole that allows any certified law enforcement officer to conduct a warrantless search of his or her person, place of residence, or motor vehicle at any time, day or night, whenever requested by the certified law enforcement officer. A warrantless search that is based on a waiver shall be conducted in a reasonable manner (16-93-106).
2. Though Arkansas Law does not require an articulable suspicion that the person is committing or has committed a criminal offense, this department requires that an officer have some articulable law enforcement concern, however slight, prior to conducting such searches without the direct assistance of a parole or probation officer, or that the parolee/probationer be a party to an otherwise lawful stop based on reasonable suspicion or probable cause.
3. Examples of a law enforcement concern include but are not limited to: Anonymous tips/reports that would otherwise not be sufficient to conduct a search; parolee/probationer found in known crime areas or otherwise under suspicious circumstances less than reasonable suspicion for a terry stop; parolee/probationer is a party to a lawful traffic stop or other detention whereby a search would otherwise be unlawful.
4. Officers are prohibited from using this statute to harass.
5. Prior to a search of a parolee/probationer based on the sole fact that the person is merely a parolee/probationer, a member of this department shall verify the status of the person believed to be on supervised probation or parole and that a waiver exists prior to conducting a seizure and or search.
6. If a waiver does not exist or cannot be confirmed, the officer will need to follow rules of criminal procedures for any warrantless search.
7. Authority granted under this statute does not preclude other restrictions that may be applicable under law including 3rd party rights, co-occupants, etc.
8. In the event a co-occupant or other lawful third party prevents the search of a residence where a parolee or probationer resides based on applicable law, the officer will advise the third party that the parolee/probationer may be in violation of his/her parole based on their lawful objection, and the officer will report the incident to Parole/ Probation for their consideration of enforcement.
9. Officers will document all parole/probation searches or attempts to search in an incident or informational report. The report should document the date, time, location,

parolee/probationer searched, scope of the search, the law enforcement concern that led to the search or an otherwise lawful stop, and the result of any such search.

10. In addition to typical enforcement that may occur, the discovery of any criminal violation will be immediately reported to the appropriate Parole/Probation Officer for further administrative consideration.

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.1 Use of Force	Effective Date: March 17, 2015
Reference: 1.3.4, 41.3.5, General Orders 13, 14, 23, 29, 32	Version: 5
CALEA: 1.3	No. Pages: 8

I. PURPOSE

The purpose of this directive is to state the Fayetteville Police Department policy regarding the use of force, including deadly force, less lethal force and defensive tactics.

II. DISCUSSION

The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must at all times be secondary to the protection of life. The officer's responsibility for protecting life must include his own.

III. DEFINITIONS

Deadly Force – Deadly force is that force which may cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Physical Force – Physical force is any bodily impact, restraint, confinement or the threat thereof.

Reasonable Belief – Reasonable belief is fact or circumstances the officers knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury – Serious physical injury is bodily injury that creates a substantial risk of death; cause serious, permanent disfigurement; or results in a long-term loss or impairment of the functioning of any bodily member or organ.

IV. POLICY

It shall be the policy of the Fayetteville Police Department that its officers shall not use more force in any situation than is reasonably necessary under the circumstances. [CALEA 1.3.1]

Officers of the Fayetteville Police Department shall only carry firearms, less-lethal weapons, and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty assignments that have potential for police action, officers shall only carry firearms, less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 1.3.9].

A. Use of Deadly Force

1. An officer may use deadly force to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury [CALEA 1.3.2].
2. The use of deadly force should be prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.
3. Deadly force shall never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.
4. Officers shall not be permitted to fire at felony suspects when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
5. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another person.
6. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass."
7. An officer may use deadly force to effect the capture or prevent the escape if the officer reasonably believes that the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
8. In order to protect the community's interest when employees may have exceeded the scope of their authority in their actions or in their use of deadly force and to shield employees who have not exceeded the scope of their authority from possible confrontations with the community, employees whose actions or use of force in an official capacity results in death or serious physical injury shall be relieved from line-duty assignment pending administrative review. This shall include all employees, is not limited to shootings, and will include incidents such as fatal or serious physical injury motor vehicle collisions involving employees [CALEA 1.3.8].
9. The killing of an animal is justified by the following conditions:
 - a. For self-defense, to prevent injury to an officer or another, or when the animal is so badly injured that humanity requires its relief from further suffering.
 - b. The destruction of vicious animals should be guided by the same rules set forth for self-defense and safety of others.

- c. A Use of Force Report and memorandum to the officer's direct supervisor shall be completed when an animal is killed for the self-defense of officers or safety of others.
- d. A seriously wounded or injured animal may be destroyed upon approval from a supervisor, and only a Use of Force Report is required.

B. Use of Physical Force and Less-Lethal Weapons

All police officers of the Fayetteville Police Department are directed to obtain defensive tactics training and certification to carry and use the departmental authorized less-lethal weapons. Officers will be issued copies of 1.3.1 and will be instructed in this policy [CALEA 1.3.12]. Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with guidelines set forth in ~~section 1.3.4~~ the Less-Lethal Weapons and Defensive Tactics policy (1.3.4), and in accordance with guidelines established in this policy and the applicable general orders.

All departmentally approved less-lethal devices are deployed as additional police tools and are not intended to replace firearms or self-defense techniques. Officers choosing to use these devices should not compromise their safety.

C. Firearms

1. Issuance of "Use of Force" policy: All officers of the Fayetteville Police Department shall be issued individual copies of and receive instruction on the department's policy regarding use of deadly force prior to being issued a firearm [CALEA 1.3.12]. Officers will receive in-service training on the department's use of force policy on an annual basis [CALEA 1.3.11].
2. Proficiency in Use of Agency-Authorized Firearms: Qualification with the issued handgun is an essential job function of a Fayetteville Police Officer. Failure to qualify may result in the imposition of discipline, up to and including termination of employment. Additionally, failure to qualify with any other department-approved weapon would prohibit that officer from being allowed to carry that particular weapon [CALEA 1.3.10]. An Arkansas Commission on Law Enforcement Standards and Training (CLEST) certified weapons instructor shall conduct training and qualification [CALEA 1.3.11 a].
 - a. Officers shall qualify with the issued handgun four times each year, at least one of which will meet a CLEST approved Standard Qualification Course of Fire for one target [CALEA 1.3.11 b].
 - b. On all other qualification relays, officers shall qualify with a score equal to or better than the established standard set by the Chief of Police in consultation with the Firearms Instructor.
 - c. Officers certified on the department approved shotgun or rifle shall qualify annually on a CLEST approved course.

- d. All firearms training and qualification scores, including remedial training if necessary, will be documented and maintained by the Firearms Division until an officer separates from the department [CALEA 1.3.11 b].
 - (1) An officer who fails to qualify with his/her issued handgun, shotgun, or rifle after two consecutive attempts shall be referred for immediate refresher remedial training by a certified firearms instructor.
 - (2) The firearms instructor providing the remedial training shall notify the officer's immediate supervisor and the Chief of Police in the event the officer is still unable to qualify at the conclusion of the extra training session.
 - a) Upon notification an officer has failed to qualify with their issued handgun, the supervisor shall immediately relieve the unqualified officer of the issued handgun and patrol duty, with pay. The unqualified officer will be directed to report to the Training Division the next working day for additional remedial training. The officer's authority to carry a firearm shall remain revoked until such time as the officer qualifies or the determination is made the officer is not responding to further training [CALEA 1.3.11 c].
 - b) Upon notification an officer has failed to qualify with a shotgun or rifle, the officer's authority to carry the firearm shall remain revoked until such time the officer qualifies. It shall be the responsibility of the officer to schedule additional remedial training and qualifications.
- e. Any officer who fails to qualify with their issued handgun, and receives remedial training more than once during a calendar year, shall be subject to disciplinary action. If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing.
- f. Officers shall attain and demonstrate knowledge of the laws concerning the use of firearms and be familiar with and recognize safe-handling procedures for the use of these weapons.
- g. Any officer returning to duty after an absence exceeding three months shall report to the Training Division for remedial refresher training and a CLEST approved qualification prior to being permitted to return to full duty.
- 3. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- 4. Warning Shots: Officers are not justified in using a firearm to fire a warning shot for any purpose. Warning shots endanger the lives of innocent bystanders and may also prompt a suspect to return fire [CALEA 1.3.3].
- 5. Off-Duty Possession of Weapons: It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed weapon while off-duty within the corporate limits of Fayetteville. Officers should also be aware that Federal Law, known as the Law Enforcement Officers Safety Act of 2004, provides certified law enforcement officers with the right to carry a concealed firearm in any jurisdiction of the United States.
 - a. Officers are not required to carry a weapon while off-duty, but may do so at their option.
 - b. Officers exercising the option to carry a weapon while off-duty are authorized to carry their issued primary and/or secondary handgun(s) weapon.

- c. Authorization for officers to carry weapons while off-duty shall be subject to the following conditions:
 - (1) Officers will be required to have in their possession the department-issued badge and official identification card.
 - (2) Officers in plain clothes wearing their firearms exposed to the public view shall display their department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.
 - (3) Officers who choose to carry a weapon other than one issued by the police department shall qualify to demonstrate proficiency in the use of that weapon on an annual basis at their own expense.
- 6. Department-Issued Weapons and Ammunition: Reference may be made to section 41.3.5 for specifications of department-issued weapons and ammunition.
 - a. All department-issued firearms will be inspected on an annual basis by a certified armorer and must be approved by the armorer before being issued and/or carried [CALEA 1.3.9 c,d,e].
 - (1) The Firearms Division will maintain weapons inspections reports.
 - (2) Firearms determined to be unsafe or irreparable by certified weapons instructors or armorers shall immediately be removed from service with a report indicating such status [CALEA 1.3.9 d.].
 - (3) For weapons in need of repair, a certified armorer will make the decision to repair the weapon or to send the weapon to the factory's certified repair center [CALEA 1.3.9 d.].
 - (4) The Firearms Division will maintain a record on all weapons in service to include inspection date(s) and maintenance [CALEA 1.3.9 e.].
 - b. Officer Responsibility for Department-Issued Firearm:
 - (1) Officers must take reasonable and adequate care of any firearm issued to them.
 - (2) In the event a firearm is lost, damaged, destroyed or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes negligence or willful destruction or damage of the firearm by the officer.
 - (3) Officers shall be responsible for reporting damaged or unsafe firearms to the on-duty supervisor who will ensure unsafe firearms are removed from service and the certified armorer is notified. Officers shall complete a memorandum documenting the damaged or unsafe firearm to his immediate supervisor to be forwarded through the chain of command, as well as to the certified armorer [CALEA 1.3.9 d.].
 - (4) In the event of the loss of department-issued firearm, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities of the firearm loss and ensure that the loss is reported through the department's ACIC/NCIC terminal.
 - (5) Officers may choose to leave their issued handgun(s) in their locked lockers at the department. If officers choose to remove their issued handgun(s) from the department while off duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 1.3.9 f.].
- 7. Discharge of Weapon: If an officer, on or off duty, fires a department-issued weapon while acting in his official capacity (except for training purposes such as range

qualifications) or in the event of an accidental discharge, the officer shall comply with the following:

- a. The officer who fired the weapon shall notify the shift supervisor as soon as practicable after the firing has taken place.
 - b. The supervisor shall make a preliminary investigation each time an officer under his command fires a weapon.
 - c. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel [CALEA 1.3.6 a.].
 - d. If during the performance of duty or on any occasion an officer fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the following procedure is to be followed immediately:
 - (1) Medical aid, to the extent possible, should be given to anyone injured [CALEA 1.3.5].
 - (2) The shift supervisor is to be notified immediately.
 - (3) The shift supervisor will notify the Chief of Police through the chain of command immediately.
 - (4) A shooting team, the members of which will be designated by the Chief of Police, will be called to the scene.
 - (5) The shooting team will be responsible for conducting a thorough investigation into the circumstances surrounding the shooting. The shooting team will, at the conclusion of the investigation, submit a report to the Chief of Police including relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge violates departmental policy.
 - (6) The shooting team will be functioning with the full authority of the Chief of Police. The team will be in complete control of the internal investigation. All officers, including shift supervisors, shall give the team their full cooperation. No one shall interfere with such an investigation.
 - (7) If the facts of the incident support a conclusion that the shot was the result of negligence, the officer shall be required to undergo firearms certification training again.
8. Firearms - The Fayetteville Police Department authorizes the following weapons and will govern proficiency requirements as follows for each weapon. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons [CALEA 1.3.10]:
- a. Each officer will be assigned and issued a primary handgun that will be either the Glock model 35 .40 caliber semi-automatic pistol or the Glock model 23-C .40 caliber semi-automatic pistol [CALEA 1.3.9 a.]:
 - (1) Officers must meet the qualification standards for their issued handgun as previously stated in this policy [CALEA 1.3.11 b.].
 - b. Officers are authorized to carry an issued Glock model 27 .40 caliber semi-automatic pistol as a secondary weapon [CALEA 1.3.9 a.].
 - (1) Officers issued this weapon will qualify annually on an approved qualification course [CALEA 1.3.11 b.].
 - c. The rifle will be an AR 15 type short barrel rifle (SBR 11.5 inch barrel) or carbine (16 inch barrel) capable of semi-automatic fire in caliber 5.56 mm (.223 caliber) magazine fed. This rifle will be either of the A2 type with fixed carry handle with iron sights only, or the A3 flat top equipped with a reflex sight approved by the Chief

of Police an ~~Eo Tee~~ holographic sight and co-witness flip up iron sights [CALEA 1.3.9 a.]:

- (1) The AR15 rifle will be authorized for Emergency Response Team (ERT) members and for other selected sworn members of the department.
 - (2) AR15 operators must successfully complete a patrol rifle certification course approved by CLEST [CALEA 1.3.11 b.].
 - (3) AR15 operators must pass a CLEST approved patrol rifle qualification course using both types of sights annually [CALEA 1.3.11 b.].
- d. Shotguns will be Remington 11-87 gas operated semi-automatic 12 gauge shotguns. They will be either 14 inch barreled or 20 inch barreled. The Remington 870 12 gauge pump action shotgun used by ERT may be deployed using specialized ammunition as determined by the ERT Team Commander [CALEA 1.3.9 a.]:
- (1) Shotguns will be authorized for ERT members and for sworn officers.
 - (2) Shotgun operators will have completed a shotgun certification course approved by CLEST.
 - (3) Shotgun operators must pass a CLEST approved shotgun qualification course annually [CALEA 1.3.11 b.].
- e. Precision rifles will be either the Remington model 700 LTR bolt action .308 caliber or the Larue PredatOBR semi-automatic, gas operated, magazine fed .308 caliber rifle [CALEA 1.3.9 a.]:
- (1) Precision rifles will be authorized for selected ERT members.
 - (2) Precision rifle operators must successfully complete a Sniper certification course approved by CLEST.
 - (3) Precision rifle operators must pass a CLEST approved precision rifle qualification course annually [CALEA 1.3.11 b.].
- f. Officers assigned to the 4th Judicial District Drug Task Force (DTF) will be authorized to carry the Glock model 27 .40 caliber semi-automatic pistol [CALEA 1.3.9 a.].
- (1) DTF officers issued this weapon will qualify annually on an approved qualification course [CALEA 1.3.11 b.].
- g. The aforementioned weapons when not in operation, other than department issued handguns, must be locked and stored in approved department arsenals or safes. While on duty, rifles and shotguns in marked patrol vehicles shall be carried in approved locking mechanisms. Officers will follow storage guidelines in this policy that apply to issued handguns [CALEA 1.3.9 f.].

D. Use of Force Reports: The purpose of this section is to establish specific guidelines that define the situation when a Use of Force Report must be completed. Not every touching by an officer requires a report; circumstances that require a report are outlined in this section [CALEA 1.3.6].

1. All officers are directed to complete a Use of Force Report when the following criteria are met and turn it in to his supervisor before the end of his shift:
2. Situations that require supervisor notification and completion of the Use of Force Report [CALEA 1.3.6 b, c, d]:

- a. An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that he or she was injured;
 - b. An officer exercising police authority uses any object including but not limited to a hand, fist, foot or intermediate weapon to strike a blow to a subject;
 - c. An officer exercising police authority bodily removes or drags a struggling subject from one place to another, or forcibly places or keeps a person in a prone position;
 - d. An officer exercising police authority uses force during or after which a subject loses consciousness;
 - e. An officer uses any intermediate weapon or less lethal weapon;
 - f. An officer discharges a firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exception: range activity and other lawful and safe target practice) [CALEA 1.3.6 a.];
 - g. An officer points a firearm at anyone.
3. Officers should photograph and document any injury, or reported injury, on the Use of Force Report.
 4. Use of Force Reports will be reviewed and submitted by the shift supervisor to the department's administration [CALEA 1.3.7]:
 - a. A supervisor will conduct a documented review of camera captured data in all uses of force incidents that involve the use of less lethal weapons and/or weaponless uses of force which result in a subject receiving medical treatment.
 - b. Each Use of Force Report will be reviewed by the division's respective captain and by the Chief's designated head of Office of Professional Standards (OPS) [CALEA 1.3.7].
 - c. The designated head of OPS will conduct an annual analysis of all Use of Force Reports, activities, policies, and practices and submit a report to the Chief of Police [CALEA 1.3.13].

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.4 Less-Lethal Weapons and Defensive Tactics	Effective Date: October 6, 2015
Reference: 1.3.1, General Orders 13, 14, 23, 29, 32	Version: 6
CALEA: 1.3.4, 1.3.5, 1.3.6, 1.3.9, 1.3.11, 1.3.12	No. Pages: 4

I. PURPOSE

The purpose of this directive is to establish specific guidelines for the use of authorized less-lethal weapons and defensive tactics [CALEA 1.3.4].

II. DISCUSSION

Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

III. POLICY

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in a manner consistent with this agency's use of force policy and in accordance with guidelines established in this policy and in the applicable general orders.

~~in accordance this agency's use of force policy and with the guidelines established in this policy~~

A. Defensive Tactics

The *Use of Force Continuum* is included as a guide in the appropriate use of force. It is recognized that it cannot be rigidly applied in rapidly unfolding and fluid situations. Officers should generally use the level of force that can reasonably be expected to succeed in controlling the situation. Officers are not required to move in a hierarchical fashion through all the levels of control, but instead, should use that level of force that is appropriate and reasonable under existing circumstances [CALEA 1.3.1].

The force continuum contains areas of control, which will be used by an officer, and the levels of resistance, which are used by the offender.

1. Levels of Control:

The department will instruct various defensive tactics techniques, which include pressure point and ground fighting techniques to officers. Officers shall only use authorized techniques they have been trained to use:

- a. Officer Presence: The professional appearance and uniform of a police officer.
- b. Verbal Direction: The appropriate verbal response and commands used to attempt to direct the action of a suspect.
- c. Empty Hand: Soft empty hand techniques are designed to control passive or defensive resistance. They are used when verbal direction/commands are not effective and there is non-compliance with lawful orders. Soft empty hand control techniques include strength techniques, joint locks, pressure points or distraction techniques, which are hand and leg strikes to specific motor nerve points.
- d. Hard Empty Hand Control techniques are designed to control active aggression, but can be used to control defensive resistance when lower forms of control have failed or when the officer believes lower forms of control will fail.
- e. Intermediate Weapons: An intermediate weapon is any tool used when empty hand control has been, or will likely be, ineffective or dangerous for the officers to attempt, and deadly force is not justified.

Usage criteria for intermediate weapons is as follows:

- (1) The use of any intermediate weapon is considered a use of force and shall be deployed in a manner consistent with this agency's use of force policy and in accordance with guidelines established in this policy and in the applicable general orders.
 - (2) An intermediate weapon may be used when:
 - (a) verbal dialogue has failed to bring about the subject's compliance, and
 - (b) the subject has signaled an intention to actively resist the officer's efforts to make the arrest, and
 - (c) the use of empty hand techniques has been, or will likely be, ineffective or not reasonable under the circumstances.
 - (d) confronted with an aggressive animal.
 - (3) Whenever practical and reasonable, officers should issue a verbal warning prior to the use of an intermediate weapon.
 - (4) An officer may use deadly force to protect himself or others from the use, or threatened use, of an intermediate weapon when the officer reasonably believes that deadly force will be used against him if he becomes incapacitated.
 - (5) An intermediate weapon is not designed, nor expected, to be used in place of deadly force when deadly force is justified. The intermediate weapon is another tool in the use of force continuum to assist in preventing injury to officers or others.
 - (6) Once a suspect is compliant, the use of an intermediate weapon is no longer justified.
 - (7) If an intermediate weapon has been deployed, officers shall seek appropriate medical aid and/or assistance if necessary. Reference may be made to general orders specific to the less-lethal weapon [CALEA 1.3.5].
- f. Deadly/lethal force: Force likely to cause death or serious physical injury. Officers are authorized to use deadly force only when it is reasonable and

necessary to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury.

2. Levels of Resistance:

- a. Psychological Intimidation: The suspect attempts to intimidate the officers psychologically. These are non-verbal cues such as suspect attitude or physical appearance or physical readiness.
- b. Passive Resistance: The suspect makes no attempt to fight the officer or even pull away. He simply forces the officer to do all the work. An example would be the protestor who causes the officer to pick him up and carry him from the scene or the drunk driver who will not step from the car but must be physically pulled out.
- c. Verbal Non-Compliance: This includes verbal threats from the suspect towards the officers. A suspect may not be resisting just by threatening the officer but may simply refuse to comply with orders, be unwilling to comply or ignore the officer completely.
- d. Defensive Resistance: The suspect performs actions that attempt to prevent officers from controlling him, such as pulling away when handcuffing is attempted. He may simply move away from the officer or push the officer's hands away. The suspect makes no attempt to harm the officer, just tries to defeat the arrest.
- e. Active Aggression: The suspect attempts to harm the officer by physical actions such as striking or kicking him.
- f. Aggravated Aggression: The suspect is attempting to harm the officer by use of a weapon or empty handed at a deadly force level.

3. De-escalation of Force:

- a. Officers must immediately de-escalate down to empty hands or verbal commands after gaining compliance through the use of an intermediate weapon.
- b. Officers, for their own protection, should understand and comply with the force continuum.

4. Training:

- a. Officers are only authorized to use intermediate weapons, pressure points and defensive tactics after they have received training and certification.
- b. Officers are required to attend refresher training on handgun retention and defensive tactics as scheduled by the Training Division.

B. Less-lethal Weapons

Less-lethal weapons provide officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty. It is the policy of this department that officers use less-lethal weapons when warranted, but only ~~in accordance with the guidelines established in this policy~~ in a manner consistent with this agency's use of force policy and in accordance with guidelines established in this policy and in the applicable general orders.

Less-lethal weapons are not designed to be used in place of deadly force when deadly force is justified. Less-lethal weapons are other tools in the use-of-force continuum to assist in preventing injury to officers and others. Officers of the Fayetteville Police Department shall only carry less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty assignments that have the potential for police action, officers shall only carry less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 1.3.9]. The types and specifications of approved less-lethal weapons and any corresponding ammunition will be governed by the department's Approved Weapons and Ammunition List as maintained by the Administrative Lieutenant [CALEA 1.3.9 a., b.].

All less-lethal weapons shall be reviewed and inspected on an annual basis by a qualified weapons instructor or armorer. All less-lethal weapons must be deemed safe and operational by the qualified weapons instructor or armorer before being issued and/or carried [CALEA 1.3.9 c.]. Less-lethal weapons determined to be unsafe by qualified weapons instructors or armorers shall immediately be removed from service [CALEA 1.3.9 d.].

The police department will maintain a record on all less-lethal weapons in service to include inspection date(s) and maintenance [CALEA 1.3.9 e.]. The department's Duty Assignment List will document personnel responsible for maintenance and inspection of less-lethal weapons.

Officers shall be responsible for reporting damaged or unsafe less-lethal weapons to the on-duty supervisor who will ensure unsafe less-lethal weapons are removed from service. Officers shall complete a memorandum documenting the damaged or unsafe less-lethal weapon to his or her immediate supervisor. The supervisor shall forward the memorandum through the chain of command and also send a copy of the memorandum to the qualified weapons instructor or an armorer listed on the department's Duty Assignment List. Before the repaired less-lethal weapon is put back into service, it will be inspected by a qualified weapons instructor or armorer and deemed safe and operational [CALEA 1.3.9 d.].

All agency personnel authorized to carry less-lethal weapons will be issued copies of and be instructed in the policies FPD 1.3.1, 1.3.4, and applicable Less-lethal General Orders before being authorized to carry the weapon. The issuance and instruction shall be documented [CALEA 1.3.12]. Officers shall receive in-service refresher training, to include a review of FPD 1.3.1 and 1.3.4, on an annual basis [CALEA 1.3.11]. A certified weapons or tactics instructor will conduct refresher training. Proficiency training must be monitored by a certified weapons or tactics instructor [CALEA 1.3.11]. All agency personnel authorized to carry electronic controlled weapons shall annually demonstrate proficiency. In service training for other less-lethal weapons and weaponless control techniques shall occur at least biennially [CALEA 1.3.11]. The training division will maintain documentation of refresher training and proficiency training on all weapons [CALEA 1.3.11 b.]. Remedial training, if necessary, will be given to any officer who is

unable to demonstrate knowledge and proficiency of less-lethal weapons prior to resuming official duties [CALEA 1.3.11].

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.6 Officer-involved Shooting	Effective Date:
Reference: FPD 1.3.1, GO 21	Version: 1
CALEA:	No. Pages: 9

I. PURPOSE

The intent of this policy is to establish procedures for the response and investigation of officer-involved shootings, on duty or off duty, and to ensure that such incidents be investigated in a thorough, fair and impartial manner.

II. DISCUSSION

It is important employees know what to expect before a shooting occurs. This policy will outline the steps to be taken when:

- An officer fires his/her weapon at any person; or
- An officer fires his/her weapon and strikes any person.

An officer firing his/her weapon in training, practice, or for the humane termination of a critically wounded animal is not applicable to this policy.

III. DEFINITIONS

Deadly Force: Deadly force is force which may cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Reasonable Belief: Reasonable belief is fact or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Officer-Involved Shooting: For the purpose of this policy, an officer-involved shooting is defined as any shooting where an officer fires his/her weapon at any person, or an officer fires his/her weapon and strikes any person. This includes officer-involved shootings on-duty, off-duty, and the unintentional discharge of a firearm resulting in injury to another person.

Internal/Office of Professional Standards (OPS) Investigation: An investigation conducted to evaluate adherence to department policies, procedures, and rules.

Shooting team: Investigators assigned by the Chief of Police or his designee to conduct an internal investigation into the events of an officer-involved shooting.

Criminal Investigation: A criminal investigation is an investigation conducted by Fayetteville Police Department investigators and/or investigators from an outside agency. The purpose of the criminal investigation is to determine if any laws were violated by employees and/or other involved subjects.

Critical Stress Debriefing: Critical stress debriefing is a benefit provided to Fayetteville Police Department employees who are directly involved in critical incidents that may lead to stress beyond the scope of daily calls for service.

Employee Assistance Program: The City of Fayetteville Employee Assistance Program is a benefit provided to City of Fayetteville employees that allows employees and/or their family members to receive counseling sessions.

IV. POLICY

1. The Fayetteville Police Department recognizes officer-involved shootings involve serious decisions and actions, and shooting incidents deserve immediate and objective review. Incidents shall be critically examined in order to protect both the interests of the public and involved employees. The Fayetteville Police Department is responsible for the completion of criminal and internal investigations related to officer-involved shootings within their jurisdiction; however, this responsibility will be relinquished in criminal investigations to another agency in most situations involving injury or death.

V. PROCEDURE

A. Crime Scene

For the purpose of this policy, the below listed steps shall be taken after the crime scene has been secured and there is no longer an immediate threat to officer safety. The Fayetteville Police Department recognizes that an officer who has been involved in a shooting may have memory loss and other physiological reactions caused by the shooting incident. For that reason, the following listed procedures shall be followed:

1. Digital Mobile Video Recorders (DMVR) and/or body worn cameras shall not be turned off by any officer until he/she has been instructed to do so by a supervisor, or until the officer leaves the scene(s) of the incident. Supervisors

should make exceptions for officers having private conversations with their legal representatives and/or family members.

2. Immediately after the scene has been determined to be safe, officers shall provide first aid to the extent possible to any person who has been injured [CALEA 1.3.5].
3. Officers shall advise Central Dispatch Center (CDC) to request an ambulance to treat anyone who is in need of medical care.
4. The officer(s) shall request an on-duty supervisor respond to officer-involved shooting scenes.
5. The officer(s) on the scene of a shooting shall secure the crime scene to the extent possible so as not to destroy any evidence that may be of importance to the investigation.
6. An on-duty supervisor shall immediately respond to the scene of the shooting and ensure:
 - a. All medical needs have been addressed;
 - b. The crime scene has been adequately secured;
 - c. The Chief of Police shall be notified through the chain of command immediately;
 - d. Additional personnel or resources have been requested through CDC, and;
 - e. CDC has contacted the Public Information Officer to respond to the scene to manage media inquiries.
7. The first responding on-duty supervisor shall maintain control of the shooting scene until he/she is relieved of that duty by appropriate personnel. The supervisor in charge of the scene shall cause a shooting scene log to be kept documenting any and all individuals entering the scene.
8. The on-duty supervisor shall specifically ask each officer at the scene of a shooting if they have been injured. Any injuries shall be documented and photographed, and the supervisor shall ensure injured officers receive medical treatment. The on-duty supervisor shall ensure appropriate worker's compensation paperwork is completed.
9. The officer(s) involved in the shooting who fires his/her weapon shall give a brief account to the first responding supervisor of the sequence of events. This shall include the nature of the initial call or encounter, the number of subjects and/or witnesses who were involved, and any information the officer feels is critical for the initial report, investigation, or public safety.

10. The officer's supervisor at the time of the incident will be responsible for ensuring that personnel involved in the shooting file reports in a timely manner [CALEA 1.3.6a].

11. All officers involved in the incident, regardless if they fired their weapon, shall return to the police department as soon as released by a supervisor. When necessary, officers will be driven from the scene to the police department.

B. Upon Return to the Police Department

1. Officers who were involved in the shooting shall be given time to contact family members, legal representatives, pastors, peers, and/or other support personnel the officer deems necessary.

2. The involved officer(s) who fired his/her weapon shall not be isolated. A neutral peer or supervisor shall be assigned to accompany and support the officer until the officer has been released to leave the department. The support officer shall not question the involved officer about the shooting.

3. In a private setting at the police department, a supervisor shall retrieve the involved officer's fired weapon for investigation and immediately exchange it with a replacement handgun. If a long gun was fired, it shall be at the discretion of the Chief of Police, or his designee, if the long gun is to be replaced, dependent on the availability of weapons.

4. The immediate supervisor shall collect discharged firearms and maintain strict custody of the firearms until released to the criminal investigation team or submitted to the Property and Evidence Division. Appropriate paperwork will be completed to document the exchange.

5. All officers who were present at the scene of a shooting shall have their weapons inspected, photographed and documented to verify shots were or were not fired. This shall be done in a private setting at the police department by a supervisor or the criminal investigators.

6. As soon as possible following a shooting, the shooting team shall inform the involved officer(s) of the administrative and investigative process that will follow. The officer shall be given a point of contact at the police department so that any questions or concerns the officer has can be addressed.

7. When the involved officer is released by the shooting team to go home, he/she will be provided transportation as needed.

8. The officer(s) shall be kept informed of the status of the internal and criminal investigations as is practicable.

C. Internal Investigation

1. The Chief of Police or his designee will select members for a shooting team immediately following an officer-involved shooting. The shooting team shall answer directly to the Chief of Police.
2. The shooting team's internal investigation shall focus on Fayetteville Police Department policies, procedures and rules. This investigation will be separate from the independent criminal investigation.
3. All internal shooting team investigations shall be conducted in a thorough and efficient manner. Shooting team investigations shall take priority over other assignments and shall be completed as timely as possible.
4. All employees shall cooperate with the shooting team, and no employee shall interfere in any way with the investigation.
5. The officer involved in the shooting will be given a chance to recover from the traumatic event before he / she will be required to give a formal interview with the shooting team.
 - a. The involved officer(s) shall be afforded the opportunity to have legal representation present during internal interviews conducted by the shooting team.
 - b. Prior to an internal investigation interview, the officer/s shall be afforded the review of his/her Garrity Warning.
 - c. All interviews shall be audio recorded.
 - d. The involved officer(s) will be compensated for time spent participating in the internal and criminal investigation.
 - e. If an officer refuses to answer questions during an internal investigation, he/she will be given a direct order to answer the questions. If the officer refuses, he/she will face discipline up to and including termination.
6. An employee's compelled statements made during an internal investigation shall not be used against that employee in any criminal investigation.
7. Once the internal investigation is complete, it shall be submitted to and reviewed by the head of the Office of Professional Standards (OPS). The investigation findings shall then be delivered to the Chief of Police. The Chief of Police shall determine what actions are to be taken.

D. Criminal Investigation

1. When an officer fires his/her weapon, the Chief of Police may request an independent criminal investigation by an outside police agency to determine if any law was broken by the officer(s) and/or the other involved subject(s). It shall be the Chief of Police or his designee's discretion as to which, if any, outside agency shall be utilized.
2. The Chief of Police or his designee shall notify the Washington County Prosecuting Attorney about the shooting as soon as possible to allow the prosecutor the opportunity to visit and examine the crime scene.
3. The criminal investigators shall have priority to the crime scene, and they will allow the shooting team access once critical evidence has been identified and preserved.
4. During criminal investigation interviews of police department personnel, all constitutional guarantees shall be afforded to personnel as would be afforded to any citizen.
5. When circumstances dictate the criminal investigation is to be conducted by the Fayetteville Police Department Criminal Investigation Division, the supervisor in charge of the investigation shall keep the Chief of Police or his designee informed of the progress of the investigation.
 - a. When the investigation has concluded, the Chief of Police shall review the findings.
 - b. After a review of the findings, the Chief of Police shall direct the supervisor in charge of the investigation to forward the case file to the Washington County Prosecuting Attorney's Office for review.
 - c. The criminal investigation shall not be considered complete and/or closed until the investigation and findings have been reviewed by the prosecutor.
 - d. It is recognized the prosecutor may request additional interviews or investigation, and therefore the criminal investigation shall not be released to anyone other than the prosecutor and/or Fayetteville City Attorney, until the investigation has been reviewed and is officially completed and closed.

E. Administrative Leave

1. It shall be the policy of the Fayetteville Police Department that any officer who fires his/her weapon at any person, or who fires his/her weapon and strikes any person, shall be removed from line-duty assignment [CALEA 1.3.8] and placed on paid administrative leave. The Chief of Police is the ultimate authority and may deem it necessary to place other employees on paid administrative leave.

2. Paid administrative leave is a matter of policy, and should not be interpreted to imply or indicate the officer(s) has acted properly or improperly. Administrative leave is not a disciplinary action.
3. At all times while on administrative leave, the officer(s) shall remain available to investigators.
4. The Chief of Police is the ultimate authority who shall decide when an officer is to return to work and in what capacity.
5. An officer who has been on leave pursuant to this policy shall qualify with his/her duty weapon(s) prior to returning to his/her regular duty assignment.

F. Return of Weapons

1. The examination and testing of firearms may take several weeks and/or months to complete. When an officer's weapon is returned to the police department, and it is no longer needed by the Washington County or Fayetteville City Prosecutor, the firearm shall be inspected by a certified armorer to determine if the weapon is safe to reissue.

G. Employee Assistance

1. When an officer is involved in a shooting, it shall be the policy of the Fayetteville Police Department to provide services to the officer, including but not limited to, critical stress debriefing involving a professionally recognized counselor, chaplain, medical doctor, and/or peer group. The Chief of Police shall be responsible for selecting who is to be used for the critical stress debriefing. Critical stress debriefing should normally be held within the first seventy-two hours following the incident.
2. It shall be mandatory for officers who discharge their weapon at any person, or who has been shot, to attend the Employee Assistance Program and follow the treatment plan given.
3. The Chief of Police may choose to refer employees to an alternate mental healthcare professional who specializes in counseling for law enforcement personnel in place of the Employee Assistance Program.
4. An employee who was present during a shooting, but did not fire his/her weapon, or at whom a weapon was fired, shall be offered the option of the Employee Assistance Program.

5. An officer(s) involved in a shooting shall be given adequate time from work deemed necessary by the employee and the Chief of Police.
6. The Chief of Police has the discretion to require an employee to participate in an independent fitness for duty evaluation. If the Chief of Police determines there is a question about an employee's fitness for duty, the evaluation will not be conducted by any healthcare professional that provided post-shooting intervention and/or counseling.

H. Employee Injury

1. All police department employees shall complete a Line of Duty Death/Serious Injury Personal Information Sheet (LODD form) annually.
2. The Administrative Captain will distribute LODD forms for completion and revision annually.
3. Completed LODD forms shall be maintained in each employee's administrative file at the police department.
4. In most cases, notification shall be made by a member of the department's administration with assistance of the department's chaplain anytime there is an on-duty employee death, serious injury or serious illness. Depending on the situation, a member of the department's administration may assign or allow another sworn member of the department to make the notification or accompany during the notification (FPD GO 21). Every effort will be made to honor the employee's wishes, based on his/her completed LODD form.
5. Fayetteville Police Department employees are absolutely forbidden to release information concerning an employee's line of duty injury or death, unless given express permission to do so by the Chief of Police.

I. Social Media

1. Social media postings by police department employees of any kind concerning Fayetteville police officer involved shootings are absolutely forbidden, unless given express permission to do so by the Chief of Police.

POLICIES, PROCEDURES, AND RULES

Subject: 22.3 Secondary Employment	Effective Date: July 7, 2015
Reference: Arkansas Statute 12-9-102	Version: 2
CALEA: 22.3.4, 22.3.5	No. Pages: 3

I. Purpose

To establish guidelines for secondary employment by members of the Fayetteville Police Department.

II. Policy

It is the policy of the Fayetteville Police Department to allow agency personnel to engage in approved secondary employment opportunities within the guidelines of this policy [CALEA 22.3.4].

III. Definitions

- A. Extra-Duty Employment – secondary employment wherein the actual or potential use of law enforcement powers is anticipated.
- B. Off-Duty Employment – secondary employment wherein the actual or potential use of law enforcement powers is not anticipated.

IV. Departmental Limitations

- A. Employees may not engage in employment that is a threat to the status and dignity of law enforcement as a professional occupation. Employment representing such a threat includes, but is not limited to: [CALEA 22.3.4]
 - 1. Employment at establishments that promote obscenity or pornography as defined by the Arkansas Criminal Code.
 - 2. Any employment where the dispensing or consumption of alcoholic beverages is the primary function of the business. This prohibition does not include approval obtained by the Chief of Police for working special events where alcoholic beverage permits have been granted.
 - 3. Any employment where gambling occurs as the main source of activity. (This does not include civic fund raising events where the proceeds are used to support legitimate charities or other nonprofit agencies).
 - 4. Any employment where the employer is involved in a labor or civil rights dispute.

5. Any employment with individuals or companies of questionable business interest where there could be a decrease in trust and confidence from the public.
 6. Any employment whereby the nature of such employment would interfere with the performance of official duties, jeopardize in any manner the impartial position of the Department or create a liability concern that might involve the employee violating any procedure, ordinance or law.
 7. Any employment that might present potential conflicts of interest for employees between the Departmental duties and their duties for a secondary employer.
 8. Any employment that creates a decrease in trust and confidence from the public.
- B. To be eligible for secondary employment, employees must be in good standing with the department. The employee's history of past disciplinary actions shall be taken into consideration by the Chief of Police when determining eligibility.
 - C. Employees must have completed the Field Training Program before being eligible to work extra-duty employment.
 - D. Employees absent from duty, due to sickness, may not engage in secondary employment during the hours in which they were regularly scheduled to work.
 - E. Employees on light duty status, extended sick leave (more than three consecutive days), worker's compensation, FMLA, administrative leave or suspension are not authorized to work any extra-duty employment without the written consent of the Chief of Police.
 - F. Employees will not engage in any secondary employment that might affect the objectivity and independence of their judgment or conduct in performing their official duties and responsibilities.
 - G. Work hours for all secondary employment must be scheduled in a way that does not conflict nor interfere with the employee's official performance of duty. Special consideration will not be given to scheduling of the employee's duty hours to accommodate secondary employment.
 - H. All employees of the Department engaged in secondary employment are subject to call out in case of emergency and will be expected to leave any other employment in such situations.
 - I. Employees will not report to duty physically or mentally exhausted to the point where their performance is affected because of any secondary employment.
 - J. Extra-duty employment is limited to within the corporate limits of the City of Fayetteville. Off-duty employment may be authorized outside the city limits.

V. Guidelines

- A. Employees must complete a Request for Approval of Extra Employment Outside Department Form Request For Approval Of Secondary Employment Outside Department form prior to seeking secondary employment. This form must be routed through the employee's chain of command [CALEA 22.3.5 a.].
- B. Additionally, all non-sworn employees are required to submit an Outside Employment Request form through their chain of command to the Chief of Police and the City Attorney, in compliance with City of Fayetteville Policy and Procedure HR-15.

- C. The Chief of Police, or his designee, will have final approval or disapproval authority for requests of secondary employment, and no employee shall work such employment until authorization has been obtained [CALEA 22.3.5 c.].
- D. ~~The Request for Approval of Extra Employment~~ The Request For Approval Of Secondary Employment Outside Department form shall contain the significant aspects of the secondary employment job the employee is seeking [CALEA 22.3.5 e.].
- E. A copy of all approved secondary employment forms shall be routed to the Administrative Captain for filing and review for adherence of this policy [CALEA 22.3.5 d.].
- F. Once on-going secondary employment has been approved, the employee must resubmit a “new” request for approval form at the beginning of each year.
- G. Once granted, approval for secondary employment can be revoked or annual renewal denied when, in the judgment of the employee’s chain of command, the secondary employment becomes incompatible with departmental employment or adversely affects the employee’s job performance or efficiency [CALEA 22.3.5 c.].

VI. Accountability

- A. All employees engaged in extra-duty employment, uniformed or plain clothes, shall abide by the Policies, Procedures and Rules of the Fayetteville Police Department [CALEA 22.3.5 b.].
- B. Officers wearing his/her uniform off-duty are a representative of the Department. As such, the member shall avoid non-police related job duties that would tend to detract from the professional image of the Fayetteville Police Department. Officers must conduct themselves at all times in a manner consistent with public respect for the uniform of the Department [CALEA 22.3.5 b.].
- C. Arrests made while engaging in secondary employment, will be turned over to the on-duty patrol shift for transport. The extra-duty or off-duty officer shall complete all necessary and required reports detailing the facts of the case.
- D. All sworn personnel working secondary employment are required to take enforcement action, within the jurisdiction of the Department, in an emergency. Under no circumstances shall an officer refuse a request due to being “off-duty” [CALEA 22.3.5 b.].
- E. All sworn personnel who are working an approved secondary employment job and engage in the duties of a law enforcement officer, as defined by Arkansas Statute 12-9-102, shall be considered “on-duty” and shall be compensated by the City of Fayetteville.
- F. The secondary employer will not be allowed to compensate sworn personnel for any time the employee was paid by the City of Fayetteville. It is the responsibility of the sworn employee to reconcile their work time through the City’s timekeeping software and their secondary employer.

1. When an officer fires his/her weapon, the Chief of Police may request an independent criminal investigation by an outside police agency to determine if any law was broken by the officer(s) and/or the other involved subject(s). If an officer fires his/her weapon and causes injury or death of another person, the Chief of Police shall request an independent criminal investigation by an outside police agency to determine if any law was broken by the officer(s) and/or the other involved subject(s). It shall be the Chief of Police or his designee's discretion as to which, if any, outside agency shall be utilized.
2. The Chief of Police or his designee shall notify the Washington County Prosecuting Attorney about the shooting as soon as possible to allow the prosecutor the opportunity to visit and examine the crime scene.
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 - d. It is recognized the prosecutor may request additional interviews or investigation, and therefore the criminal investigation shall not be released to anyone other than the prosecutor and/or Fayetteville City Attorney, until the investigation has been reviewed and is officially completed and closed.

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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0497

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: D. 1

**AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY
PRESENTATION - CHAMBER OF COMMERCE**

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
November 1, 2016**

A meeting of the Fayetteville City Council was held on November 1, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Alderman Tennant, La Tour, and Gray were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Agenda Additions: None

Consent:

Approval of the October 18, 2016 City Council Meeting Minutes.

Approved

Repeal Resolution No. 180-16: A resolution to repeal Resolution No. 180-16, award Bid No. 16-60 and authorize the purchase of a prefabricated bridge in the amount of \$31,500.00 plus applicable sales taxes from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

Resolution 192-16 as recorded in the office of the City Clerk

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

Resolution 193-16 as recorded in the office of the City Clerk

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

Resolution 194-16 as recorded in the office of the City Clerk

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

Resolution 195-16 as recorded in the office of the City Clerk

CH2M Hill Engineers, Inc. Change Order: A resolution to approve a change order to the Out-Of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000.00 to continue work on a Use Attainability Analysis for the White River, and to approve a budget adjustment.

Resolution 196-16 as recorded in the office of the City Clerk

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

Resolution 197-16 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Unfinished Business:

RZN 16-5550 (2155 N. Ruppel Rd./Hazen): An ordinance to rezone that property described in rezoning petition RZN 16-5550 for approximately 70 acres located East and West of Ruppel Road and South of Mount Comfort Road from RSF-1, Residential Single Family, 1 unit per acre; RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agricultural to CS, Community Services and R-A, Residential Agricultural. *At the October 4, 2016 City Council Meeting this ordinance was left on the first reading. At the October 18, 2016 City Council Meeting this ordinance was left on the second reading.*

No motion was made to go to the third reading. City Attorney Kit Williams read the entire ordinance.

City Attorney Kit Williams: Alderman Tennant emailed us and asked for this to be left on this reading and tabled until the next meeting. He is unavoidably out of town and wants to be here for this discussion. There is one four acre parcel I think should remain as its current zoning. I have the ordinance ready to go, but it would be better to present it to you at Agenda Session. It would give the applicant time to review it.

Jim Hazen, Property Owner gave a brief history of the property. He spoke about quality development. He spoke in favor of the rezoning.

Alderman Long stated Jared Dunn had contacted him and wanted to do a brief presentation. He stated Mr. Dunn has been in contact with Mr. and Mrs. Hazen.

A discussion followed about allowing a visual aid presentation.

Jared Dunn, 3632 South Tower Circle stated he was speaking on behalf of other citizens. He stated they aren't opposed to any non-residential use in the area or development. He voiced his concern with one of the permitted uses allowing gas stations and drive through restaurants. He doesn't believe it is appropriate for the area. He doesn't believe the area is adequate for rezoning until there are some infrastructure changes. He voiced concerns about intersection traffic and safety in the area.

Mayor Jordan: Next year we are supposed to completely redo that intersection so it is not as dangerous.

Jared Dunn: You have already rezoned the Razorback Golf Course and that is going to increase traffic.

Mayor Jordan: It is.

Jared Dunn: We don't know when the road is actually going to get finished.

Mayor Jordan: Chris, what is the timeline?

Chris Brown, City Engineer: The current plan for the Ruppel Road project is to begin in mid-2017. It is a 12 month to 18 month project.

Jared Dunn: I would like to see the infrastructure improved before we continue to rezone this area due to safety. I want us to be responsible with our rezonings.

Tom Terminella, Representing Mr. and Mrs. Hazen stated they had no issue with tabling it for two weeks. He stated the Hazens are respectfully asking for the 72.1 acres to be all considered at one time. He stated Mr. and Mrs. Hazen have a home that will remain R-A with up to 15 acres and are the largest stakeholders in making a quality development.

Alderman Petty moved to table the ordinance to the November 15, 2016 City Council meeting. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

This ordinance was tabled to the November 15, 2016 City Council meeting.

VAC 16-5571 (West Jupiter Dr./Jupiter Drive): An ordinance to approve VAC 16-5571 submitted by Jorgensen and Associates, Inc. to vacate a portion of Jupiter Drive from McGuire Street to the AEP Substation. *At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.*

Alderman Long moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I sent a memo to you all. I feel like a small change of this ordinance should be considered by you. I received communication from Mr. Terminella about some suggestions he had for the conditions. I'm not asking for an amendment tonight because we need a full Council here to consider it. There are some things I am continuing to look at that might change my opinion on exactly how my Conditions of Approval would be worded. We should leave it on the Second Reading.

This ordinance was left on the Second Reading

Appeal of LSD 16-5488 the Macey Drive Townhomes: A resolution to grant the appeal of Tim Brisiel of Legacy Ventures and to approve Large Scale Development 16-5488 Macey Drive townhomes. *At the October 18, 2016 City Council Meeting this resolution was tabled to November 1, 2016.*

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He stated public comment was made at the last meeting with concerns about a secondary point of

egress for the development. Staff did not recommend a secondary point and are in favor of the Large Scale Development as it was submitted. The Planning Commission split their vote on that particular decision. It was appealed in a timely fashion by the applicant. Mr. Pate went over a cost analysis to extend a road for the project.

Tim Brisiel, Legacy Ventures: It would be a significant infrastructure investment. It is coming in at \$500,000 or \$600,000 according to Mr. Pate. If this is something we are going to pursue, I would like the opportunity to meet with engineering staff and go over those numbers with our engineering team. If we need to pursue that I would like to table it this evening to go through those numbers for a firm understanding. My agreement in writing with the property owners is that I am going to deed the property back to them. It is the narrow sliver of land that touches Mount Comfort. It is a way for us to show road frontage and move forward with the project.

Robin Byers, 1879 North Pine Valley Drive: Are you going to table this and let him look at some of the options?

Mayor Jordan: I suspect we will table it.

City Attorney Kit Williams: If we are able to work out something and have a second access, they'll still have an access to your neighborhood, but it won't be the only access.

Robin Byers: That is a big relief.

Martha Clark, 2843 Riverridge Drive voiced her concerns about drainage, traffic, and high density housing. She stated \$31,000 had been set aside for the Parks Department to offset the removal of about 69% of the tree canopy that is there now. She spoke in opposition of the resolution.

Renee Hearon stated she was a 17 year resident. She is concerned about traffic, safety, and high density housing. She spoke in opposition of the resolution.

Jeremy Pate: A resident mentioned a \$31,000 contribution for trees. It is actually for parkland dedication for all residential projects. We have a parkland dedication ordinance. They fully meet the tree preservation ordinance on this site. They are meeting the minimum canopy requirements.

Alderman Petty: I counted close to 200 units in the existing subdivision. Can we verify that?

Jeremy Pate: There are 164 units, 82 duplexes.

Alderman Long moved to table the resolution to the November 15, 2016 City Council meeting. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

This resolution was tabled to the November 15, 2016 City Council meeting.

Amend Chapters 161, 162, and 164: An ordinance to amend Chapters 161 and 162 to rename and replace “Cottage Housing Development” with “Cluster Housing Development”; to rename Chapter 164 to **Supplementary Zoning Regulations and Specialized Development Requirements**, to replace §164.22 **Cottage Housing Development** with §164.22 **Cluster Housing Development** and make further amendments to §164.22. *At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.*

Alderman Long moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: This is a real good ordinance, Alderman Petty.

Alderman Petty: Thank you.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Ordinance 5921 as Recorded in the office of the City Clerk

New Business:

RZN 16-5588 (407 N. Mtn. Ranch Blvd./Striker Development): An ordinance to rezone that property described in rezoning petition RZN 16-5588 for approximately 3.65 acres located at 407 North Mountain Ranch Boulevard from RSF-4, Residential Single Family to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

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

Blake Jorgensen, Jorgensen & Associates stated he appreciated the support of staff on the project.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Ordinance 5922 as Recorded in the office of the City Clerk

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff recommends approval. The Planning Commission voted in favor 7-1.

Mark Kolberg, Applicant stated he would be happy to answer any questions.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Ordinance 5923 as Recorded in the office of the City Clerk

Amendment to a Bill of Assurance (NE Corner of Morningside & 15th St./Rausch Coleman): An ordinance to amend Ordinance No. 5897 by modifying the Bill of Assurance to permit the realignment of a protected stream.

City Attorney Kit Williams read the ordinance.

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

Jesse Fulcher, Rausch Coleman stated their commitment to preserve these natural areas is still in effect. He stated it would be a much improved true stream corridor.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Ordinance 5924 as Recorded in the office of the City Clerk

UARK Credit Union Rezoning Appeal: An ordinance to rezone that property described in rezoning petition RZN 16-5589 for approximately 0.37 acres located at 714 West Martin Luther King Boulevard and 511 Hill Avenue from RMF-40, Residential Multi Family, 40 units per acre to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission split their vote 3-4 and 1 member recusing.

Blake Jorgensen, Jorgensen & Associates: We went through options for our zoning and went forward with the C-1 zoning. Since the bulk of the property was already there we wanted to reabsorb the surrounding multi-family to be consistent with the C-1.

Alderman Petty: The applicant is the UARK Credit Union. Is that part of the University of Arkansas system? Would they be subject to our zoning and development regulations or would they be under state?

Jeremy Pate: I do not believe they are part of the university state system.

Blake Jorgensen, Jorgensen & Associates: As a credit union they are not associated. They collectively serve multiple portions of this community. That is part of why they moved their bank north to Van Asche recently. They found that they left some of their customers in the south portion of town. They are trying to make a micro bank. It will serve people from all aspects. They serve University of Arkansas students, but they are not a University of Arkansas based business.

City Attorney Kit Williams: Many city employees are members of the credit union, as I am. They have worked with the city in various events. They serve the city, county, and university employees.

Alderman Marsh: This is an extraordinarily high densely populated intersection. The area just south of this with the four large apartment complexes make this one of Fayetteville's densest housing areas. Why are you applying for an auto-centric style form of development as opposed to a pedestrian friendly form of development, such as one of our form based zones?

Blake Jorgensen: The parcels to the west and the east were multi-family and the core of it was already commercial. The commercial portion allowed for the use by right. We went along with that stream of thought. We had already submitted it. Once we got to Planning Commission the timeline for the contract was such that we couldn't pull it. Based on the time constraints we proceeded as is to get where we are at now. If we had went with form based zoning we would have had to request a variance based on the layout of the property. The layout of the property is such a wedge that we couldn't have got building frontage to meet the requirements. There will be multiple pedestrian access points. Regardless of the zoning, the product will be the same.

Alderman Marsh: At this intersection we have done a terrible job with building an urban form. I can see this intersection from my office window. People are constantly dodging cars and trying to find other places to cross. They have moved the university's art and design district down there. It is an important pedestrian intersection. By putting in any C zonings we are further setting ourselves up for failure. People are going to start choosing to drive because that intersection is so difficult to navigate to walk.

Blake Jorgensen: If it was 2 to 4 acres I could see a deviation in the development pattern. Nothing functionally is going to change based on zoning. You can only get a 2,000 square foot bank on that small footprint regardless of the zoning type. It is consistent with the other land use that has been adopted.

A discussion followed about holding it for two weeks.

This ordinance was left on the First Reading

WG Land Company Appeal: An ordinance to rezone that property described in rezoning petition RZN 16-5590 for approximately 23 acres located Northeast of McGuire Street and Van Asche Drive from C-2, Thoroughfare Commercial and C-3, Central Commercial to C-3, Central Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff recommends approval. The Planning Commission split their vote 3-5. Several commissioners had concerns that C-3 zoning was not consistent with the city's goals for traditional development patterns under form based zoning.

Tom Terminella, Representing WG Land: We are attempting to plan and design multiple phases of multi-family high density residential development. I ask that you leave it on the first or second reading and bring this up in two when we also bring the Jupiter Road vacation back.

Mayor Jordan confirmed with Council that they would leave it on the first reading.

This ordinance was left on the First Reading

Announcements:

Don Marr, Chief of Staff: The city is seeking responses to our Mobility Transportation Master Plan survey. The survey can be found on the City of Fayetteville website.

The Invasive Species Removal Workshop is November 2, 2016 from 4:00 p.m. to 6:00 p.m. at Veterans Park.

A section of Skull Creek Trail is closed from Gordon Long Park to Appleby Road during the day for trail maintenance. It will be closed October 31, 2016 through November 14, 2016 from 7:00 a.m. to 3:30 p.m. It will be open at nights and on the weekends.

Early voting is taking place and can be done in multiple locations in Fayetteville. You can check the Washington County Election Commission site for those locations. Agenda Session for next Tuesday has been moved to Thursday due to Election Day.

Alderman Long: They are having early voting on Saturday.

Alderman Kinion: We will be considering 24 openings in commissions and committees. There is an application deadline of November 23, 2016 at 5:00 p.m. If you are interested you can go to the city website and see what openings we have. I encourage everyone to take a look at it.

City Council Agenda Session Presentations:

Agenda Session Presentation - Update on the Fayetteville Mobility Plan by the city's consultant, Nelson/Nygaard.

City Council Tour: None

Adjournment: 6:41 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

UNOFFICIAL

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Thursday, November 10, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

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

ELECTED OFFICIALS:

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

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

1. [2016-0515](#)

**CITY COUNCIL PRESENTATION OF THE 2015 ANNUAL AUDIT REPORT
PRESENTED BY PAUL BECKER**

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions

A. Consent:

A. 1 [2015-0659](#)

APPROVAL OF THE NOVEMBER 1, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0496](#)

JOHN DEERE COMPANY:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE 310L BACKHOE FROM JOHN DEERE COMPANY OF MOLINE, ILLINOIS IN THE AMOUNT OF \$90,316.56, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments: [JOHN DEERE COMPANY](#)

A. 3 [2016-0495](#)**BID NO. 16-59 TRUCK CENTERS OF ARKANSAS:**

A RESOLUTION TO AWARD BID NO. 16-59 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$404,865.00 FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: [BID #16-59 TRUCK CENTERS OF ARKANSAS](#)

A. 4 [2016-0526](#)**BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.:**

A RESOLUTION TO AWARD BID NO. 16-62 AND AUTHORIZE THE PURCHASE OF A MOBILE FIRE TRAINING SIMULATOR FROM AMERICAN FIRE TRAINING CENTERS, INC. OF LOCKPORT, ILLINOIS IN THE AMOUNT OF \$609,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments: [BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.](#)

A. 5 [2016-0504](#)**UA PROPERTIES, LLC COST SHARE AGREEMENT:**

A RESOLUTION TO APPROVE A 50/50 COST SHARE AGREEMENT WITH UA PROPERTIES, LLC FOR CONSTRUCTION OF A WATER MAIN ALONG A PORTION OF SMITH AVENUE BETWEEN WEST MARKHAM ROAD AND NORTH THOMAS AVENUE AT A TOTAL COST OF \$13,912.68

Attachments: [UA PROPERTIES, LLC COST SHARE AGREEMENT](#)

A. 6 [2016-0507](#)**2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$10,000.00 TO CONTINUE THE E-WASTE COUPON REDEMPTION PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT](#)
 [BA 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT](#)

A. 7 [2016-0513](#)**DESTRUCTION OF CERTAIN RECORDS:**

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS

Attachments: [DESTRUCTION OF CERTAIN RECORDS](#)

A. 8 [2016-0514](#)**JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$17,455.00 FOR SITE DRAINAGE IMPROVEMENTS RELATED TO THE FAYETTEVILLE SENIOR CENTER KITCHEN EXPANSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROJECT IN THE AMOUNT OF \$95,000.00

Attachments: [JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2](#)
 [BA JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2](#)

A. 9 [2016-0512](#)**2016 BULLETPROOF VEST PARTNERSHIP PROGRAM:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$13,237.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2016 BULLETPROOF VEST PARTNERSHIP PROGRAM](#)
 [BA_2016 BULLETPROOF VEST PARTNERSHIP PROGRAM](#)

B. Unfinished Business:**B. 1** [2016-0432](#)**RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

(LEFT ON THE SECOND READING)

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

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading. At the October 18, 2016 City Council Meeting this ordinance was left on the second reading. At the November 1, 2016 City Council Meeting this ordinance was tabled to November 15, 2016.

B. 2 [2016-0467](#)**VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):**

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

(LEFT ON THE SECOND READING)

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

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading. At the November 1, 2016 City Council Meeting this ordinance was left on the second reading.

B. 3 [2016-0445](#)

APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:

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

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

At the October 18, 2016 City Council Meeting this resolution was tables to November 1, 2016. At the November 1, 2016 City Council Meeting this resolution was tabled to November 15, 2016.

B. 4 [2016-0488](#)

UARK CREDIT UNION REZONING APPEAL:

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

(LEFT ON THE FIRST READING)

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

At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.

B. 5 [2016-0490](#)

WG LAND COMPANY APPEAL:

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

(LEFT ON THE FIRST READING)

Attachments: [WG LAND COMPANY APPEAL](#)

At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:**C. 1** [2016-0521](#)**RZN 16-5609 (1764 N. STARR RD./HAYS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5609 FOR APPROXIMATELY 26.83 ACRES LOCATED AT 1764 NORTH STARR ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE

Attachments: [RZN 16-5609 \(1764 N. STARR RD./HAYS\)](#)

C. 2 [2016-0517](#)**RZN 16-5633 (2350 W. WEDINGTON DR./UPTON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5633 FOR APPROXIMATELY 0.80 ACRES LOCATED AT 2350 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS, NEIGHBORHOOD SERVICES

Attachments: [RZN 16-5633 \(2350 W. WEDINGTON DR./UPTON\)](#)

C. 3 [2016-0523](#)**RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5598 FOR APPROXIMATELY 3.74 ACRES LOCATED AT 1777 SOUTH SMOKEHOUSE TRAIL FROM R-A, RESIDENTIAL AGRICULTURAL TO UT, URBAN THOROUGHFARE

Attachments: [RZN 16-5598 \(1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE\)](#)

C. 4 [2016-0508](#)**AMEND § 31.18 DISTRICT JUDGE COMPENSATION:**

AN ORDINANCE TO AMEND § 31.18 **DISTRICT JUDGE COMPENSATION** BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

Attachments: [AMEND § 31.18 DISTRICT JUDGE COMPENSATION](#)

C. 5 [2016-0520](#)**AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION:**

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT** AND § 33.351 **COMPOSITION** OF ARTICLE XXIII **ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: [AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION](#)

C. 6 [2016-0505](#)**FAYETTEVILLE POLICE DEPARTMENT POLICIES:**

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.2.2 WARRANTLESS DETENTION, SEARCH AND SEIZURE; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 1.3.6 OFFICER-INVOLVED SHOOTING; AND 22.3 SECONDARY EMPLOYMENT

Attachments: [FAYETTEVILLE POLICE DEPARTMENT POLICIES](#)

D. City Council Agenda Session Presentations:**D. 1** [2016-0497](#)

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY PRESENTATION - CHAMBER OF COMMERCE

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

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0515

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: 1.

**CITY COUNCIL PRESENTATION OF THE 2015 ANNUAL AUDIT REPORT PRESENTED
BY PAUL BECKER**



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0659

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Minutes

Agenda Number: A. 1

APPROVAL OF THE NOVEMBER 1, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0496

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

JOHN DEERE COMPANY:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE 310L BACKHOE FROM JOHN DEERE COMPANY OF MOLINE, ILLINOIS IN THE AMOUNT OF \$90,316.56, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of a John Deere 310L backhoe from John Deere Company of Moline, Illinois in the amount of \$90,316.56, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Recycling and Trash Collection Division.

City of Fayetteville Staff Review Form

2016-0496

Legistar File ID

11/15/2016

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

Jesse Beeks/Sara Glenn

10/18/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one John Deere 310L Backhoe available off of the NJPA Cooperative Contract in the amount of \$90,316.56 through John Deere of Moline, IL for use in the Recycling and Trash Collection.

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02076.2016

Backhoes/Loaders

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 415,380.00

Funds Obligated \$ -

Current Balance \$ 415,380.00

Does item have a cost? Yes

Item Cost \$ 90,316.56

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 325,063.44

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 18, 2016

SUBJECT: Purchase of one Backhoe for Recycling and Trash Collection

RECOMMENDATION:

That City Council approve the purchase of one John Deere 310L Backhoe available off of the NJPA Cooperative Contract in the amount of \$90,316.56 through John Deere of Moline, IL for use in the Recycling and Trash Collection.

BACKGROUND:

Unit 693 was a 2010 John Deere Backhoe that was approaching its 7 year life expectancy. This backhoe is used for adjusting the loads for the transfer trailers and is essential to the day to day operations of Recycling and Trash. They do not have another piece of equipment that is capable of performing this duty.

The boom broke on unit 693 during a regular work day recently. This unit already had 88% of its original purchase price in life to date maintenance cost. Based on the cost of repair and the age of this backhoe, Fleet believes it would be uneconomical to repair this unit.

DISCUSSION:

Fleet recommends the purchase of one John Deere 310L Backhoe available off of the NJPA Cooperative Contract in the amount of \$90,316.56 through John Deere of Moline, IL for use in the Recycling and Trash Collection.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted for this purchase. There is a shortfall in the collection that should be made up with the sale of the old unit.

This purchase was approved by the Equipment Committee on October 11, 2016 with a preliminary dollar amount.

Attachments:

Home > Cooperative Purchasing > Contracts - Fleet > Construction & Agricultural Equipment > John Deere - Tractors/Ag Implements



John Deere - Tractors/Ag Implements



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Vendor Contact Info

Bill Frank

Direct Phone: 972-974-0984

FrankWilliamD@JohnDeere.com

www.johndeere.com

Contract#: 021815-DAC

Category: Construction & Agricultural Equipment

Description: Ag Tractors & Associated Equipment and Implements

Maturity Date: 03/17/2019

As a world leader in agriculture, construction and turf care, we're proud to offer value and real service to the NJPA membership through contract 021815-DAC. We spend over \$2 million a day on R&D, and build customer feedback into every machine. Through 021815-DAC we can provide you the most advanced and efficient lineup of agricultural tractors and/or implements together with related equipment and accessories. See the results at www.JohnDeere.com/govsales. Plus, with every purchase, you get the dedicated service of a local dealer, with expert technicians, a comprehensive parts inventory and commitment to keep your operation moving. Please consider us for your next purchase.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0495

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID NO. 16-59 TRUCK CENTERS OF ARKANSAS:

A RESOLUTION TO AWARD BID NO. 16-59 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$404,865.00 FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-59 and authorizes the purchase of three (3) Freightliner dump trucks in the total amount of \$404,865.00 from Truck Centers of Arkansas for use by the Transportation Services Department.

City of Fayetteville Staff Review Form

2016-0495

Legistar File ID

11/15/2016

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

Jesse Beeks/Sara Glenn

10/18/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of three Freightliner 114SD trucks with Hilbilt Mongoose body per Bid 16-59 available through Truck Centers of Arkansas of Springdale, AR in the amount of \$134,955.00 each, for a total of \$404,865.00

Budget Impact:

9700.770.1920-5802.00

Shop Fund

Account Number

Fund

02079.2015/2016

Heavy Trucks

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 542,537.84

Funds Obligated \$ -

Current Balance \$ 542,537.84

Does item have a cost? Yes

Item Cost \$ 404,865.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 137,672.84

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 18, 2016

SUBJECT: Purchase of three Dump Trucks for Transportation

RECOMMENDATION:

That City Council approve the purchase of three Freightliner 114SD trucks with Hilbilt Mongoose body per Bid 16-59 available through Truck Centers of Arkansas of Springdale, AR in the amount of \$134,955.00 each, for a total of \$404,865.00.

BACKGROUND:

Unit 745 is a 2006 Freightliner M2-112 Dump Truck that has reached 72% of the original purchase price in life to date maintenance cost. This vehicle was placed in service in August 2006 and has exceeded the 10 year life expectancy.

Unit 747 is a 2006 Freightliner M2-112 Dump Truck that has reached 70% of the original purchase price in life to date maintenance cost. This vehicle was placed in service in July 2006 and has exceeded the 10 year life expectancy.

These purchases will be an upgrade for the above mentioned trucks from tandem axle trucks to tri-axle dump trucks. The crews will now be capable of hauling a third more than they do currently, which will improve efficiency.

Unit 760 is a 2009 Freightliner M2-112 Dump Truck that has reached 86% of the original purchase price in life to date maintenance cost. This vehicle was placed into service in August 2008 and has exceeded the 8 year life expectancy. This truck is used to haul asphalt, which is very damaging to the truck. It is also utilized during snow events.

DISCUSSION:

Fleet recommends the purchase of three Freightliner 114SD trucks with Hilbilt Mongoose body per Bid 16-59 available through Truck Centers of Arkansas of Springdale, AR in the amount of \$134,955.00 each, for a total of \$404,865.00.

BUDGET/STAFF IMPACT:

Sufficient funds were budgeted for these purchases. There are shortfalls in collection because the cost of these vehicles has greatly increased over the last 5 years. However the funds should be made up with the sale of the old units.

This purchase was approved by the Equipment Committee on October 11, 2016.

Attachments:

Bid Tab



Bid: 16-59
09.15.2016
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 16-59, Tri-Axle Dump Trucks

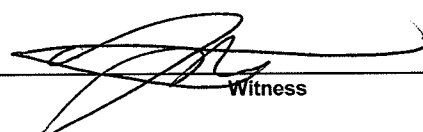
****Official Bid Tabulation****

			MHC Kenworth/Volvo - Springdale		Peterbilt of Fort Smith		Shipley Motor Company		Truck Centers of Arkansas	
Item	Description	Units	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price	Price Per Unit	Extended Price
1	Cab and Chassis	3	\$ 124,125.00	\$ 372,375.00	\$ 119,900.00	\$ 359,700.00	\$ 109,491.00	\$ 328,473.00	\$ 113,850.00	\$ 341,550.00
			Make: Kenworth Model: T440		Make: Peterbilt Model: 348		Make: Mack Model: MHD		Make: Freightliner Model: 114SD	
2	Dump Body, Installed,, one on each cab and chassis	3	\$ 21,105.00	\$ 63,315.00	\$ 21,105.00	\$ 63,315.00	\$ 27,675.00	\$ 83,025.00	\$ 21,105.00	\$ 63,315.00
			Make: Hilbilt Model: Mongoose		Make: Hilbilt Model: Mongoose		Make: Hilbilt Model: Mongoose		Make: Hilbilt Model: Mongoose	
TOTAL BID BASED ON ESTIMATE			\$ 435,690.00		\$ 423,015.00		\$ 411,498.00		\$ 404,865.00	

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

CERTIFIED:


A. Rennie, Purchasing Manager


Witness

9/16/16
Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0526

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.:

A RESOLUTION TO AWARD BID NO. 16-62 AND AUTHORIZE THE PURCHASE OF A MOBILE FIRE TRAINING SIMULATOR FROM AMERICAN FIRE TRAINING CENTERS, INC. OF LOCKPORT, ILLINOIS IN THE AMOUNT OF \$609,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE FIRE DEPARTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 16-62 and authorizes the purchase of a mobile fire training simulator from American Fire Training Centers, Inc. of Lockport, Illinois in the amount of \$609,000.00 plus applicable sales taxes for use by the Fire Department.

City of Fayetteville Staff Review Form

2016-0526

Legistar File ID

11/15/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

10/28/2016

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution awarding Bid 16-62 for the purchase of a mobile fire training simulator unit from the vendor American Fire Training Systems in the amount of \$609,000 plus associated sales tax for total of \$668,377.50.

Budget Impact:

2230.900.8004-5801.00

Special Grants

Account Number

Fund

31603.1

Fire-FEMA Grant Training Simulator

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 701,897.00

Funds Obligated \$ -

Current Balance \$ 701,897.00

Does item have a cost? Yes

Item Cost \$ 668,377.50

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 33,519.50

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The total amount of \$668,377.50 will be paid for with 90% FEMA Grant Funds and 10% City Grant Match. The Federal funds that will be requested to pay the invoice will be \$601,539 and the city match will be \$66,838.50 for the total payment of \$668,377.50.

MEETING OF NOVEMBER 15, 2016

TO: Mayor Jordan and City Council

FROM: David Dayringer, Fire Chief

DATE: October 28, 2016

SUBJECT: Approval of a resolution awarding Bid 16-62 for the purchase of a mobile fire training simulator unit from the vendor American Fire Training Systems in the amount of \$609,000 plus associated sales tax for total of \$668,377.50.

RECOMMENDATION:

Approval of a resolution awarding Bid 16-62 for the purchase of a mobile fire training simulator unit from the vendor American Fire Training Systems in the amount of \$609,000 plus associated sales tax for total of \$668,377.50.

BACKGROUND:

The Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate implements and administers the Assistance to Firefighters (AFG) Grants. The purpose of the AFG Program is to enhance, through direct financial assistance, the health and safety of the public and firefighting personnel and to provide a continuum of support for emergency responders regarding fire, medical, and all-hazard events.

This purchase of a Fire Mobile Training Simulator Unit utilizing 90% grant funds and the city's 10% match will provide firefighters live fire training as well as ventilation, forcible entry, standpipe, rappelling, confined space, and self-contained breathing apparatus (SCBA) skills.

DISCUSSION:

The approval of this resolution will allow for the purchase and installation of a fire mobile training simulator system. This mobile training unit will be utilized by the Fayetteville Fire Department and other surrounding County departments thereby improving firefighter health, safety, and ground tactics on technical rescue situations at fire scenes and positively impacting the skill level at emergency responses for a multi-county population. American Fire Training Systems bid was selected due to matching the specifications outlined by the City. The other vendor's lower bid was rejected due to not meeting the outlined specifications detailed in Bid #16-62.

BUDGET/STAFF IMPACT:

The funds for this purchase are budgeted and available in Project #31603.1, Fire-FEMA Grant Training Simulator. 90% of the total due will be paid utilizing FEMA grant funds with the 10% match paid from city funds.

Attachments:

Final Bid Tabulation Sheet and Purchasing Documents



Bid: 16-62
DATE: 10.27.2016
TIME: 3:00 PM
CITY OF FAYETTEVILLE

Bid 16-62, Mobile Fire Training Unit

****Official Bid Tabulation****

			American Fire Training Systems Inc	Fire Training Structures, LLC
Item	Description	Each	Extended Price	Extended Price
1	Mobile Fire Training Unit (Including but not limited to all components, delivery, and assembly, etc.)	1	\$609,000.00	\$299,950.00

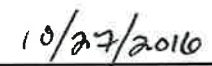
Submittal did not meet Specifications

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

CERTIFIED:


A. Rennie, Purchasing Manager


Witness


Date



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

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO

INVITATION TO BID: Bid 16-62, Mobile Fire Training Unit

DEADLINE: **Tuesday, October 25, 2016 before 2:00:00 PM**, Local Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Les McGaugh, lmcgaugh@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Tuesday, September 27, 2016

INVITATION TO BID Bid 16-62, Mobile Fire Training Unit

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

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

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

Name of Firm: AMERICAN FIRE TRAINING SYSTEM'S, INC.

Contact Person: KERRY A FIERKE "JR" Title: GM

E-Mail: JR@AMERICANFIRETRAININGSYSTEMS.COM Phone: 630-257-3659

Business Address: 15200 NEW AVE

City: LOCKPORT State: IL Zip: 60441

Signature: Kerry A Fierke Jr Date: 10-21-16

City of Fayetteville
Bid 16-62, Mobile Fire Training Unit
Advertisement

City of Fayetteville, Arkansas
INVITATION TO BID
Bid 16-62, Mobile Fire Training Unit

The City is seeking bids from qualified vendors for the purchase, delivery, and assembly of a Class A training tower and Flashover Simulator with an approximate size of 5800 Square Feet for the entire structure. Questions should be addressed to Les McGaugh, Purchasing Agent at lmcgaugh@fayetteville-ar.gov or by calling (479) 575-8220.

All sealed bids are due by **Tuesday, October 25, 2016 before 2:00:00 PM, Local Time**. All bids are due before the time stated. Late bids shall not be accepted. This is a federally funded project. Bidder and manufacturer shall be responsible for meeting and complying with all FEMA guidelines and shall be NFPA compliant. Bids will be opened and read aloud immediately following the stated deadline.

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

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

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

City of Fayetteville

By: Les McGaugh, Purchasing Agent

P: 479.575.8220

lmcgaugh@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

Date of advertisement: 09/27/2016

City of Fayetteville
Bid 16-62, Mobile Fire Training Unit
Bid Form

Item #	DESCRIPTION	Estimated Quantity		PRICE PER UNIT		TOTAL
1	Mobile Fire Training Unit (Including but not limited to all components, delivery, and assembly, etc.)	1	x	\$609,000. ⁰⁰	=	\$609,000. ⁰⁰

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

In accordance with the Assistance to Firefighters Grant, the City will not make prepayments, progress payments, or any form of advance payment.

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

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

☒ 1.) NO KNOWN RELATIONSHIP EXISTS

☐ 2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all bidders receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: AMERICAN FIRE TRAINING SYSTEM'S, INC.
Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

*BUSINESS ADDRESS: 15200 NEW AVE

*CITY: LOCKPORT *STATE: IL *ZIP: 60441

*PHONE: 630-878-5493 FAX: 630-257-8844

*E-MAIL: JR@AMERICANFIRETRAININGSYSTEMS.COM

*BY: (PRINTED NAME) KERRY A. FIERKE, JR.

*AUTHORIZED SIGNATURE: Kerry A Fierke Jr.

*TITLE: GENERAL MANAGER

*DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 26-1222444

Acknowledge Addendums:

Addendum No. 1 Dated: 10-3-16 Acknowledged by: Kerry A Fierke Jr.

Addendum No. 2 Dated: 10-17-16 Acknowledged by: Kerry A Fierke Jr.

" 3 10-20-16 " Kerry A Fierke Jr.

" 4 10-21-16 " Kerry A Fierke Jr.

City of Fayetteville
Bid 16-62, Mobile Fire Training unit
General Terms & Conditions

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 Purchasing Division.
- c. Bids shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders must have experience in providing products and/or services of the same or similar nature.
- f. 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. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. 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 Purchasing Division Office.
- h. 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 Purchasing 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 Purchasing Division. 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 Les McGaugh, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance 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. WITHDRAWAL OF PROPOSAL:

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 Purchasing Division.

8. LATE PROPOSAL 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 Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, 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 local, state, and federal directives, orders and laws as applicable to this proposal 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 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.

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 proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the 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 Proposer, by affixing his or her signature to this proposal, 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 proposal 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 vendor's records as such records relate to purchases between the City and said vendor.
- 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 (Bidder) 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. CITY 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 proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons 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. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. 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.

17. 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 Purchasing 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 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.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Bidder in writing of the intention to cancel or with cause if at any time the Bidder fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the bidder 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 vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Bidder 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 Bidder shall provide written notice to the City within thirty (30) calendar days of Bidder'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 proposal 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.

20. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the vendor 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.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, 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 proposal, 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 Purchasing 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 proposal, 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 proposal, request for qualification, bid or contract to be rejected.

22. 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 Bidder shall provide such additional requirements as may become necessary.

23. 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 Bidder(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Purchasing 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.

25. 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 is not to 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 Proposer in responding to this request for proposal 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 Proposer for any expense so incurred, regardless of whether or not the proposal 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) **NOTE: Any uncertainties shall be brought to the attention to Les McGaugh immediately via telephone (479.575.8220) or e-mail (lmcgaugh@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing 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) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Les McGaugh, City of Fayetteville, Purchasing Agent via e-mail (lmcgaugh@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j) Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with sufficient basic information to submit proposals 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. Proposer 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.

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.

l)

- 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

End of Section

City of Fayetteville
Bid 16-62, Mobile Fire Training Unit
Technical Specifications:

1. GENERAL:

- 1.1 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.
- 1.2 All specifications written are to minimums unless otherwise noted.
- 1.3 The City intends to order the estimated quantity presented in the bid form in a single order.
- 1.4 Pricing bid shall be inclusive of all items, shipping, warranty, delivery, and assembly. Bid pricing shall **NOT** include sales tax. Applicable taxes will apply upon invoicing but will not be considered for bid evaluation.
- 1.5 Mobile fire training unit shall be delivered to the City within **150 calendar days of City Council approval**. This timeline shall also include approval by the city of vendor shop drawings. All orders shall be delivered to the address located in the City limits as further specified.
- 1.6 All bidders shall meet requirements listed in Appendix A: FEMA, U.S. Department of Homeland Security, Agreement Articles for Assistance to Firefighters Grant Program – Operations and Safety.
- 1.7 This bid and included specifications are not proprietary and have been specified in a manner to allow maximum competition for the needed equipment.

2. SCOPE OF SERVICES

- 2.1 Bidder shall acquire materials and assemble offsite, to the extent possible, all the components of the structure so as to minimize time spent on site during installation
- 2.2 Bidder shall deliver and fully assemble a Mobile Fire Training Unit consisting of a Class A training tower and Flashover simulator with an approximate size of 5800 square feet for the entire structure.
- 2.3 City shall provide detailed location for the Mobile Fire Training Unit at time of award. Bidder shall provide detailed drawings for final approval by City
- 2.4 Bidder shall provide orientation, training on proper care, maintenance, warranty compliance, and use of structure within fourteen (14) calendar days of completion of assembly. This training shall be inclusive of a minimum 10-hour Train the Trainers session for up to 12 persons.

- 3. STANDARDS COMPLIANCE:** The structure specified herein shall be designed and assembled so as to comply with NFPA 1402 (current edition), Guide to Structure fire service training centers and applicable sections of NFPA 1001 (current edition), Standard for Professional Qualifications and NFPA 1500

(current edition), Standard for Fire Department Health and Safety. Furthermore, the Structure should be designed so as to allow for compliance with NFPA 1403 (current edition).

4. REQUIREMENTS: All bidders shall meet the following requirements and shall apply to all items bid.

- 4.1 All Materials shall be new and unused
- 4.2 All Windows and doors shall open to the outside
- 4.3 Structure shall allow for adequate drainage of water to the exterior
- 4.4 The flooring in all containers shall be constructed as to not pool water, ensuring proper drainage and drying of the units after training evolutions
- 4.5 All attachments hardware shall be either stainless steel, epoxied mild steel, or galvanized material
- 4.6 Structure shall be constructed in order to prevent water leaks
- 4.7 Structural corner posts shall be 8" x 8" and 0.375" minimum
- 4.8 Floor structural member shall be 5-3/4" channel x 0.125" with weather resistant coating. Burn room shall be 1/8" stainless diamond steel plate. All non-burn areas shall be 1/8" rhino lined (or equivalent)
- 4.9 Roof Structure shall be constructed of 14 gauge corrugated corten steel with galvanized 0.125" thick diamond plate steel deck surface in training areas. Fasteners shall be recessed and roof area shall provide live load capacity of 300 lbs/sq ft.
- 4.10 All staircase material shall be carrion resistant galvanized bar grating with a minimum 36" wide (inside) tread surface. Stair risers shall be a maximum of 7" high with a minimum tread depth of 11" All stairwell railings shall be OSHA compliant
- 4.11 Burn doors shall be constructed of 11 gauge stainless steel. They shall be a welded assembly with appropriate door lock mechanisms, door holdback, and a minimum of three (3) 3/8" steel hinges. Frames shall be constructed of 2" x 2" square tubing. Regular egress doors shall be constructed similarly but with mild epoxied steel.
- 4.12 Burn windows shall be constructed of 11 gauge stainless steel insulated to withstand elevated temps. Each window shall be hinged on one side with a minimum of two (2) 3/8" stainless steel hinges. Window size shall be 36" x 36". Frames to be constructed of 2" x 2" of corrosion resistant steel tubing. Regular windows shall be of similar construction with epoxied mild steel.
- 4.13 All open railings with a vertical distance in excess of 30" above grade shall have OSHA compliant railings. Each railing shall supply access in appropriate areas through approved openings. Railings shall be constructed of 1-1/2" x 1-1/2" x 11 gauge tubing. All exterior railings shall have a galvanized finish and safety toe kick around perimeter of any active roof area.
- 4.14 Structure shall be painted with a base color and one (1) "Access" color door and one (1)

"Access" color window

4.15 Finish of exterior shall be painted with a 2 part high solid marine urethane -3 mil.

5. TOWER COMPONENTS:

5.1 Tower shall have the following components at minimum:

- A. Twelve (12) 40 foot high cube steel containers
- B. Five (5) 20' high cube steel containers
- C. One (1) new 10' upper chamber and one (1) new 20' lower chamber for flash over
- D. Burn Room Dimensions (with moveable panels in each):
 - a. 1st Floor: 20' x 24'
 - b. 2nd Floor: 16' x 20'
 - c. 3rd Floor: 8' x 20'
- E. Two (2) 20' x 8' Hi-Wall reconfigurable panel maze systems with reduced profile panel
- F. Wire entanglement prop
- G. Two-tier crawl maze with rafter simulator, drop floor prop, and adjustable reduced profile panel
- H. Drywall pike pole ceiling prop
- I. 8' x 12' open bay burn room with stove and range prop
- J. 2-3 pallet position high temp burn cart with deflection hood
- K. Mechanical vent hatch in each burn room
- L. Exterior FDC and gate valve on 1st, 2nd, 3rd, and 4th floor with PRD valve on 3rd and 4th floors
- M. One (1) sprinkler head connected off stand pipe system on first floor
- N. Three (3) Breach walls
- O. Denver Drill window
- P. One (1) vertical breach window and one (1) horizontal breach window
- Q. Five (5) story galvanized inner stairwell
- R. Five (5) exterior galvanized sets of stairs to each level; ground to 6th floor

- S. Wireless temperature monitoring system that records and alarms each burn room
- T. All rooftop active roof decks shall have OSHA approved railing and 4" toe kick
- U. All entry doors shall have hose flaps
- V. Twelve (12) regular windows
- W. Sixteen (16) regular egress doors
- X. Adjustable roof vent prop approximately 14' x 8' with 4' x 8' chop out
- Y. Two (2) 36" x 80" forced entry doors,
- Z. Three tier collapsible floor prop 8' x 8' x 20'
- AA. 30" x 30" floor and ceiling hatches from 1st floor to 5th Floor
- BB. Electrical outlet simulator/behind the wall fire prop
- CC. 40,000 CFM Smoke generator
- DD. Exhaust fans on 1st and 2nd floors
- EE. Two-tier crawl maze with reduced profile, rafter sim and drop floor plan
- FF. Non-Combustible furniture props shall consist of couch, loveseat, table and chair and fireplace
- GG. Two (2) 14' x 26' canopy over top of sixth floor active roof deck
- HH. 5000 pound OSHA approved rappel anchor on 6th floor roof deck
- II. Electrical throughout interior and all sides of exterior
- JJ. One (1) cantilever balcony and One (1) recessed balcony
- KK. Gas/liquid pipe leak simulator
- LL. Elevator door sim prop
- MM. Revolving door prop
- NN. 40' tall x 16' wide x 19' long dual shaft tower, One (1) with three (3) half landings at 2nd, 3rd, and 4th floors and One (1) with open shaft from roof to ground level shall also include 5000 pound OSHA Rappel anchor
- OO. Two (2) Bulflex, or equal, digital fire attack panels
- PP. Basement bailout window with landing

QQ. Vertical and horizontal confined space tubes consisting of 24", 30", 36", with 90 degree elbow and T's; Shall consist of minimum 40' of tube piping

6. SUBMITTALS:

- 6.1 Submittal Drawings:** The mobile fire training unit Manufacturer shall design the prefabricated mobile fire training units and provide submittal drawings in accordance with the following minimum requirements.
- a. Schematic drawings and diagrams shall be submitted to the City for review after receipt of order.
 - b. Submittal drawings shall be unique drawings for mobile fire training unit, prepared to illustrate the specific portion of work to be done.
 - c. All relative design information such as member sizes, and general notes shall be clearly specified on the drawings.
 - d. Drawings shall have cross referenced details and sheet numbers.
 - e. All calculations and submittal drawings shall be sealed by a Professional Engineer licensed in the State of Arkansas and provided to the City.

7. DELIVERY: Cost shall include delivery of the mobile fire training unit to the City of Fayetteville Fire Department's training grounds at Borick Drive, Fayetteville Arkansas, 72701.

- 7.1** Bidder shall provide the City with delivery notification and delivery date/time shall be coordinated and set. Once the delivery date and time is set it cannot be changed unless approved by the City AND bidder. If the mobile fire training unit is fabricated before the City is ready to receive it, then the vendor shall agree to store the fabricated mobile fire training unit at no cost to the City at their location until the City is ready for the mobile fire training unit to be shipped. Additional fuel charges shall be factored into the bid and cannot be changed due to possible shipping delays.
- a. Vendor shall provide an estimate of time to be spent assembling the unit.
 - b. The method and sequence of erection shall be the responsibility of the vendor.
 - c. The mobile fire training unit manufacturer shall provide written inspection and maintenance procedures to be followed by the City.
- 7.2 FOB Terms:** Mobile fire training unit supplied under this specification shall remain the property of the Bidder until delivery to and accepted by the City of Fayetteville. Items shall be classified as FOB Destination, freight prepaid where the seller/bidder pays all freight charges, bears all freight charges, owns goods during transit and files any claims.

8. WARRANTY:

- 8.1** The manufacturer shall warranty entire structure to be free of design, material, and

workmanship defects for a period of ten years from the date of acceptance. This warranty does not include decking, railing attachments, on any other items not part of the steel truss structure.

The warranty shall not cover defects in the mobile fire training unit caused by abuse, misuse, overloading, accident, improper maintenance, alteration or any other cause not the result of defective materials or workmanship.

This warranty shall be void unless City's records can be supplied which shall indicate compliance with the minimum guidelines specified in the inspection and maintenance procedures.

Repair or replacements shall be the exclusive remedy for defects under this warranty. The mobile fire training unit manufacturer shall not be liable for any consequential or incidental damages for breach of any express or implied warranty on their structures.

Bid pricing shall include expenses related to covered warranty items including but not limited to travel, labor, materials, shipping cost of materials, replacement parts etc.

9. OTHER PROVISIONS:

9.1 TENTATIVE TIMELINE:

- a. Bid Deadline: October 25, 2016
- b. City Council Meeting: November 15, 2016
- c. City approval of vendor design: December 2, 2016
- d. The City anticipates being prepared to accept delivery between the dates of March 15, 2017 and April 22, 2017.

9.2 The City of Fayetteville shall pay for the mobile fire training unit in full within thirty (30) calendar days of delivery, acceptance, proper installation and assembly of the mobile fire training unit.

9.3 Bidders shall have a minimum of three (3) years' experience supplying materials, products, and services requested in this bid.

9.4 Bidders are not required to provide drawings until an award has been issued.

9.5 Materials not specified but necessary for project completion shall conform to applicable ASTM, OSHA, or NFPA Standards

Agreement Articles



U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Safety

GRANTEE: City of Fayetteville Fire Department

PROGRAM: Operations and Safety

AGREEMENT NUMBER: EMW-2015-FO-04026

AMENDMENT NUMBER:

TABLE OF CONTENTS

Article I	Assurances, Administrative Requirements and Cost Principles
Article II	Acknowledgement of Federal Funding from DHS
Article III	Activities Conducted Abroad
Article IV	Age Discrimination Act of 1975
Article V	Americans with Disabilities Act of 1990
Article VI	Best Practices for Collection and Use of Personally Identifiable Information (PII)
Article VII	Title VI of the Civil Rights Act of 1964
Article VIII	Civil Right Act of 1968
Article IX	Copyright
Article X	Debarment and Suspension
Article XI	Drug-Free Workplace Regulations
Article XII	Duplication of Benefits
Article XIII	Energy Policy and Conservation Act
Article XIV	Reporting Subawards and Executive Compensation
Article XV	False Claims Act and Program Fraud Civil Remedies
Article XVI	Federal Debt Status
Article XVII	Fly America Act of 1974
Article XVIII	Hotel and Motel Safety Act of 1990
Article XIX	Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Article XX	Lobbying Prohibitions
Article XXI	Non-supplanting Requirement
Article XXII	Patents and Intellectual Property Rights
Article XXIII	Procurement of Recovered Materials
Article XXIV	Contract Provisions for Non-federal Entity Contracts under Federal Awards
Article XXV	SAFECOM
Article XXVI	Terrorist Financing E.O. 13224
Article XXVII	Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)
Article XXVIII	Trafficking Victims Protection Act of 2000
Article XXIX	Rehabilitation Act of 1973
Article XXX	USA Patriot Act of 2001
Article XXXI	Use of DHS Seal, Logo and Flags
Article XXXII	Whistleblower Protection Act
Article XXXIII	DHS Specific Acknowledgements and Assurances
Article XXXIV	System of Award Management and Universal Identifier Requirements
Article XXXV	Animal Welfare Act of 1966
Article XXXVI	Protection of Human Subjects
Article XXXVII	Incorporation by Reference of Notice of Funding Opportunity
Article XXXVIII	Acceptance of Post Award Changes
Article XXXIX	Prior Approval for Modification of Approved Budget
Article XL	Disposition of Equipment Acquired Under the Federal Award
Article XLI	Environmental Planning and Historic Preservation Screening

I. Assurances, Administrative Requirements and Cost Principles

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements and cost principles that apply to DHS award recipients originate from:

2 C.F.R. Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

II. Acknowledgement of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other

documents describing projects or programs funded in whole or in part with Federal funds.

III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

VI. **Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

VII. **Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at [6 C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

VIII. **Civil Rights Act of 1968**

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).

IX. **Copyright**

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#)

and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

X. **Debarment and Suspension**

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

XI. **Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

XII. **Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

XIV. **Reporting Subawards and Executive Compensation**

a. **Reporting of first-tier subawards.**

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a. 1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. *Applicability and what to report.* Unless you are exempt as provided in

paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c. 1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus.*
- ii. *Awards of stock, stock options, and stock appreciation rights.*
Use the dollar amount recognized for financial statement reporting

purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.

v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

XV. **False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of 31 U.S.C. §3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

XVI. **Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

XVII. **Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XVIII. **Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

XIX. **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

XX. Lobbying Prohibitions

All recipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

XXI. Non-supplanting Requirement

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

XXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

XXIII. Procurement of Recovered Materials

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as

amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards

a. Contracts for more than the simplified acquisition threshold set at \$150,000.

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

XXV. SAFECOM

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

XXVI. Terrorist Financing E.O. 13224

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

XXVII. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex,

sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

XXXIV. System of Award Management and Universal Identifier Requirements

A. Requirement for System of Award Management

Unless exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

American Fire Training Systems Inc.
15200 New Ave Lockport IL 60441
Training Packages and Compliancy

American Fire Training Systems is proud to offer a variety of training packages and training towers to meet the needs of virtually any Fire Department in the United States. AFT understands the needs for firefighter training when new tools such as a burn facility, training tower or other are introduced into the department. AFTS starts with a basic training package and then customizes each session to maximize the amount of information being delivered by AFTS instructors.

AFTS conforms and addresses the required NFPA 1402 and 1403 when designing and constructing facilities for fire service training centers.

The main components that AFTS constructs accomplish general fire fighting training effectively, efficiently and safely and are presented in each mobile or structure designed by AFTS.

Live Fire Basic training package begins with a classroom session that covers NFPA 1402, 1403 and lays out a plan for your departments needs. Examples and templates of site safety plans, SOP's, rehab and hydration policies are included for department files to be built upon to fit their specific needs. Command and control procedures for Fixed burn and mobile fire facilities are covered to assist departments in utilizing their new facility to it's greatest potential. Following classroom time, department personnel are walked through proper procedures, safety considerations of the facility and taught the preferential methods of building fires for training in their new facility. Students are supervised while conducting and managing appropriate sized fires for their facility and taught about conditions that could cause safety problems for them during Live Fire evolutions.

Also included in ALL Basic Fire and Non Fire training packages are a prop familiarization. Students are introduced to each prop that has been specified to their facility and shown basic techniques to enhance student teaching points. Instructors answer all questions about each facility and ensure that your departments new tool is up to AFT specifications.

The Basic training package is designed as a 8-10 hour course dependent upon the number of students attending the Train the Trainer. Maximum amount of students is 15; however class size may be increased with proper notification and adjustment of fee schedule. AFT instructors will contact your designated representative and cover all aspects of the basic package prior to coming to your facility and ensure that your departments needs are being met.

Additional custom training to meet your departments needs will also be taking into consideration prior to arrival to ensure customers are getting to most out of their facility. If departments desire specific additional training in areas beyond their facilities basic



American Fire Training Systems, Inc.

The first name in fire training facilities

15200 New Ave Lockport IL 60441

630-257-3659



References

References of some of the Fire Training Units we have built.
You will find a contact persons phone number and e-mail address if available.
If you have any other questions please give me a call @ 630-878-5493

Abeytas NM FD
Chief Kelly Voris
505-259-6823

San Antonio NM FD
Chief Fred Hollis
575-835-8461

Truth Or Consequences NM FD
Chief Paul Tooley
575-740-1640

Sandoval NM FD
Jess Lewis
505-934-0400

Denison Iowa Fire Dept
Chief Cory Snowgreen
712-269-9372

Dayville CT FD
Commissioner Kevin Ide
508-633-0512

Muskogee OK FD
Chief Derek Tatum
918-684-6252

Chillicothe MO FD
Darrell Wright
660-646-8196

Romeoville Fire Academy
Bat Chief Jon Ibirham
815-530-7887

Lamar Tech Institute
Beaumont TX
Chief Robert Simonson
409-673-7111

Hennepin Tech College
Eden Prairie MN
Dean Mike Colestock
952-995-1334

US ARMY Fort Buchanan PR
Brad Bowling
787-415-4875

US AIR FORCE Goodfellow TX
James Carey
325-227-5529

R.J.Quinn Fire Training Academy
Chicago, Illinois
Chief Richard Edgeworth
1-312-735-2431

Huntley Fire Protection District
Deputy Chief Ken Caudle
847-489-4778

Lebanon, IN
Sgt Ted Caldwell
765-482-8886
lebfire2@yahoo.com

Peotone, IL
Chief Wm Schrieber
708-258-6884
peofpd@aol.com

Frankfort, IL
Chief James Grady
815-469-1700
chiefgrady@frankfortfire.org

Bay District MD VFD
Chief Richard Sullivan
301-737-0654

City of Lafayette Fire Department
Asst. Chief Richard Doyle
765-491-0320

Tecumseh, MI
Asst. Chief Scott Long
517-605-5039(cell)

Freeburg, IL
Jeff Groh
618-550-8030 (cell)

Greencastle, IN
Jeff Mace
765-301-0280 (cell)

Round Lake Fire Protection District, Illinois
Northwest Lake County Facility
Deputy Chief John Whitten
847-652-4904 (Cell)

Townline Fire Department
Lancaster, NY
Chief Dave Szczudlik
716-683-0385

Madison Fire Department
Madison, IL
Asst. Chief Dave Klee
618-540-2100 (Cell)

Warsaw Fire Department
Warsaw, Indiana
Chief Mike Rice
1-574-372-9552

Great Bend Fire Department
Great Bend, Kansas
Chief Mike Napolitano
1-620-793-4140

Marshfield Fire Department
Marshfield, Wisconsin
Chief Jim Schmidt
1-715-486-2090

Denison Iowa Fire Dept
Denison IA.
Chief Cory Snowgreen
712-269-9372

Marshalltown, Iowa
Asst. Chief Steve Edwards
1-641-754-5751
MOBILE UNIT

Southwest Community College
Cheryl Blazek
641-782-1332
Chf Todd Jackson
641-782-5610
MOBILE UNIT

Montague MA VFD
Chief John Green
413-695-0323
MOBILE UNIT

Blackland MS VFD
Chf Ellis Long
662-416-2727

MOBILE UNIT

Payson AZ FD
Training Officer
Jerome Lubetz
928-595-0394

MOBILE UNIT

Somerton AZ FD
Chf Paul DeAnda
928-261-7794

MOBILE UNIT

Medway Ma FD
Chf Chuck Waldron
508-533-3213

MOBILE UNIT

Clay IND FD
Chf Brian Kazmerzak
574-532-0462

MOBILE UNIT

Torrington CT FD
Capt Larry Hepburn
860-489-2257

MOBILE UNIT

Collins MS FD
Chf John Pope
601-467-5174

MOBILE UNIT

Flint MI Township
Chf Mike Burkely
810-577-7651

MOBILE UNIT

Waynesville MO FPD
Chf Doug Yurecko
573-774-5449

MOBILE UNIT

ACORD

TM

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/21/2016

PRODUCER Phone: (815) 727-2611 Fax: (815) 727-2648

A FAZIO INC.
550 RUBY ST
P O BOX 1248
JOLIET IL 60434-1248THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

Agency Lic#: Cust #2015860

INSURED
AMERICAN FIRE TRAINING SYSTEMS, INC.
15200 S NEW AVE
LOCKPORT IL 60441INSURER A: **Landmark American Insurance Company**INSURER B: **Erie Insurance Exchange**

26271

INSURER C:

INSURER D:

INSURER E:

COVERAGESTHE 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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY	LHA109503	02/04/16	02/04/17	EACH OCCURRENCE \$ 1,000,000
		☒ COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
		☐ CLAIMS MADE ☒ OCCUR				MED. EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS-COMP/OP AGG. \$ 2,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:				
		☒ POLICY ☐ PRO-JECT ☐ LOC				
B		AUTOMOBILE LIABILITY	Q05-1030969	05/10/16	05/10/17	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
		☐ ANY AUTO				BODILY INJURY (Per person) \$
		☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
		☒ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
		☒ HIRED AUTOS				
	☒ NON-OWNED AUTOS					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
		☐ ANY AUTO				OTHER THAN EA ACC \$
						AUTO ONLY: AGG \$
A NO		EXCESS / UMBRELLA LIABILITY				EACH OCCURRENCE \$
		☒ OCCUR ☐ CLAIMS MADE				AGGREGATE \$
						\$
		☐ DEDUCTIBLE				\$
		☐ RETENTION \$				\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS OTHER
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE-EA EMPLOYEE \$
						E.L. DISEASE-POLICY LIMIT \$
		OTHER:				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/ SPECIAL PROVISIONS
FIRE DEPARTMENT TRAINING PROP MANUFACTURING, AND INSTALLATION.**CERTIFICATE HOLDER****CITY OF FAYETTEVILLE**
113 W. MOUNTAIN ST
FAYETTEVILLE, AR 72701

Attention:

CANCELLATIONSHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE
EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS
WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE
TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER,
IT'S AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE


Steve Fazio

ACORD 25 (2001/08)

Certificate # 17597

© ACORD CORPORATION 1988

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

American Fire Training Systems

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:

☐ Individual/sole proprietor ☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

☐ Other (see instructions) ▶

Exemptions (see instructions):

Exempt payee code (if any)

Exemption from FATCA reporting
code (if any)

Address (number, street, and apt. or suite no.)

15200 New Ave

City, state, and ZIP code

Lockport IL60441

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

 - -

Employer identification number

2 6 - 1 2 2 2 4 4 4

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶

Debra Ulrich

Date ▶

7-8-15

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on www.irs.gov/w9 for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

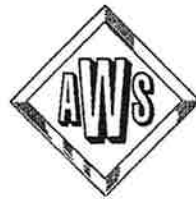
Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

American Welding Society



Certifies that Welding Inspector
Tom Plank

*has complied with the requirements of AWS QC1,
Standard for AWS Certification of Welding Inspectors*

07080491

CERTIFICATE NUMBER

August 1 2013

EXPIRATION DATE



John B. Bruskottis

PRESIDENT AWS

Paul R. Evans

CHAIR, QUALIFICATION COMMITTEE

For H. Williams

CHAIR, CERTIFICATION COMMITTEE

Welder List Identification for American Fire Training Systems

Date of Test; Jan 3, 4, 2013- Using AWS D1.1 Structural Steel code 2012

List of Welders & welder ID

- 1) **Stanislaw Mazur- ID- SM9136-** 1) passed 1/8 c/s plate- 3G-4g positions using GMAW-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 2) **Jose Guijosa- ID- JG0817—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 3) **Jose Moreno- ID- JM7912—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 4) **Alberto Martinez- ID AM7751—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.
2) - passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 5) **Leonel Moreno- ID- LM9811—**1) passed 1/8 c/s plate- 3G-4g positions using GMAW- passed.
2) - passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 6) **Mateo Castillo- ID – MC8612-** 1) passed 1/8 c/s plate- 3G-4g positions using GMAW-
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process
- 7) **Abel Hernandez Cruz -ID – AC6599-** 1) passed 1/8 c/s plate- 3G-4g positions using GMAW
2) passed 3/8 c/s plate- in 3G/ & 4G positions- using GMAW process

All above welders met the AWS structural Steel Welding Qualification For GMAW/ Carbon steel- 1/8 plate & 3/8 plate.

Name Tom Plank



Tom Plank
CWI 07080491
QC1 EXP. 8/1/2013

Stamp# _____ Date Jan 4, 2013

Equal Employment Opportunity Policy Statement

American Fire Training Systems, Inc.
15200 S. New Ave.
Lockport, IL. 60441
(630) 257-3659

(Date) 9 - 2007

The employment policies and practices of American Fire Training Systems, Inc. are to recruit and employ qualified job applicants without discrimination based on race, creed, color, age, sex, national origin or physical or mental handicap, religion and sexual orientation and to treat all employees equally without discrimination because of race, creed, color, age, sex, national origin, physical or mental handicap, religion and sexual orientation. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

American Fire Training Systems, Inc. emphasizes this policy to assure compliance to the Civil Rights Act of 1964, as amended, Presidential Executive Orders Nos. 11246 and 11357, the Connecticut Fair Employment Practices Act, and City of Hartford Ordinances, "Chapter 2, Division 10" and all other laws which pertain to Equal Employment Opportunity.

American Fire Training Systems, Inc. recognizes that the effective application of this policy requires that certain positive steps be taken; and, it will, therefore, undertake a program of affirmative action to make known its commitment in this regard.

American Fire Training Systems, Inc. will additionally assert its leadership within the community to achieve full employment and effective utilization of the capabilities and productivity of all persons without regard for race, creed, color, age, sex, national origin or physical or mental handicap, religion and sexual orientation.

(Signature and Title) Kerry A. Furber - owner

Bid 16-62, Addendum 1



Date: Monday October 3, 2016

To: All Prospective Vendors

From: Les McGaugh-- 479.575.8220 -- lmcgaugh@fayetteville-ar.gov

RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. ***BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.***

The following questions were asked by vendors. The City has responded to each question in this addendum, provided in a question/answer format as stated below.

1. Question: Which Manufacturer provided the original specs for the design being bid on?
 - a. Answer: There were multiple manufacturer's specifications, as well as concepts from surrounding fire departments, that were researched in order to develop the bid specifications. Multiple manufacturers are eligible to bid based on the specifications in an effort to maximize competition and fairness to all.
2. Question: Some of the requirements appear to be very specific, do you have a preferred layout diagram for the complete training tower?
 - a. Answer: The City does not have a preferred layout diagram. However, the City has provided a general concept referred to in the specifications which specifies one fire mobile simulator system all attached together composed of multiple burn rooms and props, towers from storage containers, and a flashover simulator.
3. Question: Is the Flashover unit to be independently mobile on wheels or just transportable like the rest of the training tower?
 - a. Answer: The flashover simulator shall be attached and a part of the complete fire mobile training simulator system.
4. Question: Is the flashover unit to be attached to the main tower?
 - a. Answer: The flashover simulator shall be attached and a part of the complete fire mobile training simulator system.
5. Question: Are Phoenix Fire Tiles an acceptable alternative as a thermal lining system for the Burn room areas?
 - a. Answer: No. A thermal insulated protective blanket covered by 10 gauge 304 corrugated stainless steel is required on the walls and ceilings in all burn rooms.

Bid 16-62, Addendum 2



Date: Monday, October 17, 2016

To: All Prospective Vendors

From: Les McGaugh- 479.575.8220 - lmcgaugh@fayetteville-ar.gov

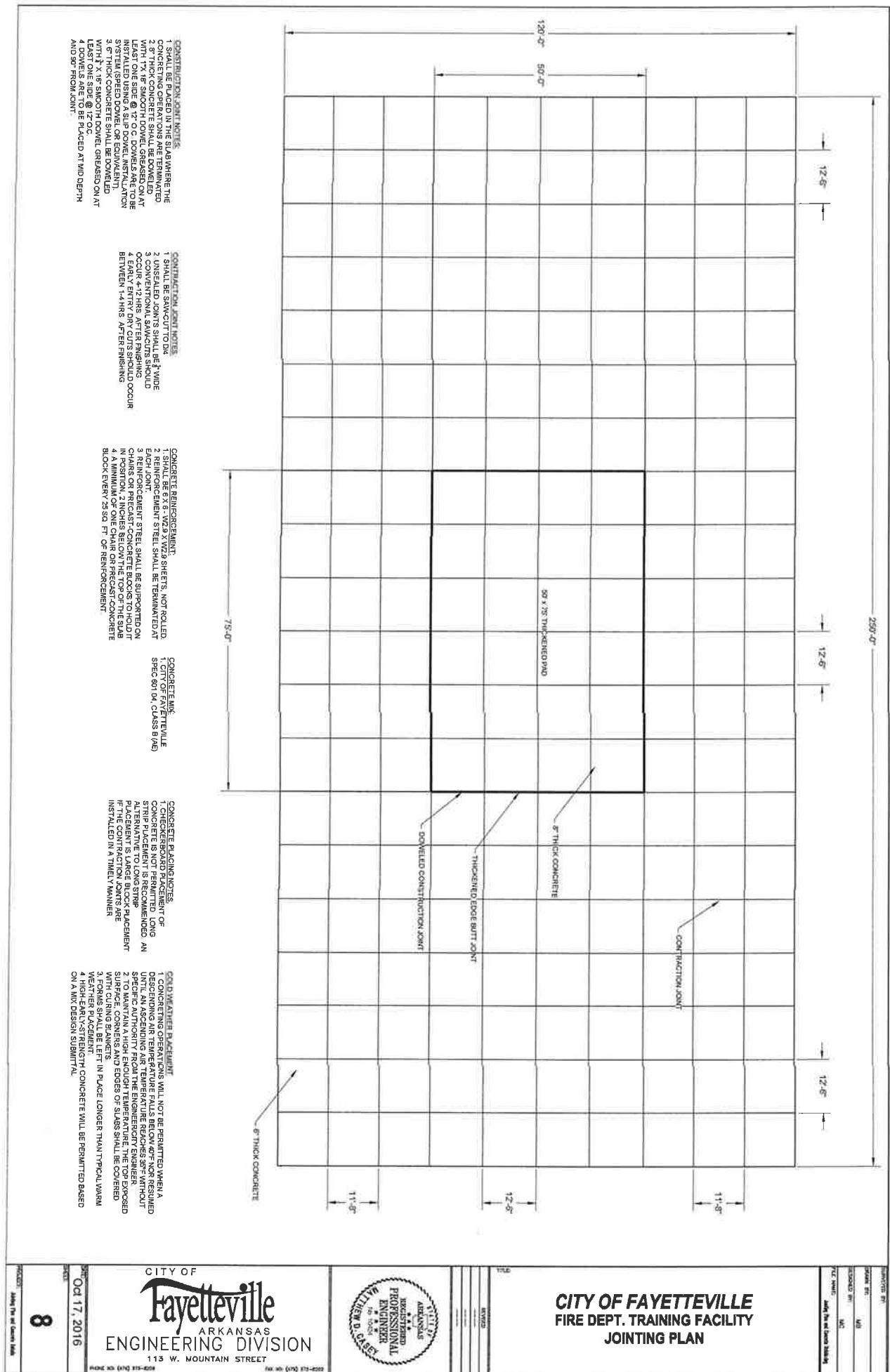
RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. **BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.**

1. The City will be providing a concrete slab foundation for the mobile fire training unit as specified in Sheets 8 and 10 attached. In the event a bidder or manufacturer believes this foundation is not adequate to support the mobile fire training unit, bidder shall notify the city prior to the bid deadline in writing. Bidders shall be responsible for assembling and installing mobile fire training unit in accordance with the manufacturer's recommendations including how the mobile fire training unit is or is not secured to the foundation. Bidder shall be responsible for insuring the mobile fire training unit is securely assembled and installed for the intended use of the mobile fire training unit.
2. The Mobile Fire Training Unit shall be classified as a Group U Occupancy. The structure shall be designed/engineered to meet the seismic and wind speed requirements of Fayetteville, Arkansas, as specified in the 2012 Edition of the Arkansas Fire Prevention Code, Vol. 2 (based on the 2012 Edition of the IBC). The snow load design requirement is 20 pounds per square foot as required by City of Fayetteville ordinance.

ACKNOWLEDGED BY "JR" @ AFTS

10-17-16



CONSTRUCTION JOINT NOTES

1. SHALL BE PLACED IN THE SLAB WHERE THE CONCRETING OPERATIONS ARE TERMINATED.
2. 8" THICK CONCRETE SHALL BE DOWELED WITH 1" X 12" SMOOTH DOWEL, GREASED ON AT LEAST ONE END.
3. 8" THICK CONCRETE SHALL BE DOWELED WITH 1" X 12" SMOOTH DOWEL, GREASED ON AT LEAST ONE END.
4. DOWELS ARE TO BE PLACED AT MID DEPTH AND 90° FROM JOINT.

CONTRACTION JOINT NOTES

1. SHALL BE SAWCUT TO 1/4" DEPTH.
2. 8" THICK CONCRETE SHALL BE DOWELED WITH 1" X 12" SMOOTH DOWEL, GREASED ON AT LEAST ONE END.
3. CONVENTIONAL SAWCUTS SHOULD OCCUR 4-12 HRS AFTER FINISHING.
4. EARLY ENTRY DRY CUTS SHOULD OCCUR BETWEEN 1-4 HRS AFTER FINISHING.

CONCRETE REINFORCEMENT

1. SHALL BE #3 - 16 @ 12" W28 SHEETS, NOT ROLLED.
2. REINFORCEMENT SHALL BE TERMINATED AT EACH JOINT.
3. REINFORCEMENT STEEL SHALL BE SUPPORTED ON CHAIRS OR PRECAST CONCRETE BLOCKS TO HOLD IT IN PLACE.
4. A MINIMUM OF ONE CHAIR OR PRECAST CONCRETE BLOCK EVERY 25 SQ. FT. OF REINFORCEMENT.

CONCRETE MIX

1. CITY OF FAYETTEVILLE SPEC 801.04, CLASS B (P&S)

CONCRETE PLACING NOTES

1. CHECKERBOARD PLACEMENT OF CONCRETE IS NOT PERMITTED. LONG STRIPS OF CONCRETE SHALL BE PLACED ALTERNATE TO LONG STRIPS.
2. IF THE CONTRACTION JOINTS ARE INSTALLED IN A TIMELY MANNER.

COLD WEATHER PLACEMENT

1. CONCRETING OPERATIONS WILL NOT BE PERMITTED WHEN A DESCENDING AIR TEMPERATURE FALLS BELOW 40°F. NOR RESUMED UNTIL AN ASCENDING AIR TEMPERATURE RECOVERS 50°F. WITHOUT STOPPING CONCRETING OPERATIONS FOR 48 HOURS.
2. TO MAINTAIN A HIGH ENOUGH TEMPERATURE, THE TOP EXPOSED SURFACE, CORNERS AND EDGES OF SLAB SHALL BE COVERED WITH CURING BLANKETS.
3. REINFORCEMENT SHALL BE IN PLACE LONGER THAN TYPICAL WARM WEATHER PLACEMENT.
4. HIGH-EARLY-STRENGTH CONCRETE WILL BE PERMITTED BASED ON A MIX DESIGN SUBMITTAL.

DATE: Oct 17, 2016 8 PROJECT: Adding the new Training Facility	CITY OF Fayetteville ARKANSAS ENGINEERING DIVISION 113 W. MOUNTAIN STREET PHONE: (479) 326-1100 FAX: (479) 326-2555		TITLE: CITY OF FAYETTEVILLE FIRE DEPT. TRAINING FACILITY JOINTING PLAN	DESIGNED BY: MBS	CHECKED BY: MBS	DATE: 10/17/2016	SCALE: As Shown Unless Noted
			REVIEWED BY:	APPROVED BY:	DATE: 10/17/2016	SCALE: As Shown Unless Noted	
			REVIEWED BY:	APPROVED BY:	DATE: 10/17/2016	SCALE: As Shown Unless Noted	
			REVIEWED BY:	APPROVED BY:	DATE: 10/17/2016	SCALE: As Shown Unless Noted	

Bid 16-62, Addendum 3



Date: Thursday, October 20, 2016

To: All Prospective Vendors

From: Les McGaugh – 479.575.8220 – lmcgaugh@fayetteville-ar.gov

RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. **BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.**

5.1 Further Clarification for Section 5.1 of Technical Specifications:

Line Item GG: Two metal canopies that will allow complete coverage of both towers on top of the active roof decks.

Line Item NN:

1. (Tower 1) Quantity of 2 High cube shipping container 40' tall X 8' wide X 19' long dual shaft tower standing on end. This will make up 4 stories tall with 5 levels. One (1) with three (3) half landings at 2nd, 3rd, and 4th floors and One (1) with open shaft from roof to ground level shall also include 5000 pound OSHA Rappel anchor.
2. (Tower 2) Quantity of 5 High cube shipping containers stacked on top of each other 8' wide X 20' Long. This will make up 5 stories at 6 levels.

Acknowledged By "JR" @ AFTS.

10-20-16

Bid 16-62, Addendum 4



Date: Friday, October 21, 2016

To: All Prospective Vendors

From: Les McGaugh – 479.575.8220 – lmcgaugh@fayetteville-ar.gov

RE: Bid 16-62, Mobile Fire Training Unit

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. **BIDDERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.**

- A) The deadline for Bid 16-62 is hereby extended as part of this addendum. **All bids shall be received by Thursday, October 27, 2016 before 3:00:00 PM, local time to Fayetteville, AR.** Late bids will not be accepted. Bidders shall acknowledge all addendums in the designated location on the bid form.
- Bids shall be received at: Fayetteville City Hall, 113 W. Mountain, Attn: Room 306 Purchasing, Fayetteville, AR 72701.
- B) The following questions and corresponding answers are made part of Bid 16-62:
- Question: (Referencing 4.7) Please explain the purpose and quantity of 8" x 8" corner posts.
 - Answer: 8" x 8" corner posts are part of the main construction feature of all international specified shipping containers. Manufacturer design will determine how many corner posts are necessary.
 - Question: (Referencing 4.9) Please explain fasteners recessed in the roof and also provide the number of locations of the platforms. What are the dimensions of the area covered by the platforms? Should all exposed container tops have working platforms, or just some?
 - Answer: No fasteners shall be exposed above the roof deck more than 0.125". The number of locations of the platforms will be based on manufactures design. The dimensions of the area covered by the platform will also be based on manufacturer's design. All container tops with working platforms will be based on the manufactures design.
 - Question: (Referencing 4.1) Do the burn room doors need internal insulation or is the door sheeted on one side only?
 - Answer: All interior & exterior burn room doors and windows shall be protected up to 2000 degrees Fahrenheit. Both sides of the doors and windows shall be covered with stainless steel 10 gauge 304.

Acknowledged By "JR" @ AFTS 10-21-2016

4. Question: (Referencing 4.14) Structure shall be painted with a base color and one (1) "Access" color door and one (1) "Access" color window – Please explain.
 - a. Answer: All windows and doors will be painted with an accent color of the City's choice to the winning manufacturer.
5. Question: (Referencing 4.15) Finish of exterior shall be painted with a 2 part high solid marine urethane -3 mil. – Please furnish color code.
 - a. Answer: Color will be determined after bid is awarded. Color selected shall be from manufacturer's standard available colors.
6. Question: (Referencing 5.1, T) All rooftop active roof decks shall have OSHA approved railing and 4" toe kick – Please provide the locations and dimensions of roof decks.
 - a. Answer: The locations and dimensions will be based on manufacturer's design. The manufacturer will determine the locations of the roof decks.
7. Question: (Referencing 5.1) X Adjustable roof vent prop approximately 14' x 8' with 4' x 8' chop out – Should the vent prop angle be adjustable? Does the vent prop need hydraulic or mechanical raising mechanism?
 - a. Answer: The vent prop angle shall be adjustable. The vent prop raising mechanism is based on what the manufacturer can provide as standard. Both hydraulic and mechanical are acceptable.
8. Question: (Referencing 5.1) GG. Two (2) 14' x 26' canopy over top of sixth floor active roof deck – Is the requirement for steel canopies only, or is framework required as well?
 - a. Answer: Both the framework and the canopies shall be steel.
9. Question: Please explain number of outlets and any other required electrical items.
 - a. Answer: Bidder shall provide an adequate amount of lighting for the interior and exterior on all four sides; as well as the roof decks. The fire training unit shall also have an electrical panel located away from water runoff areas.
10. Are configuration drawings or sketches available customer?
 - a. Answer: In order to maximize competition and allow multiple manufacturer's to compete for this bid no drawings or sketches are available. The City has provided design concepts required in the bid specifications. The training tower shall be designed by the manufacturer.
11. The bid is labeled Mobile, but the specification described a fixed unit. Is it fixed, but capable of being disassembled and relocated?
 - a. Answer: Yes, it is a modular design that can be disassembled and relocated.
12. Question: Is the Owner handling all site preparation including grading and concrete pad or flat level surface and electrical service including main panel?
 - a. Answer: Yes, the City will be providing a concrete slab foundation for the mobile fire training unit as specified. In the event a bidder or manufacturer believes this foundation is not adequate to support the mobile fire training unit, bidder shall notify the city prior to the deadline in writing. Please also refer to Addendum 2. The City will provide electrical power to the building location.
13. Question: Is internal or external lighting required?

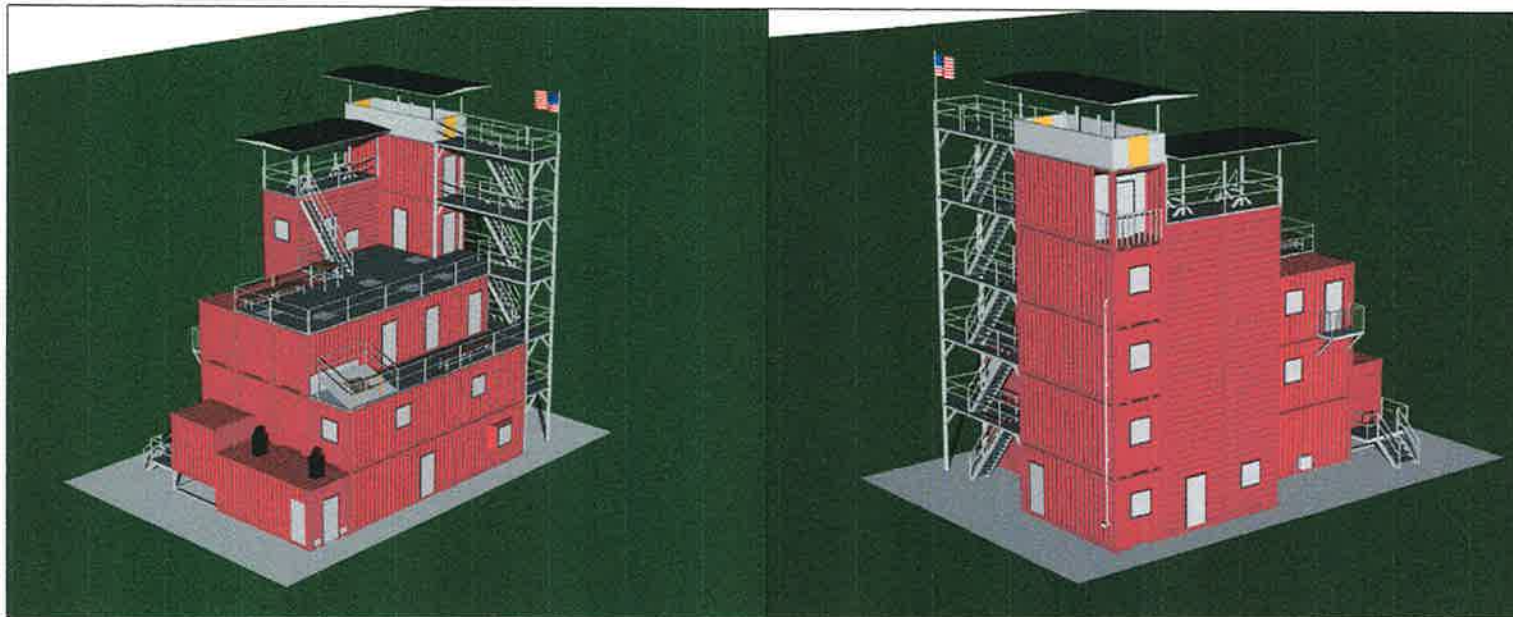
- a. Answer: Yes. Internal and external lighting is required to provide sufficient illumination to the tower. Minimum of (2) two electrical outlets per floor shall be provided.

14. Question: Addendum 3 modified the width of Tower 1 from 16' wide to 8' wide and thereby reducing the number of 40' high-cube containers needed to make Tower 1 from 4 to 2. Can you please clarify what effect (if any) this had on the total number of containers specified in 5.1 A and B (12 x40' and 5x20' containers).

- a. Answer: **5. TOWER COMPONENTS:**

- i. 5.1 Tower shall have the following components at minimum:
 - 1. Twelve (12) 40 foot high cube steel containers
 - 2. Five (5) 20 foot high cube steel containers
- ii. For clarity, no changes on the number of high cube steel containers specified in 5.1A and 5.1B. Please refer to original specifications. The correction on Addendum 3, Items 5.1 GG and NN will have no effect on the total number of high cube steel containers. This was a typo.

PROPOSAL FOR FIRE TRAINING FACILITY FAYETTEVILLE F.D. - FAYETTEVILLE, AR.



PLAN NORTHEAST VIEW

PLAN SOUTHWEST VIEW

UNIT SPECIFICATIONS

- 13 - 40' H.C. ISO CONTAINERS
- 5 - 20' H.C. ISO CONTAINERS
- 1 - FLASH-OVER
- 10' UPPER CHAMBER
- 20' LOWER CHAMBER
- 1 - 20'X24' BURN ROOM
- 1 - 18'X20' BURN ROOM
- 1 - 8'X20' BURN ROOM
- 2 - 20' SCBA PANEL MAZES
- REDUCED PROFILE PANELS
- WIRE ENTANGLEMENTS
- 1 - TWO TIER CRAWL MAZE
- RAFTER SIM. DROP FLOOR
- REDUCED PROFILE PANEL
- 1 - DRYWALL PIKE POLE PROP
- 1 - 8'X12' OPEN RAY BURN AREA
- STOVE PROP RANGE PROP
- 3 - 2 PALLET BURN CARTS
- 3 - VENT HATCHES
- 1 - FDC 4 GATES, 2 PRDS
- 1 - SPRINKLER HEAD
- 3 - BREACH WALLS
- 1 - DENVER DRILL WINDOW
- 1 - VENT. BREACH WINDOW
- 1 - HORIZ. BREACH WINDOW
- 1 - 5 STORY INT. STAIR TOWER
- 1 - 5 STORY EXT. STAIR TOWER
- 1 - RTO SYSTEM 10 TRANSMITTERS
- RECEIVER - DATA LOGGER
- 12 - STD. WINDOWS
- 10 - STD. DOORS W/HOSE FLAPS
- 1 - 14'X8' ROOF PITCH SIM.
- 4'X8' CROP OUT
- 2 - FORCED ENTRY DOORS
- 1 - 3 TIER COLLAPSED FLOOR
- 4 - 30X30 FLOOR/CERLING HATCHES
- 1 - ELECT. OUTLET BEHIND THE WALL FIRE PROP
- 1 - 40,000 CFM SMOKE GEN.
- 2 - EXHAUST FANS (FLOORS 1&2)
- 1 - COUCH, LOVESEAT, TABLE & CHAIRS, FIREPLACE PROPS
- 2 - ROOFTOP CONOPIES
- 3 - RAFFEL ANCHORS
- 5000# OSHA APPROVED
- 1 - CANTILEVERED BALCONY
- 1 - RECESSED BALCONY
- 1 - GAS (LIQUID) PIPE LEAK SIM.
- 1 - REVOLVING DOOR PROP
- 1 - 40'X16'X19' TOWER 3 HALF LANDINGS
- 1 OPEN SHAFT
- 2 - DIGITAL FIRE ATTACK PROPS
- 1 - BASEMENT RAIL-OUT WINDOW
- 1 - 24", 30", 36" CRAWL TUBES
- 90° ELBOWS - TEE TRANSITIONS
- ELECTRICAL - 4" TOE KICKS AND HANDRAILING THROUGHOUT

TRAINING AREA

TOTAL **7480 SQ. FT.**

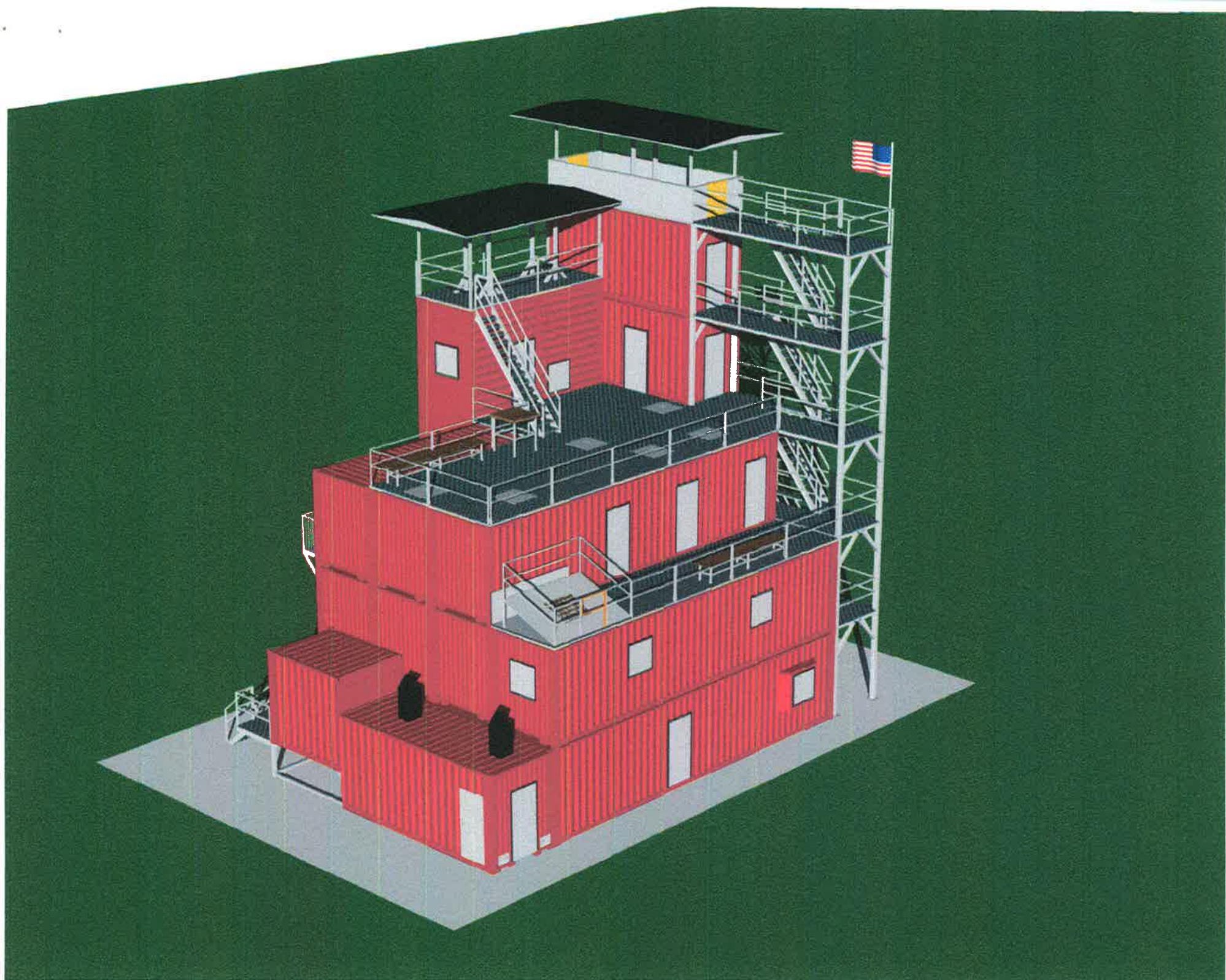
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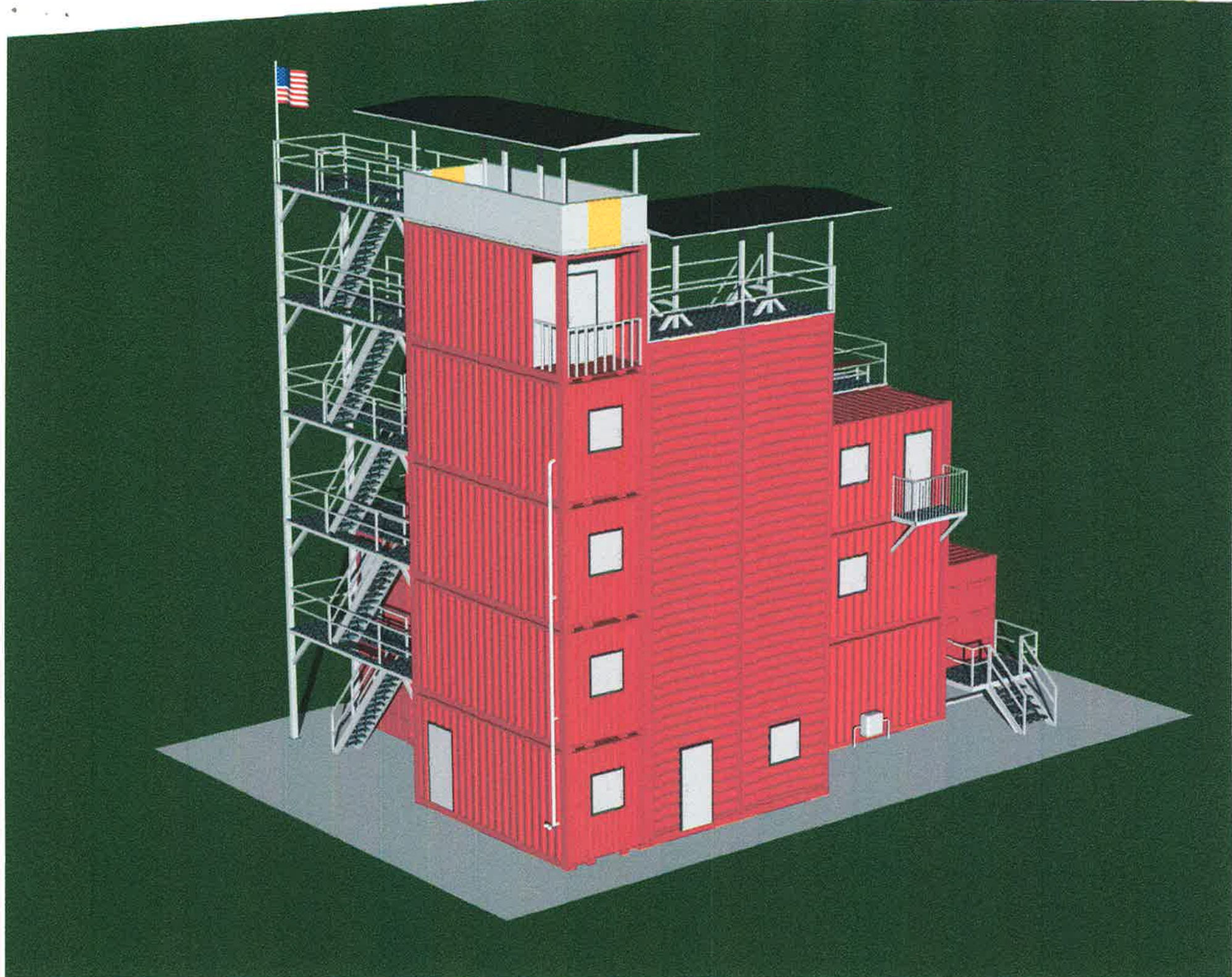
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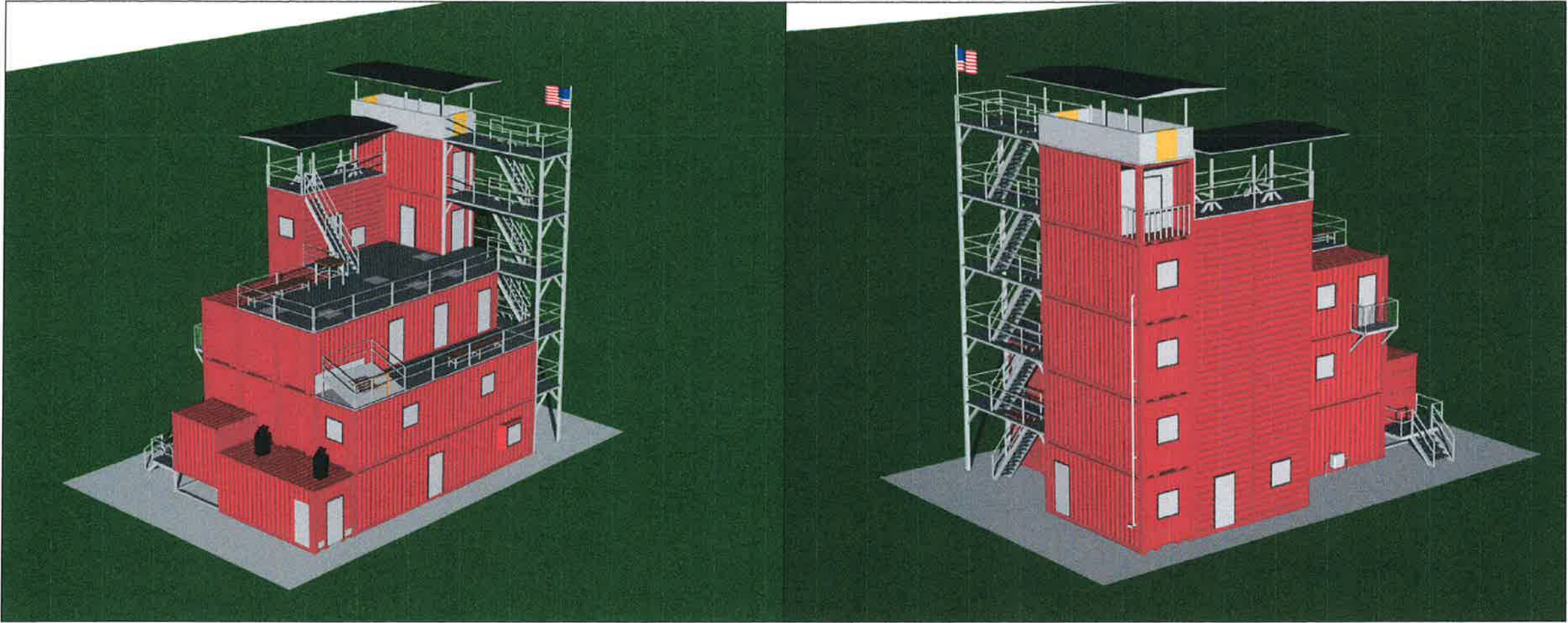
PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.

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PROPOSAL FOR FIRE TRAINING FACILITY FAYETTEVILLE F.D. - FAYETTEVILLE, AR.



PLAN NORTHEAST VIEW

PLAN SOUTHWEST VIEW

UNIT SPECIFICATIONS

- 13 - 40' H.C. ISO CONTAINERS
- 5 - 20' H.C. ISO CONTAINERS
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- 1 - 5 STORY INT. STAIR TOWER
- 1 - 5 STORY EXT. STAIR TOWER
- 1 - RTD SYSTEM 10 TRANSMITTERS
 - RECEIVER - DATA LOGGER
- 12 - STD. WINDOWS
- 16 - STD. DOORS W/HOSE FLAPS
- 1 - 14'X8' ROOF PITCH SIM.
 - 4'X8' CHOP OUT
- 2 - FORCED ENTRY DOORS
- 1 - 3 TIER COLLAPSED FLOOR
- 4 - 30X30 FLOOR/CEILING HATCHES
- 1 - ELECT. OUTLET BEHIND THE WALL FIRE PROP
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- 1 - 40'X16'X19' TOWER 3 HALF LANDINGS
 - 1 OPEN SHAFT
- 2 - DIGITAL FIRE ATTACK PROPS
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- ELECTRICAL - 4" TOE KICKS AND HANDRAILING THROUGHOUT

TRAINING AREA
TOTAL = ~~7480~~ 7480 Sq. FT.

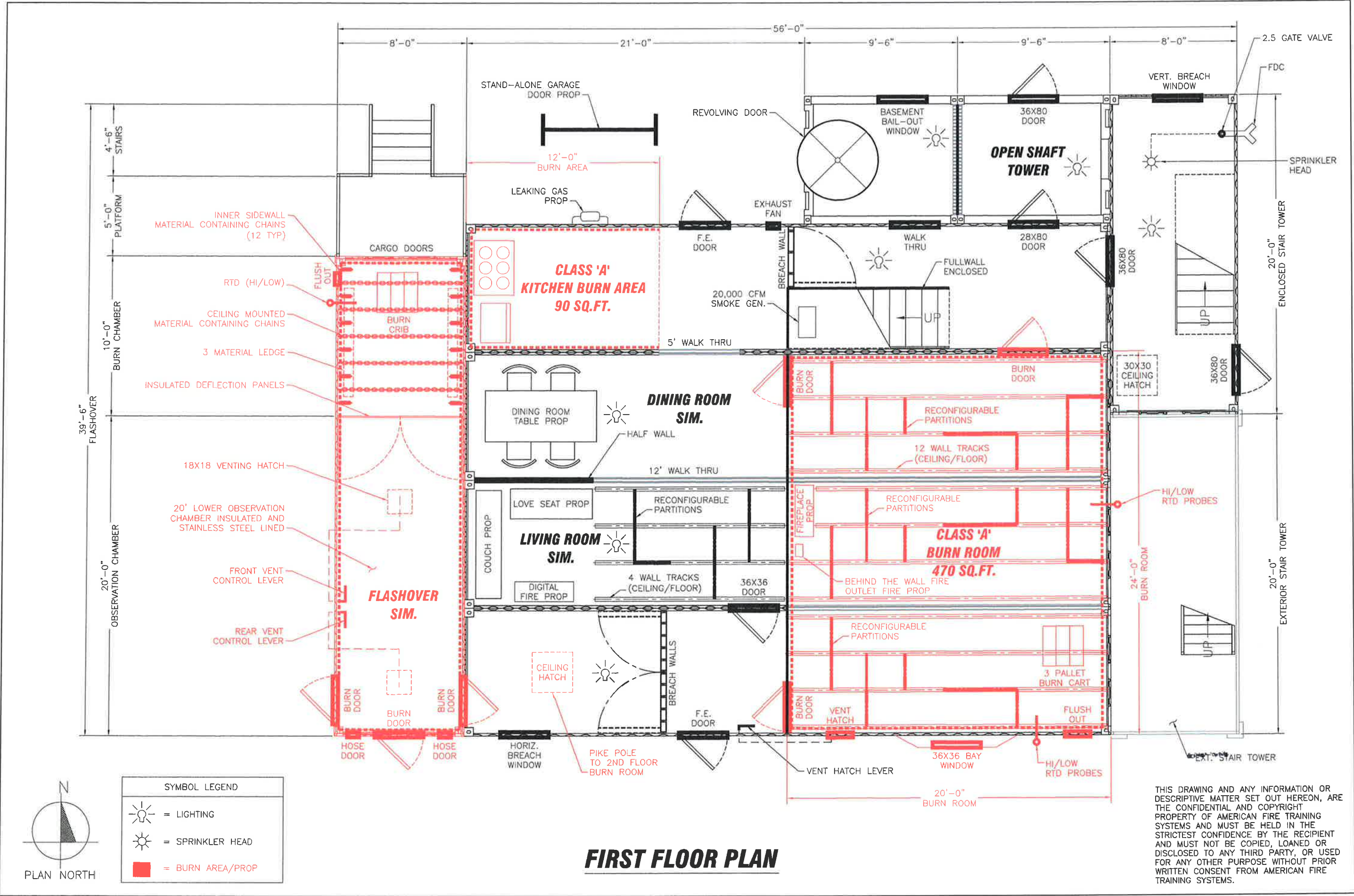
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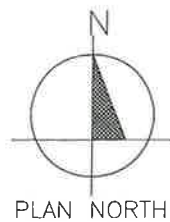


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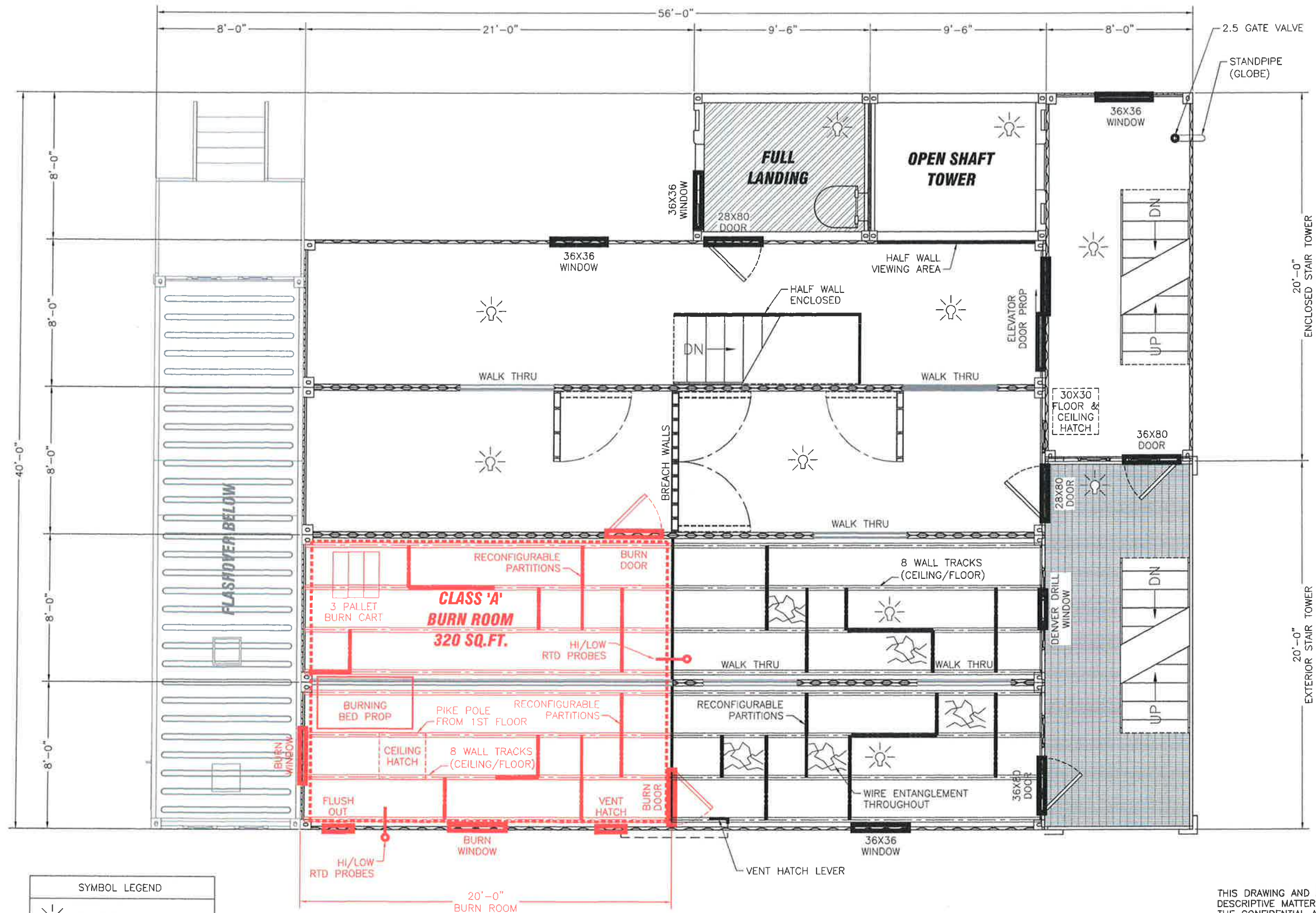


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SYMBOL LEGEND	
	= LIGHTING
	= SPRINKLER HEAD
	= BURN AREA/PROP



SECOND FLOOR PLAN

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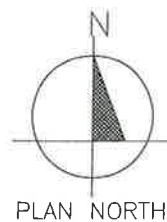
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02



SYMBOL LEGEND

-  = LIGHTING
 = SPRINKLER HEAD
 = BURN AREA/PROP

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DATE: 10-17-16

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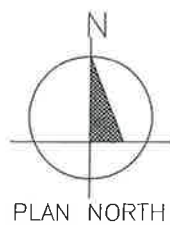
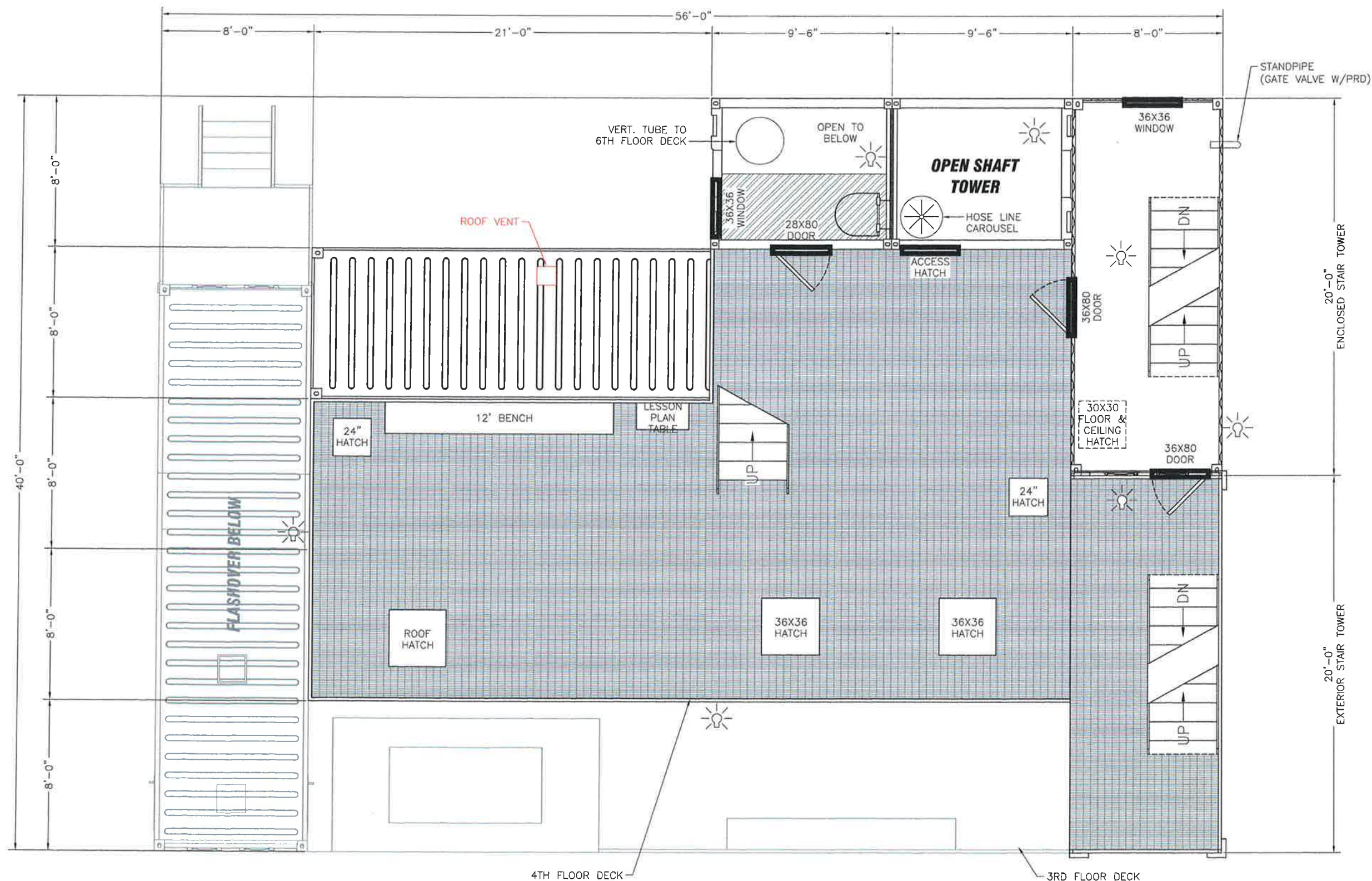
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**PROPOSAL FOR FIRE TRAINING FACILITY
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SYMBOL LEGEND	
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	= BURN AREA/PROP

FOURTH FLOOR PLAN

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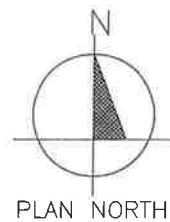
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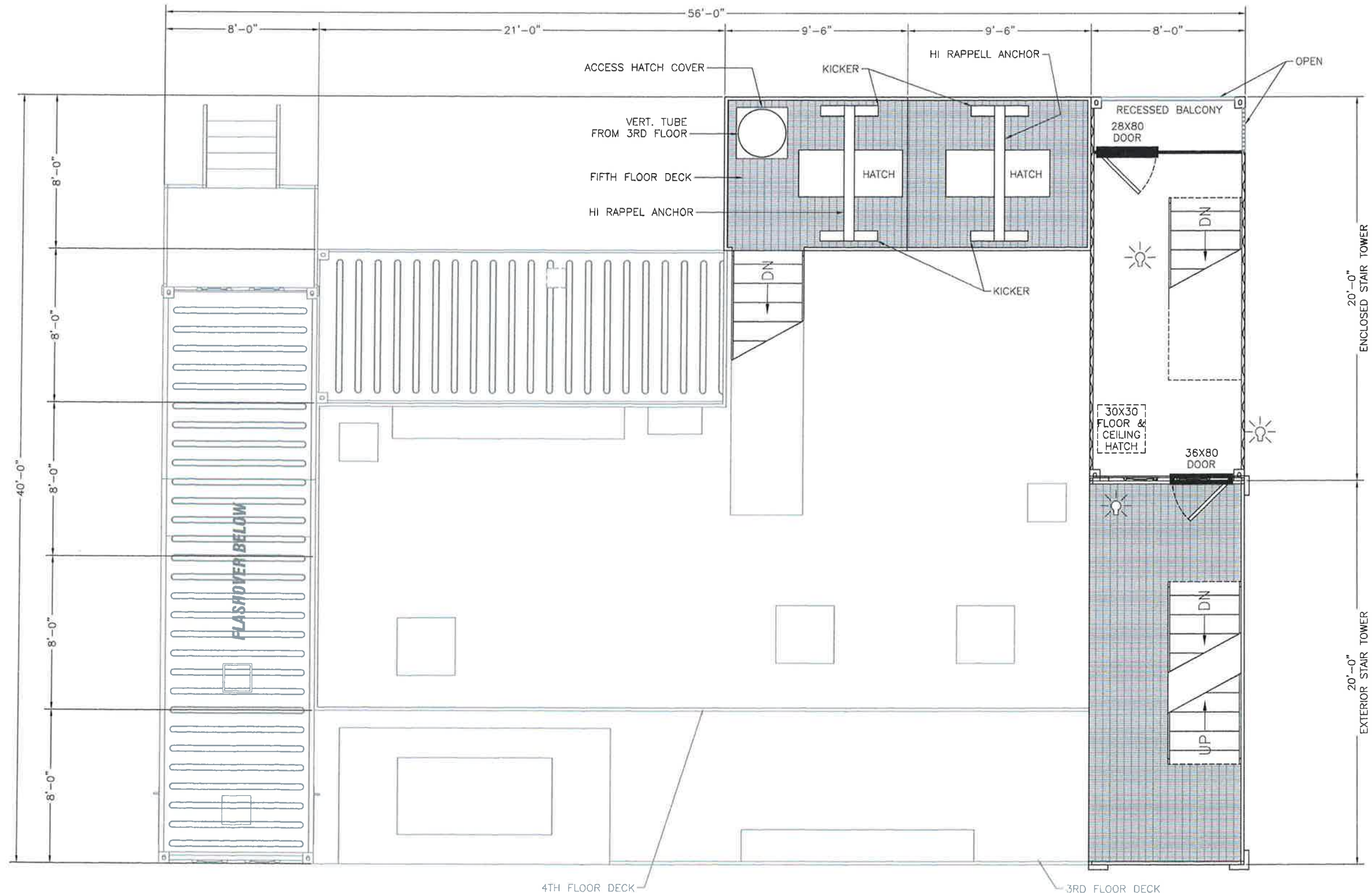
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PROPOSAL FOR FIRE TRAINING FACILITY
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SYMBOL LEGEND	
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	= BURN AREA/PROP



FIFTH FLOOR PLAN

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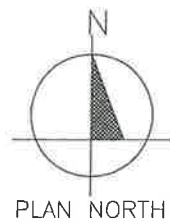
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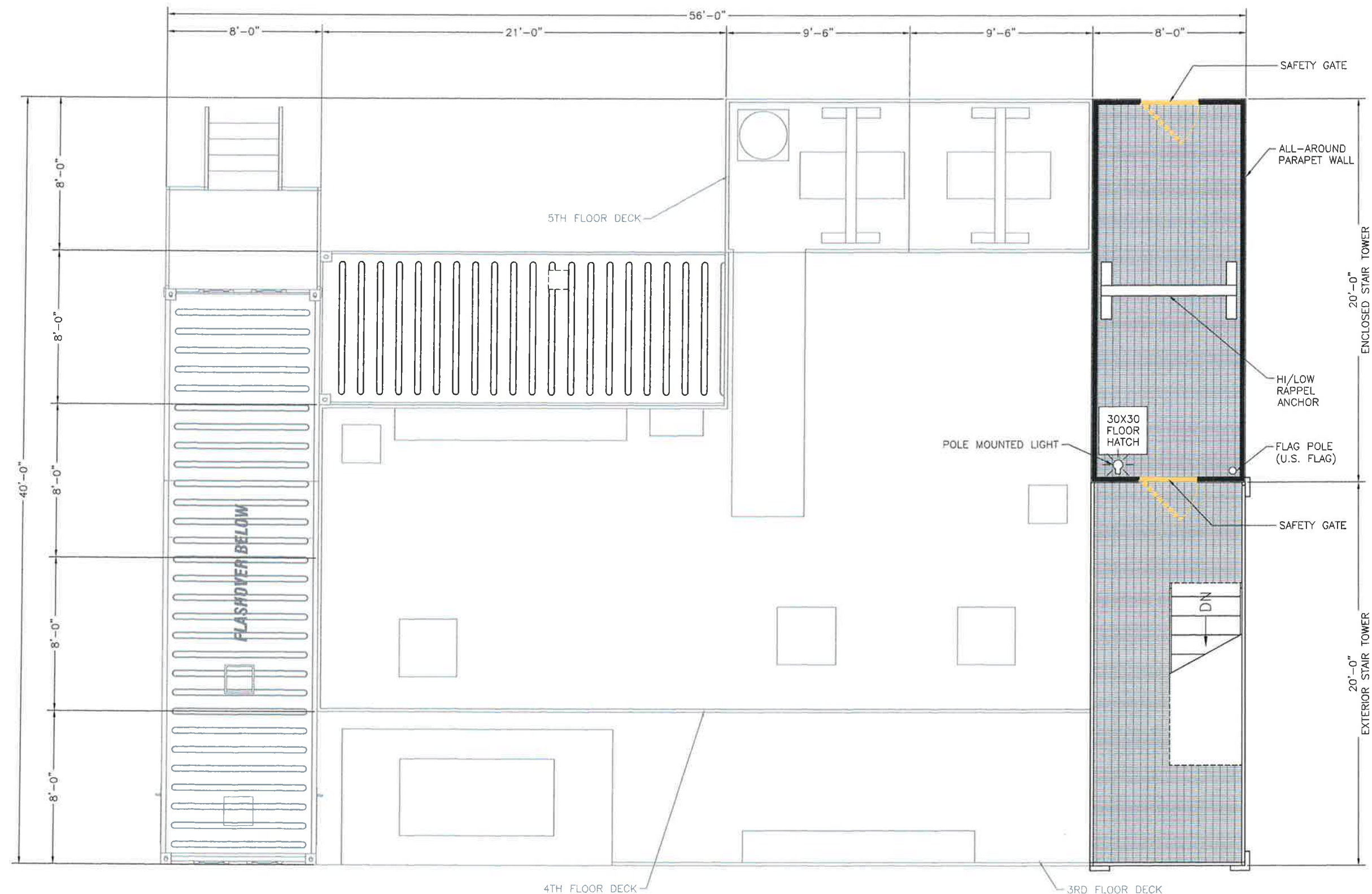
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FAYETTEVILLE F.D. - FAYETTEVILLE, AR.

DRAWN BY: PRD
REV: -
DATE: 10-17-16
SCALE: -
P NO. P743
DWG NO.

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SYMBOL LEGEND	
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	= SPRINKLER HEAD
	= BURN AREA/PROP



SIXTH FLOOR PLAN

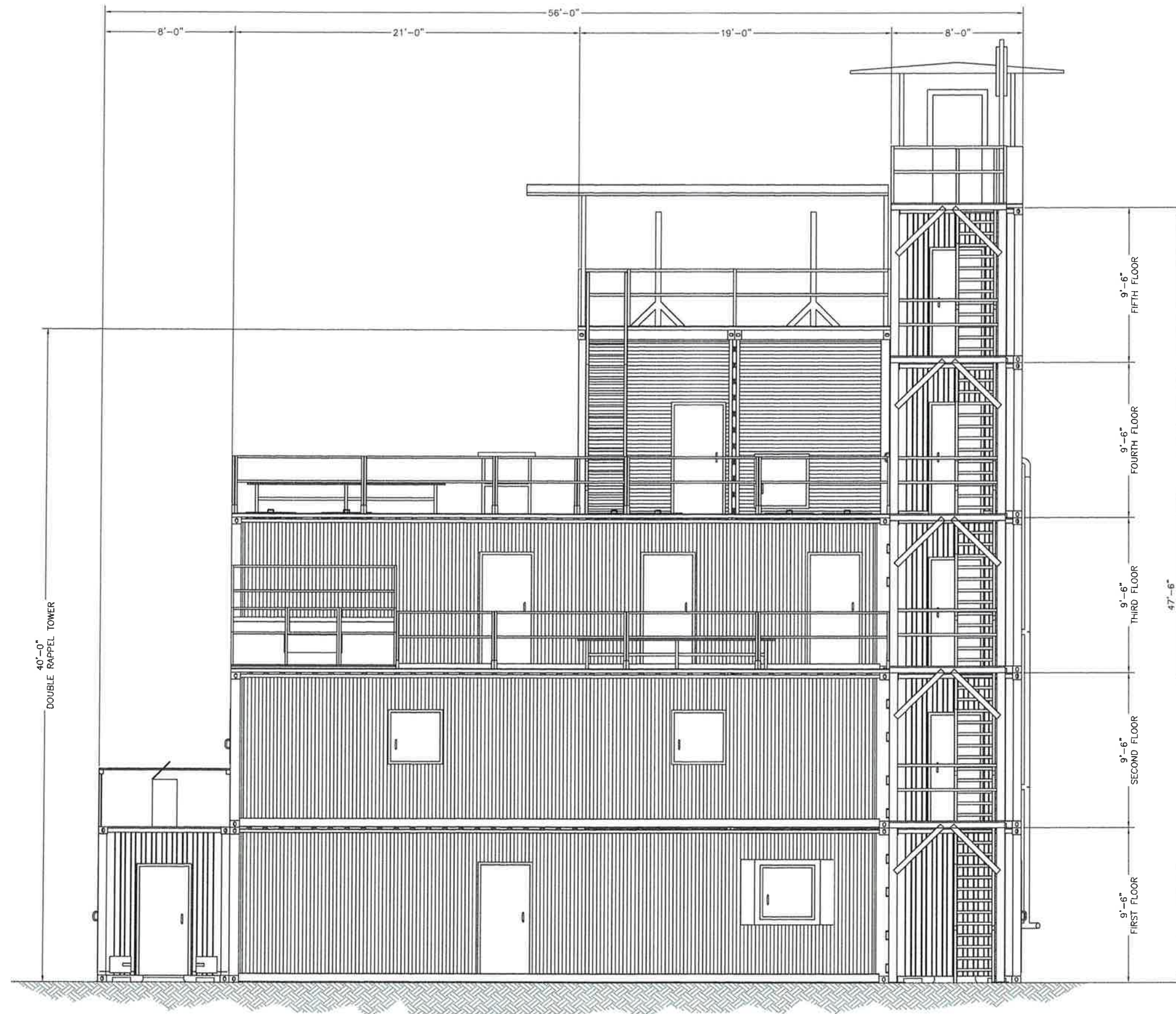
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12315 SOUTH NEW AVE., POB #39
LEMONT, ILLINOIS 60439
(630) 257-0112



PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.

DRAWN BY:	PRD
REV:	-
DATE:	10-17-16
SCALE:	-
P NO.	P743
DWG NO.	06



PLAN NORTH ELEVATION

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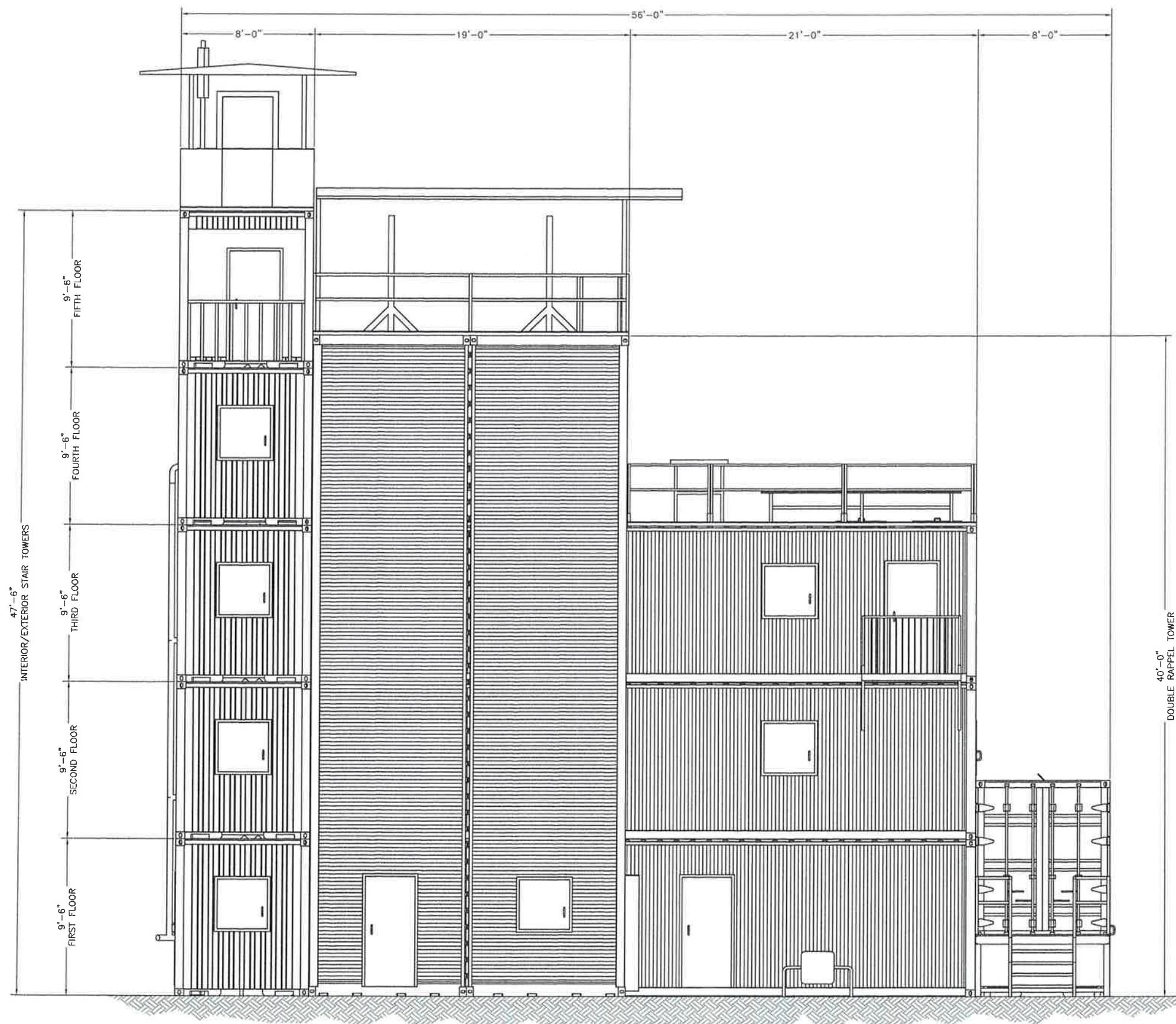
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12315 SOUTH NEW AVE., POB #39
LEMONT, ILLINOIS 60439
(630) 257-0112



**PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.**

DRAWN BY: PRD
REV: -
DATE: 10-17-16
SCALE: -
P NO. P743
DWG NO.

07



PLAN SOUTH ELEVATION

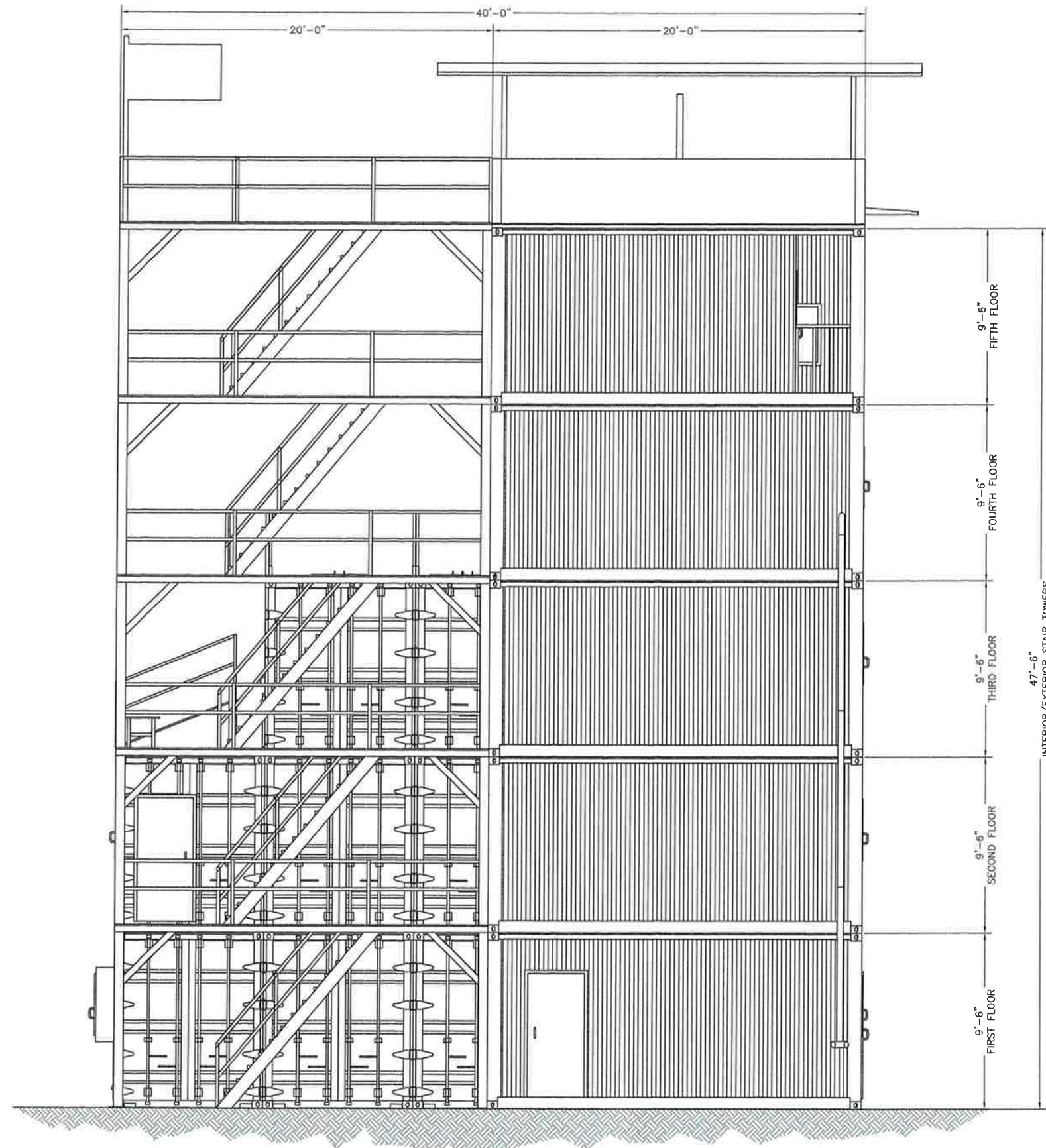
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(630) 257-0112



**PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.**

DRAWN BY:	PRD
REV:	-
DATE:	10-17-16
SCALE:	-
P NO.	P743
DWG NO.	08



PLAN WEST ELEVATION

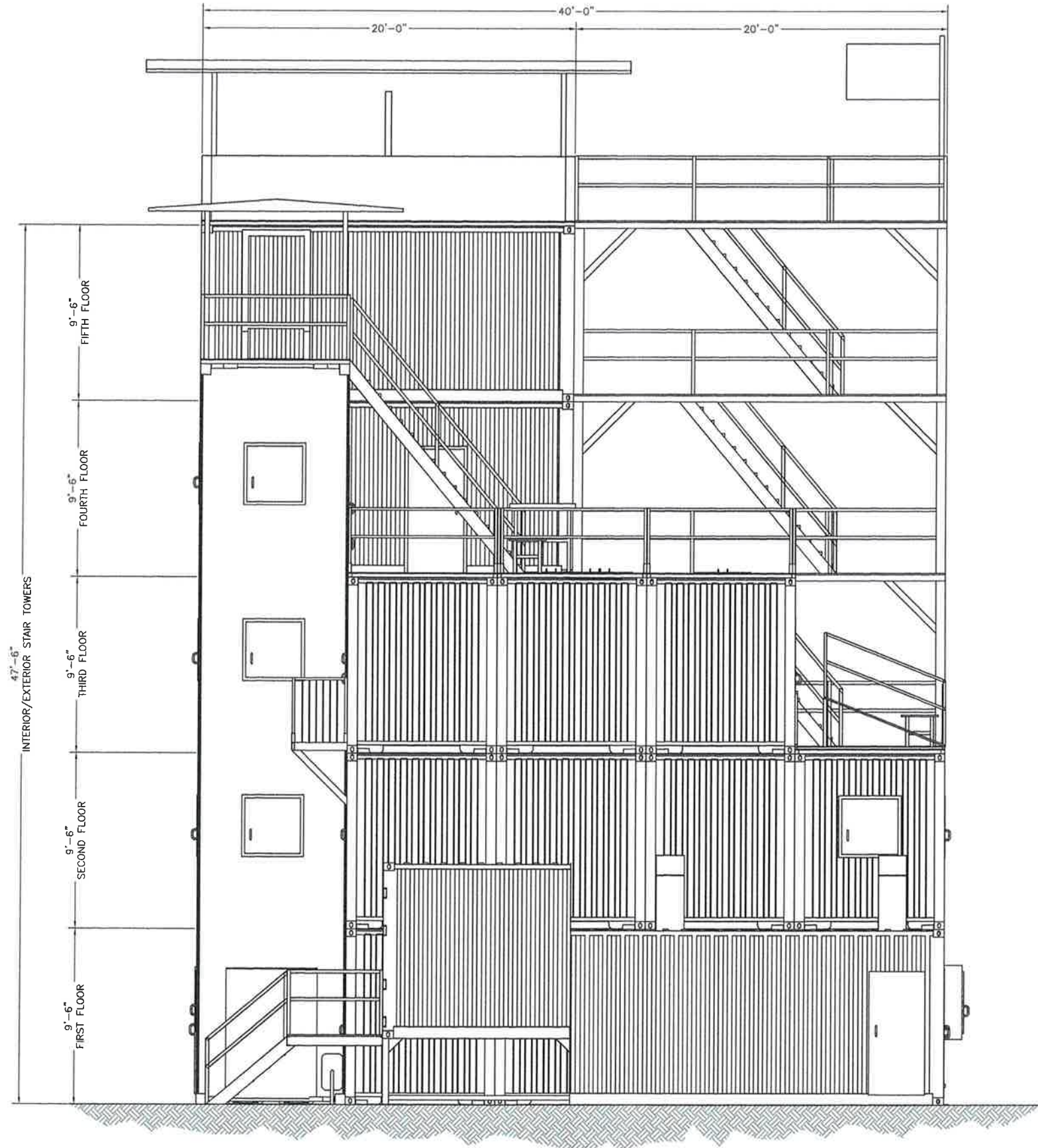
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12315 SOUTH NEW AVE., POB #39
LEMONT, ILLINOIS 60439
(630) 257-0112



**PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.**

DRAWN BY:	PRD
REV:	-
DATE:	10-17-16
SCALE:	-
P NO.	P743
DWG NO.	09



PLAN EAST ELEVATION

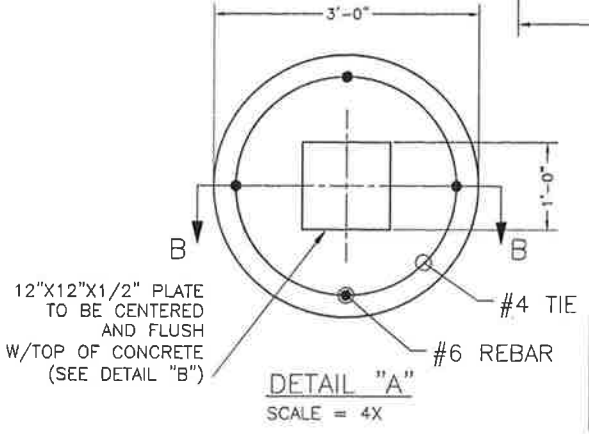
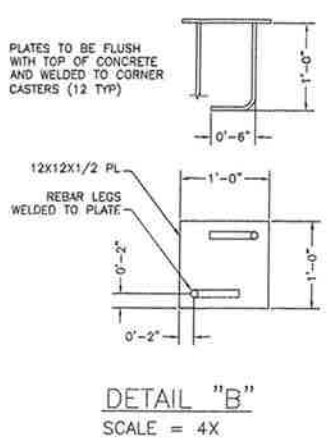
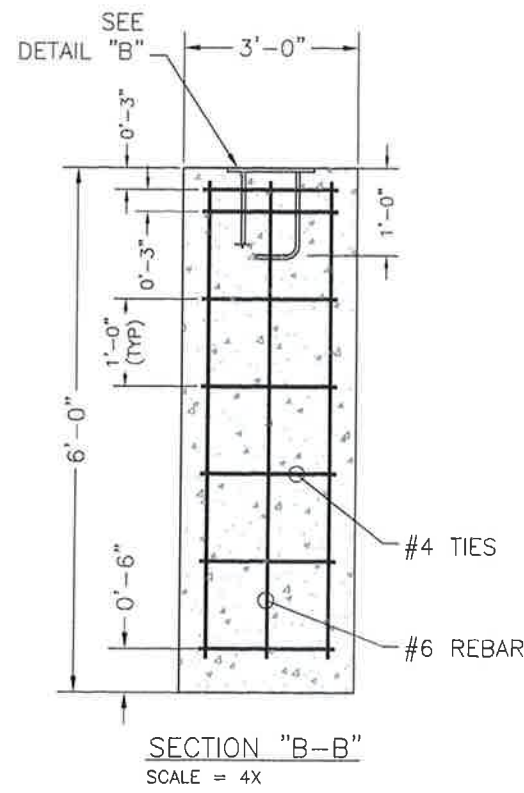
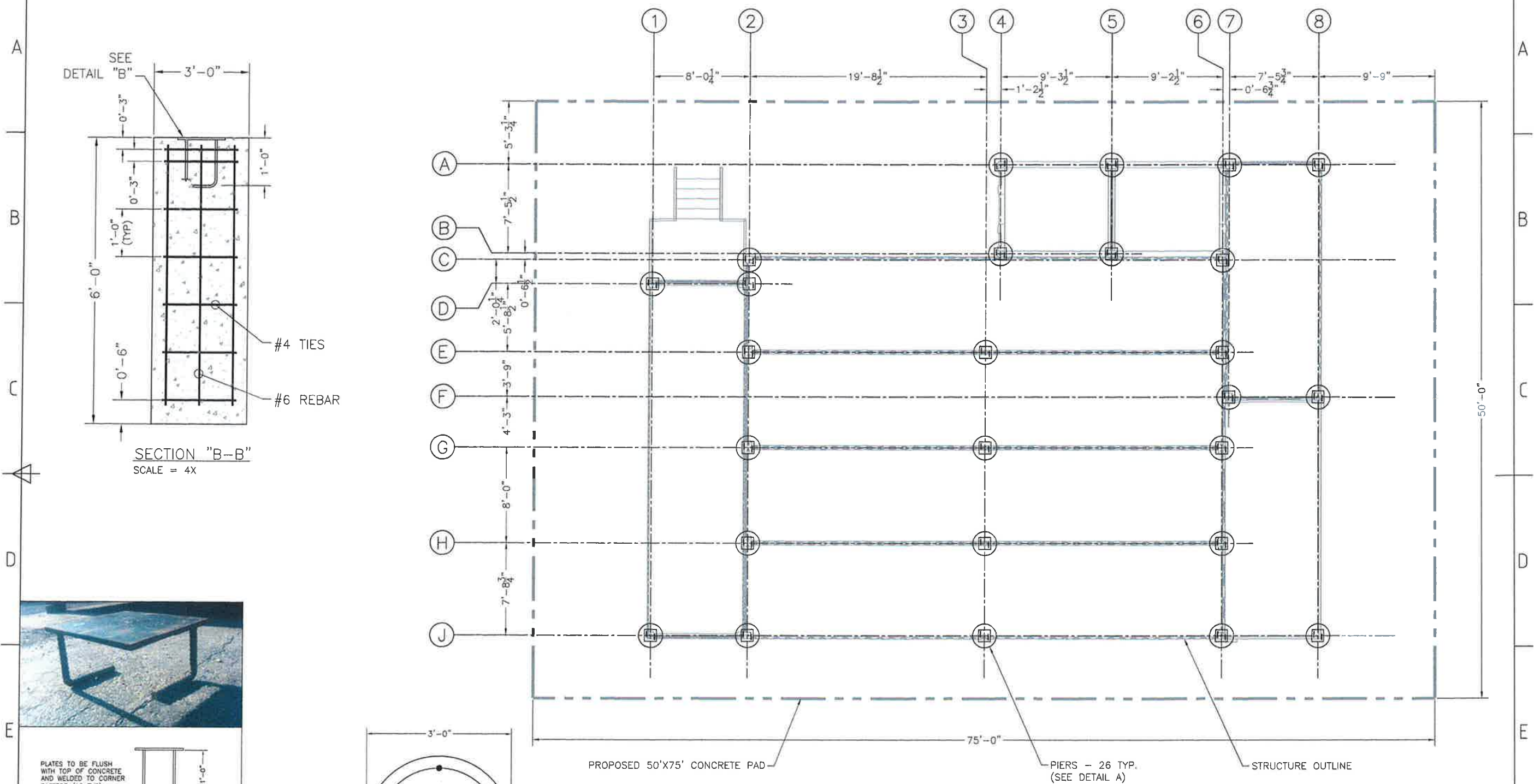
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**PROPOSAL FOR FIRE TRAINING FACILITY
FAYETTEVILLE F.D. - FAYETTEVILLE, AR.**



AMERICAN FIRE TRAINING SYSTEMS, INC.
12315 SOUTH NEW AVE., POB #39
LEMONT, ILLINOIS 60439
(630) 257-0112

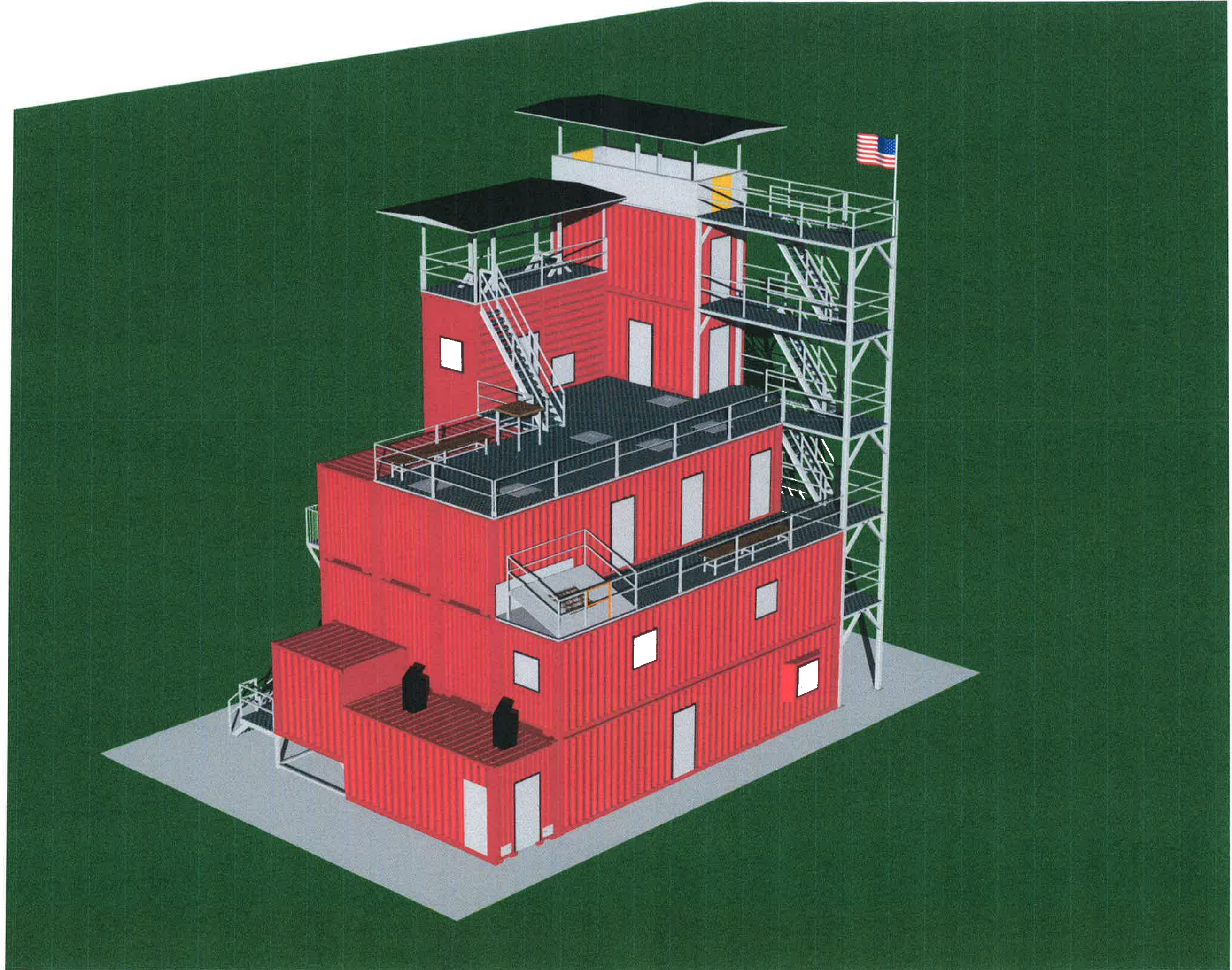
DRAWN BY:	PRD
REV:	-
DATE:	10-17-16
SCALE:	-
P NO.	P743
DWG NO.	10



RECOMMENDED PIER DESIGN ONLY LOCAL SOIL AND CODE REQUIREMENTS MAY REQUIRE CHANGE IN DESIGN SEE LOCAL CODE.

RECOMMENDED PIER LAYOUT
SCALE: 1X

Itemref	Quantity	Title/Name, designation, material, dimension etc			Article No./Reference	
Designed by	Checked by	Approved by - date	File name	Date	Scale	
-	-	-	P743	10-25-16	AS NOTED	
AFTS			FAYETTEVILLE AR			
			PIER LAYOUT	Edition	Sheet	
			-	-	-	





McGaugh, Les

From: jr@americanfiretrainingsystems.com
Sent: Friday, October 28, 2016 2:56 PM
To: McGaugh, Les
Subject: Re: FW: Submittal Clarification

Les as to the references below my response is as follows:

- #1 AFTS will except a formal purchase order from the city of Fayetteville in lieu of contract.
- #2 AFTS understands and agrees the city of Fayetteville will not sign the AFTS contract.
- #3 AFTS will and always provides drainage of water to the exterior in burn rooms and entrances to burn rooms at every burn level.
- #4 AFTS install`s flush out hatches in addition to floor drains so access water can be sweep out.
- #5 AFTS construction of all training towers are built to ensure that no rain water is to leak into the structure.
- #6 AFTS agrees to all terms in bid # 16-62
- #7 AFTS understands that no deposits will be made.
- #8 AFTS will not charge any storage fees of completed units if buyers site is unfinished.
- #9 AFTS will comply with Arkansas seismic and wind requirements based on 2012 IBC edition
- #10 AFTS will have the training tower erected before April 15th 2017

Kerry A Fierke Jr.
American Fire Training Systems Inc.
15200 New Ave
Lockport IL 60441
630-257-3659
630-878-5493

On 10/28/2016 2:05 PM, McGaugh, Les wrote:

Kerry,

Per our phone conversation earlier today, the following items were agreed upon and clarified. Please respond in confirmation that American Fire Training Systems, Inc. agrees and acknowledges the following as discussed:

- American Fire Training Systems, Inc. agrees to accept a City signed Purchase Order in lieu of a contract.
- American Fire Training Systems, Inc. acknowledges the City will not sign the draft contract submitted with Bid 16-62

- The Bid submitted by American Fire Training Systems, Inc. complies with items 4.3, 4.4. and 4.6 (Drainage Requirements) of Page 14 of Bid 16-62
- American Fire Training Systems, Inc. agrees to all terms outlined in Bid 16-62.
- American Fire Training Systems, Inc. agrees and understands that no deposit or prepayment shall be made
- American Fire Training Systems, Inc. agrees that the City will pay no storage fees
- American Fire Training Systems, Inc. agrees the Mobile Fire Training Unit shall be designed/engineered to meet the seismic and wind speed requirements of the City of Fayetteville as specified in the 2012 Edition of the Arkansas Fire Prevention Code, Vol. 2 (Based on the 2012 Edition of the IBC?)
- Completion Time issued in the bid was within 150 days of City Council Approval. However, as discussed during our phone conversation, American Fire Training Systems, Inc. might be able to deliver earlier. This would likely work better for the City as well. The City intends per the bidding documents to accept delivery on or before Friday, April 21, 2017. Both the City and American Fire Training Systems, Inc. understands this is sooner than the original 150 days allowed in the bidding documents.
- American Fire Training Systems, Inc. agrees to provide delivery no later than Friday, April 21, 2017

Les McGaugh

Purchasing Agent

Purchasing Division

113 W. Mountain

City of Fayetteville, Arkansas 72701

lmcgaugh@fayetteville-ar.gov

T 479.575.8220 | F 479.575.8257

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0504

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

UA PROPERTIES, LLC COST SHARE AGREEMENT:

A RESOLUTION TO APPROVE A 50/50 COST SHARE AGREEMENT WITH UA PROPERTIES, LLC FOR CONSTRUCTION OF A WATER MAIN ALONG A PORTION OF SMITH AVENUE BETWEEN WEST MARKHAM ROAD AND NORTH THOMAS AVENUE AT A TOTAL COST OF \$13,912.68

WHEREAS, UA Properties, LLC has requested that the City construct and share in the cost of constructing a 2-inch water main along a portion of Smith Avenue between West Markham Road and North Thomas Avenue, a distance of approximately 800 feet, to upgrade the old line, facilitate a lot split and increase population density; and

WHEREAS, construction of the water main will provide water service to a project which is increasing the population density in this area, upgrade the old line, and eliminate a dead-end line by creating a looped system; and

WHEREAS, § 51.112 of the Fayetteville City Code provides that “the City shall pay the excess material cost of facilities of a size that is larger than required to serve subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system.”

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a cost share agreement with UA Properties, LLC for construction of a water main along a portion of Smith Avenue between West Markham Road and North Thomas Avenue, a distance of approximately 800 feet, with the total project cost of \$13,912.68 to be shared equally between the City and UA Properties, LLC.

City of Fayetteville Staff Review Form

2016-0504

Legistar File ID

11/15/2016

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

Tim Nyander

10/20/2016

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and UA Properties, LLC, to share the costs of installing an upgraded watermain in the area of Smith Avenue, west of Razorback Road. The cost share is \$6,956.34, which represents 50% of the labor, equipment, and construction materials.

Budget Impact:

5400.720.5600-5808.00

Water/Sewer

Account Number

Fund

02067.1

Water and Sewer Cost Sharing Project

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 96,796.00

Funds Obligated \$ 4,510.00

Current Balance \$ 92,286.00

Does item have a cost? Yes

Item Cost \$ 6,956.34

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 85,329.66

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

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

FROM: Tim Nyander, Utilities Director 

DATE: October 20, 2016

SUBJECT: Resolution Approving a Cost-Share Agreement between the City of Fayetteville and the UA Properties, LLC

RECOMMENDATION:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and the UA Properties, to share the costs of installing an upgraded water main in the area Smith Avenue, west of Razorback Road. The cost share is \$6,956.34, which represents 50% of the labor, equipment and construction materials.

BACKGROUND:

UA Properties, LLC has requested that the City construct and share in the cost of constructing a 2-inch water main on a portion of Smith Avenue west of Razorback Road. Installing this segment of line will upgrade the old line, and also eliminate two dead-end lines by creating a looped system. A distance of approximately 800 feet, the 1.5- and 2-inch water main to be upgraded is located on Smith Avenue, W. Markham Road and N. Thomas Avenue.

DISCUSSION:

Section 51.112 of the Fayetteville City Code provides that "the City shall pay the excess material cost of facilities of a size that is larger than required to serve subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system." Since the 2-inch line will provide a loop and remove 2 dead end lines, as well as replace some older pipe that is prone to leaks, the Utility Staff feels it is fair and equitable to cost share toward the upgrade. Additionally, this project will create an additional water service on Smith Avenue.

BUDGET/STAFF IMPACT:

The Water & Sewer Division will be able to provide the labor, equipment and materials needed without impeding upon the overall mission of the Utilities Department. Funds are available in the Water & Sewer Cost Sharing Project.

Attachments:

Staff Review Form
Cost-Share Agreement

CONTRACTUAL AGREEMENT FOR
COST SHARE OF WATER MAIN UPGRADE COSTS

This Agreement, made and entered into on this _____ day of November, 2016, by and between the City of Fayetteville, Arkansas ("City") and the UA Properties, LLC, witnesseth:

WHEREAS, UA Properties, LLC has requested that the City construct and share in the cost of constructing a 2 -inch water main along a portion of Smith Avenue west of Razorback Road, a distance of approximately 800 feet, to facilitate a lot split and increase population density.

WHEREAS, installing this segment of line will upgrade the old line, and also eliminate a dead-end line by creating a looped system.

WHEREAS, § 51.112 of the Fayetteville City Code provides that "the City shall pay the excess material cost of facilities of a size larger than required to service subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system."

NOW, THEREFORE, the City of Fayetteville, Arkansas and UA Properties, LLC agree as follows:

1. The City of Fayetteville, Arkansas agrees to:
 - A. Furnish the labor, materials, and equipment to upgrade approximately 800 linear feet of 1.5- and 2-inch water main on Smith Avenue, W. Markham Road and N. Thomas Avenue to 2-inch main.
 - B. Bear any costs associated with the water main installation that exceed the amount UA Properties, LLC agrees to pay below.
2. UA Properties, LLC agrees to:
 - A. Reimburse the City for 50% of the cost of the water main installation up to a maximum-not-to-exceed amount of **\$6956.34**, which represents one-half of the cost estimated by Fayetteville (13,912.68).
 - B. Make payment to Fayetteville within thirty (30) days after receipt of valid invoices.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

UA PROPERTIES, LLC

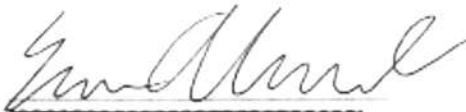
**CITY OF FAYETTEVILLE,
ARKANSAS**

By: 
BRIAN REINDL, Chief Manager

By: _____
LIONELD JORDAN, Mayor

ATTEST:

ATTEST:

By: 


By: _____
SONDRA SMITH, City Clerk



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0507

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$10,000.00 TO CONTINUE THE E-WASTE COUPON REDEMPTION PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a 2016 Arkansas Department of Environmental Quality grant through the Boston Mountain Solid Waste District in the amount of \$10,000.00 to continue the E-Waste Coupon Redemption Program.

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

City of Fayetteville Staff Review Form

2016-0507

Legistar File ID

11/15/2016

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

Brian Pugh

10/25/2016

Recycling & Trash Collection /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve a resolution authorizing the acceptance of a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for the continuing the E-Waste Coupon Redemption Program and approving a budget adjustment.

Budget Impact:

5500.750.5080.5315.00

Recycling and Trash Collections

Account Number

Fund

33028.1601

E-Waste Coupon Redemption

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 10,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 10,000.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15TH, 2016

To: Fayetteville City Council

Thru: Jeff Coles, Recycling and Trash Collections Director

From: Brian Pugh, Waste Reduction Coordinator

Date: October 25th, 2016

SUBJECT: Approve a resolution authorizing the acceptance of 2016 Boston Mountain Recycling Grant for \$10,000 for the E-Waste Coupon Redemption Program and approving a budget adjustment.

RECOMMENDATION:

Staff recommends approving a resolution authorizing the acceptance of a 2016 Boston Mountain Recycling Grant for \$10,000 for the continuance of the E-Waste Coupon Redemption Program and approving a budget adjustment to accept the funds and allocate them into a capital project. The Legistar number for applying for this grant is 2016-0360 which was a non-agenda item asking for the Mayor's signature.

BACKGROUND:

The Arkansas Department of Environmental Quality receives money generated from fees collected at landfills and distributes funds back to the regional solid waste districts to fund recycling grants. The Boston Mountain Solid Waste District issues recycling grants through approval of the Boston Mountain Solid Waste Board and the City has benefited from these grants in the past. The Boston Mountain Solid Waste District compiled the grant pre applications and approved them at the August Board meeting. ADEQ has released the grant funds to Boston Mountain and is now ready to disburse funds.

DISCUSSION:

This grant will be used to continue the E-Waste Coupon redemption program in partnership with the Washington County Office of Environmental Affairs and the Boston Mountain Solid Waste District and print e-waste recycling coupons which can be redeemed at the Washington County HHW site in south Fayetteville where the e-waste is collected for recycling. The current charge for e-waste collected at this site is \$5 per unit and the coupon waives the fee when presented by a Fayetteville resident. The coupons would be printed showing the \$5 value for recycling of e-waste at the site. The coupons could be handed out at promotional events, given out in appreciation for volunteer service with the recycling program, the Mayor's booth at the Farmers Market on the square, school recycling events and many other City related events.

BUDGET IMPACT

The recycling grant award is not a matching grant, so no City funds are obligated with this request. The budget adjustment is attached to recognize the grant revenue and add it to the E-Waste Coupon Redemption Grant with a new sub project. The new number will be Project 33028.1601.

Attachments: Award notice from Boston Mountain, signed Grant Application, budget adjustment



Boston Mountain
SOLID WASTE DISTRICT

September 26, 2016

City of Fayetteville
c/o Brian Pugh
1560 Happy Hollow Road
Fayetteville, AR 72701

Grantee: City of Fayetteville
Grant Number: FY16-01
Grant Name: E-waste coupon program
Amount Awarded: \$ 10000

Congratulations! We are excited to notify you of your grant award.

This grant is administered by Boston Mountain Solid Waste District. Below are some details of the program:

- All grant funds must be spent within three years of date awarded.
- All grant funded projects must be started before you are eligible to apply for recycling grants in the next year grant round.

Grant Reimbursement Requirements

- Completed grant reimbursement request form
- A detailed invoice
- A warrant, check copy, and/or credit card receipt. Showing proof of payment.
- For equipment purchased: make, model, serial or VIN number, and physical address of where equipment will be housed.
- Reference Grant Number on all submittals.
- Can be submitted electronically or in paper form.

Grant Issues Requiring Board Approval

- Any changes in grants. (Grant Change Order)
- If you choose to trade, sell, or scrap equipment previously purchased with grants funds.

All forms related to the grant program are available online. Bostonmountain.org → Resources → Grants

The District would like to thank you for all of the great grant applications and project proposals submitted this year. We have enclosed a copy of your final signed grant application. We look forward to working with you on your future solid waste management programs!

Sincerely,

Robyn Reed

Director

Boston Mountain Solid Waste District

Enclosure

11398 Bond Road
Prairie Grove, Arkansas 72753
p 479.846.3005 f 479.846.4614
bostonmountain.org

Recycling Grant Application



Boston Mountain
SOLID WASTE DISTRICT

Grant Name: E-Waste Coupons

Grant Number: FY16-01

APPLICANT: CITY OF FAYETTEVILLE

CONTACT: BRIAN PUGH

ADDRESS: 1560 S. HAPPY HOLLOW ROAD

CITY: FAYETTEVILLE

COUNTY: WASHINGTON

ZIP CODE: 72701

PHONE: (479) 718-7685

E-MAIL: BPUGH@FAYETTEVILLE-AR.GOV

PROJECT TYPE (CATEGORY)	GRANT FUNDS REQUESTED	MATCHING FUNDS COMMITTED	TOTAL PROJECT COST
ELECTRONICS RECYCLING	10,000	0	10,000

Select only one category

- Administrative
- Recycling Equipment
- Composting
- Planning
- Recycling Programs
- Education
- Transfer Station with Recycling
- Material Recovery Facility
- Waste Reduction Activities
- Electronics Recycling

- Other than Recycling Grant funds**, how are expenses for the continuation of this project to be funded (including maintenance, repairs, labor and operating expenses)? **Coupon redemption program is funded through grants and uses the recycling infrastructure in place at Washington County for acceptance of e-waste items. See attached narrative.**
- Who will manage the finances of this grant and how may s/he be contacted?** (Who is responsible for maintaining records of income and expenses related to this grant?) **Brian Pugh**

Please provide as detailed information as possible about your proposed recycling grant project. The more information and detail you are able to provide the better understanding the reviewers will have of your project. For questions regarding eligible applicants and/or grant projects please refer to the Boston Mountain Solid Waste District: Recycling Grant Program Guidelines 2016.

*All items must be completed and returned to the Boston Mountain Solid Waste District (District) by the close of business **July 29, 2016**. Electronic or paper copies are acceptable.*

APPLICATION CHECKLIST:

- ☐ Representative attend pre-application meeting
- ☐ Complete Project Summary and Budget Narrative
- ☐ Completed grant application signed by authorizer representative
- ☐ Submitted to Boston Mountain Solid Waste District by August 1st.

PROJECT DESCRIPTION & BUDGET

- *Limit to a two page narrative.*
- *Include any dimensions for facilities, equipment brochures, drawings, pictures, etc.*
- *For construction projects (including building modifications, parking lots and fencing), please tell us who owns the property.*

Applicants should provide an overview of the proposed project, what will be purchased, the project's purpose and scope and the specific methods and technologies that will be incorporated to implement the project. The summary should include a timeline in narrative form for the major project implementation events including securing of permits and/or licenses, construction of facilities and completion of service contracts. Include the specific material or initiative being targeted and projected tons or capacity rating forecasted. How do you keep the public informed about the recycling, waste reduction and educational opportunities provided by your program? Applicants should demonstrate the financial and operational rationale for the requested funding and provide supporting information. State how the proposed project supports the strategic and educational goals of the District and State solid waste management plans.

Include a detailed budget.

MINIMUM CONDITIONS OF RECYCLING GRANTS

GRANT RECIPIENTS AGREE TO:

- Comply with the guidelines and requirements of the *Boston Mountain Solid Waste District: Recycling Grant Program Guidelines*
- Actively develop a recycling program, as outlined in the grant application, and expend all grant funds in the three (3) years following the date of the grant award by the District.
- Actively seek to market or reuse the materials diverted under the recycling program from deposition in

- landfills in the period of three (3) years following the date of the grant award by the department.
- Start prior year grant project before July 29th, the date pre-applications for the next grant round are due to the department.
- Use facilities or equipment purchased with grant funds no less than 50 percent of the time on the purposes specified in the grant application.
- Ensure all applicable federal, state and local permits and licenses have been obtained.
- Use any interest earned on grant funds exclusively for recycling programs consistent with the District's Solid Waste Management Plan.
- Maintain an orderly accounting system to document that grant expenditures are made in accordance with project budget. This includes keeping copies of all bids, paid invoices, canceled checks, and other appropriate paperwork.
- Report for five years after receipt of grant funds or until all funds are expended, whichever is longer, as directed by statute and regulation.
- Conform to all state laws on the purchase, use or sale of equipment and facilities secured with grant funds.
- Seek competitive bids or requests for proposals (RFP) for purchase of equipment or services as required by state and local procurement laws.
- Receive written approval from the Board for any modifications to the grant, including requests for time extensions.
- Receive written consent from the Board and the department before selling, trading or transferring facilities or equipment.

The following items are not eligible for funding from recycling grants:

Taxes
Reimbursement of funds
Retroactive purchases

Legal fees
Licenses or permits

Vehicle registration
Utilities

ADMINISTRATIVE REQUIREMENTS

All grants are subject to audit. District personnel have the right of access to all records pertaining to grant-funded project or activity.

Grant application must include: answers to the Project Description questions and a complete Budget, as required. Incomplete grant applications will not be considered and may delay processing of grant funds.

THE BOSTON MOUNTAIN SOLID WASTE DISTRICT AGREES TO

Submit a list of all completed grant applications received by eligible applicants to the Boston Mountain Solid Waste District Grant Committee.

Publish a list of grants to be submitted to the Board with for public comment open for 30 days past publication. *Copies of any comments received regarding the grant request shall be forwarded to the Board. If no comments are received, send an e-mail stating such at the end of the comment period.*

Notify the Board in the event a recipient has not met conditions of the approved grant application.

Ensure that the project is compatible with the approved RSWMD plan on file with ADEQ or submit documentation demonstrating why a deviation is necessary.

Maintain copies of invoices, purchase orders, checks or other supporting documents for grant expenditures at the regional solid waste district office.

Compile annual reports as required.

SIGNATURE & CERTIFICATION

I certify that to the best of my knowledge, the information provided in this application and its attachments is correct and true. I understand and agree that if grant money is subsequently awarded as a result of this application, I will comply with all applicable statutory and regulatory provisions and with applicable terms, conditions, and procedures of the Recycling Grants program. I have read and agree to abide by the Minimum Conditions of Recycling Grants. I certify that all proposed activities will be carried out and that all grant money received will be utilized solely for the purposes for which it is intended unless written authorization is provided by the Regional Solid Waste Management District Board of Directors.


Applicants Authorized Representative Signature & Title

7-28-16
Date

THE ABOVE-REFERENCED GRANT IS HEREBY APPROVED.


BMSWD Director

9/26/16
Date


BMSWD Board Chair

9/27/16
Date

FOR DISTRICT USE ONLY:

DATE RECEIVED: 7/29/16

RECEIVED

BY: J Williams

APPLICATION
COMPLETE: 7/29/16

COMMENTS reed

IF NO,
RETURNED TO: _____

DATE: _____

Narrative and Budget

1. Describe your current e- waste recycling program. Explain how it fits into your local solid waste management program and the overall district solid waste plan.

The City of Fayetteville does not collect E-waste from residents or businesses; however, we encourage the use of the Washington County Office of Environmental Affairs as they have an e-waste program in conjunction with their Household Hazardous Waste program. The Washington county program is approved by the District and serves the public for recycling of e-waste.

2. How will the proposed project enhance or improve the current e-waste recycling program?

In 2012 the City applied for an e-waste grant for the creation of a coupon redemption program in which the city partners with the Washington County Office of Environmental Affairs and prints e-waste recycling coupons which can be redeemed at the Washington County HHW site in south Fayetteville where the e-waste is collected for recycling. The current charge for e-waste collected at this site is \$5 per unit. The coupons would be printed showing the \$5 value for recycling of e-waste at the site. Distribution began in 2013 and has proven highly successful. The coupons can also be handed out at promotional events, given out in appreciation for volunteer service with the recycling program, the Mayor's booth at the Farmers Market on the square, school recycling events and many other City and County related events.

3. What will the project accomplish and how will it be accomplished? How will success of the project be measured?

The program will accomplish giving residents a free recycling option for e-waste that currently is difficult to obtain. The success of the program will be measured through invoices received showing participation in the program.

4. What actions will be taken to begin the project before pre-applications for the next grant round are submitted to ADEQ (January 1)? What actions will be taken to complete the project and spend all grant funds within three years?

The coupons will be printed as soon as needed and distribution is currently happening. Distribution at various events and the Washington County HHW facility will drive the participation factor.

Narrative and Budget

1. Describe your current e- waste recycling program. Explain how it fits into your local solid waste management program and the overall district solid waste plan.

The City of Fayetteville does not collect E-waste from residents or businesses; however, we encourage the use of the Washington County Office of Environmental Affairs as they have an e-waste program in conjunction with their Household Hazardous Waste program. The Washington county program is approved by the District and serves the public for recycling of e-waste.

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4. What actions will be taken to begin the project before pre-applications for the next grant round are submitted to ADEQ (January 1)? What actions will be taken to complete the project and spend all grant funds within three years?

The coupons will be printed as soon as needed and distribution is currently happening. Distribution at various events and the Washington County HHW facility will drive the participation factor.

5. Who will participate in and benefit from this project? How will they participate or benefit? If partnerships are involved, describe each partner's role in the project.

This program is for City of Fayetteville residents. When a resident brings an e-waste item for redemption to the Washington County HHW site, the County will accept the coupon and an invoice will be generated by the District for the quarterly amount of coupons received during the quarter.

6. How will the public be made aware of e-waste recycling or other opportunities provided by this project? Describe the educational message to be delivered and the method(s) of delivery. When available, provide a copy of any materials developed.

The City uses a community based social marketing campaign called "Recycle Something" for the promotion of the solid waste and recycling programs in Fayetteville. The City of Fayetteville has engaged the citizens in an effort to improve citizen participation in the recycling program resulting in an increase in diversion and reducing waste going to the landfill. This continued effort will promote educational awareness and strengthen the market brand for the recycling program. Many new recycling initiatives have recently been started which require personal interaction with residents and businesses to promote and establish long lasting behavioral change leading to sustained waste reduction and recycling.

Detailed Budget

Remaining Grant for E-waste Redemption as of 7-26-16	\$9,493.00
Predicted funds of coupons to be redeemed through remainder of 2016	\$9,000.00
Predicted remainder at the end of 2016	<u>\$ 493.00</u>
2016 Grant (if approved)	\$10,000.00
Total	<u>\$10,493.00</u>

Funding expected to last through September 2017 at averaged rate

2016 Boston Mountain Solid Waste
Recycling Grant
E-Waste Coupon Redemption
Program

City of Fayetteville Staff Review Form

2016-0360

Legistar File ID

N/A

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Brian Pugh

7/26/2016

Recycling & Trash Collection /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Mayor's signature on Application for a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for the continuing the E-Waste Coupon Redemption Program.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

7-28-16

Comments:



STAFF MEMO

TO: Mayor Lioneld Jordan

THRU: Jeff Coles, Recycling and Trash Collections Director

FROM: Brian Pugh, Waste Reduction Coordinator

DATE: July 27th, 2016

SUBJECT: Mayor's signature on Application for a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for continuing the E-Waste Coupon Redemption Program

RECOMMENDATION:

Obtain Mayor's signature to authorize application for a 2016 Boston Mountain Solid Waste District Recycling Grant for \$10,000 for continuing the E-Waste Coupon Redemption Program.

BACKGROUND:

Each year the Arkansas Department of Environmental Quality collects revenue derived from landfill fees to issue recycling grants through local Solid Waste Districts to help fund recycling programs. The City has benefited from these grants in the past. The Boston Mountain Solid Waste District is now the entity responsible for administering the grant program and compiles the grant applications and submits them to their Grant Committee for review. The deadline to submit applications is end of day on Friday, July 29th.

DISCUSSION:

The program would continue the partnership with the Washington County Office of Environmental Affairs and the Boston Mountain Solid Waste District and print e-waste recycling coupons which can be redeemed at the Washington County HHW site in south Fayetteville where the e-waste is collected for recycling. The current charge for e-waste collected at this site is \$5 per unit. The coupons would be printed showing the \$5 value for recycling of e-waste at the site. Distribution would begin upon grant money being dispersed until the coupons are exhausted. The coupons could be handed out at promotional events, given out in appreciation for volunteer service with the recycling program, the Mayor's booth at the Farmers Market on the square, school recycling events and many other City and County related events.

BUDGET/STAFF IMPACT:

The recycling grant awards are not matching grants, so no City funds are obligated with this request. Upon approval and award of the grant a budget adjustment will be requested to recognize the grant revenue and a capital project will be created.

Attachments: 2016 Boston Mountain Solid Waste District grant application.

City of Fayetteville, Arkansas - Budget Adjustment Form

Budget Year 2016	Division /Org2 RECYCLING/TRASH COLLECTION (750) Requestor: Brian Pugh	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Accept Revenue from Boston Mountain 2016 Recycling Grant for \$10,000 for the E-Waste Coupon Redemption Program.

Division Head _____ Date _____ Department Director _____ Date _____ Chief Financial Officer _____ Date _____ Chief of Staff _____ Date _____	REQUEST DATE: 10/25/2016 <i>Barbara Fell</i> 10/26/2016 9:30 AM Budget Director _____ Date _____ TYPE: _____ DESCRIPTION: _____ GLDATE: _____ POSTED: /
--	--

TOTAL		10,000	10,000				v.20161021
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
5500.750.5080-5315.00	9,375	-	33028	1601	EX	Contract Services - :	
5500.750.5080-5200.00	625	-	33028	1601	EX	Supplies - Office/Printing	
5500.750.5080-4302.01	-	10,000	33028	1601	RE	State Grants - Operational	
	-	-					
	-	-					
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0513

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

DESTRUCTION OF CERTAIN RECORDS:

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS

WHEREAS, the Arkansas Code establishes the amount of time that the City is required to maintain accounting, court and other records and also provides a procedure for the destruction of records not required to be maintained permanently if the records to be destroyed have been microfilmed or scanned into the City's server or have been maintained for the amount of time required by state law.

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 Fayetteville City Clerk-Treasurer's Office to destroy the paper copies of certain accounting and other City records identified in the affidavits attached to this Resolution pursuant to the Arkansas Code relating to the maintenance and destruction of records.

City of Fayetteville Staff Review Form

2016-0513

Legistar File ID

11/15/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Gina Roberts

10/25/2016

City Clerk/Treasurer /
General Government Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION AUTHORIZING ADVANCED INFORMATION MANAGEMENT (AIM) TO DESTROY CITY RECORDS. THE RECORDS HAVE BEEN MICROFILMED OR SCANNED AND HAVE BEEN MAINTAINED FOR THE REQUIRED LENGTH OF TIME.

Budget Impact:

1010.1510.5315.00

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,000.00

Funds Obligated \$ -

Current Balance \$ 1,000.00

Does item have a cost? Yes

Item Cost \$ 500.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 500.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

THRU: Sondra E. Smith

FROM: Gina Roberts

DATE: October 25, 2016

SUBJECT: Advanced Information Management (AIM), Destruction of Records

RECOMMENDATION:

Staff recommends the destruction of records. All records have been microfilmed or scanned and have been maintained for the required length of time. Attached is a listing of records that are ready for destruction.

Attachments:

List of documents to be destroyed

LIST OF RECORD FOR DESTRUCTION

ACCOUNTING: (32-Boxes)

- 2003 A/P Vendor Files Box 1 -10 (A-Misc. thru Fuelman of Arkansas)
- 2002 A/P Vendor Files Box #18, 19 & 20
- 2002 A/P Vendor Files Box #25 & #26 (missed on last destruction)
- 2001 Payroll Time Sheets
- 2002 Payroll Time Sheets
- 2003 Payroll Time Sheets
- 2003 Payroll Register #3 & #25 1-20-03 thru 2-2-03 & 11-24-03 thru 12-7-03
- 2006 A/P P-Cards January A's thru July O's
- 2006 thru June 30, 2007 Check Register, Summary Payment & Refund Update Listing
- Cashiers Balance Report 2005, 2006, 2007, 2009 & 2010
- Outstanding Check Register, Summary Payment & Listing 1992, 1993, 1996
- Duplicate copies of City of Fayetteville Financial Statements 1980 to 1986
- Old Floppy Disk 7# @ \$.50 per pound \$3.50

AIRPORT: (2 Boxes)

- 1995 Paid Invoices
- 1995 A/R Register

CITY CLERK: (1 Box)

- Contract Files 1991 thru 1994 A-L

COMMUNITY RESOURCES: (1 Box)

- Community Development Project Files 1978

BUILDING SAFETY & PERMITS: (5 Boxes)

- Old Building Plans (putting extra copies of financial statement in with these boxes)

HUMAN RESOURCES: (8 Boxes)

- 2010 Applications Not Hired
- 1986 Terminated Employee Files
- 1993 Terminated Employee Files A-W
- 1997 Terminated Employee Files A-Y

INFORMATION MANAGEMENT: (2 Boxes)

- 1990 IT Back-up Printout

PURCHASING: (10 Boxes)

- 1999 Accident Reports
- 2000-2001 Accident Reports
- 2002 Accident Reports
- 2003 Accident Reports
- 2003 Bids #1-17
- 2003 Bids #34 to 85
- 2000 Purchase Orders
- 2001 Purchase Orders 00-800 thru 00-1599

UTILITY FINANCIAL SERVICES: (5 Boxes)

- Hilo Registers 1-2005 thru 10-2006

Branson, Lisa

From: Don Keller <don@aimrecords.com>
Sent: Tuesday, October 25, 2016 12:05 PM
To: Roberts, Gina
Subject: Certificate of Destruction

Hi Gina,

After the completion of your shred job we will give you a "Certificate of Destruction" to document the activity.

Thank You!

Don Keller, CRM
Managing Partner
Advanced Information Management
1720 East Highway 264
Springdale, AR 72764
479-751-8120
don@aimrecords.com
www.aimrecords.com

Branson, Lisa

From: Don Keller <don@aimrecords.com>
Sent: Tuesday, October 25, 2016 10:16 AM
To: Roberts, Gina
Subject: Shredding Details

Good morning Gina,

As I stated on the phone, our price for on-site shredding has a \$150.00 minimum which includes your first 23 boxes then it would be \$6.50 per box after that.

Another item I would like to bring up is that our company is "AAA" NAID Certified for security and confidentiality. This is the highest level of certification you can receive in our industry. You can look at www.naidonline.org to see how difficult this certification it is to achieve.

Please let me know if you have any further questions!

Don Keller, CRM
Managing Partner
Advanced Information Management
1720 East Highway 264
Springdale, AR 72764
479-751-8120
don@aimrecords.com
www.aimrecords.com

AFFIDAVIT OF DESTRUCTION OF CITY OF FAYETTEVILLE RECORDS

STATE OF ARKANSAS)
) SS:
COUNTY OF WASHINGTON)

I, Gina Roberts, Document Manager for the City of Fayetteville, do hereby certify that the records listed as Exhibit "A" have been retained for the required number of years. I further certify the following:

1. That the documents listed in Exhibit "A" attached hereto and made a part hereof are being destroyed by the City of Fayetteville as authorized by Fayetteville City Council Resolution No. _____ adopted on the ____ day of _____, _____.
2. These records have been maintained according to State statute and the Retention Schedule for the City of Fayetteville.
3. The method of destroying said documents was shredding.

Gina Roberts, Document Manger

City Council Member, Witness

Subscribed and Sworn to me, a Notary Public, this ____ day of _____, _____.

Notary Public

My Commission Expires: _____

SEAL



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0514

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$17,455.00 FOR SITE DRAINAGE IMPROVEMENTS RELATED TO THE FAYETTEVILLE SENIOR CENTER KITCHEN EXPANSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROJECT IN THE AMOUNT OF \$95,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order No. 2 to the contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$17,455.00 for site drainage improvements related to the Fayetteville Senior Center Kitchen Expansion Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing Community Development Block Grant funds for the project in the amount of \$95,000.00.

City of Fayetteville Staff Review Form

2016-0514

Legistar File ID

11/15/2016

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

Wade Abernathy

10/25/2016

Facilities Management /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

To approve a budget adjustment to recognize funds from the CDBG Projects - NWAEDD for the kitchen upgrade at the Fayetteville Senior Activity and Wellness Center. These will be expended out of the Senior Center Kitchen Expansion Phase I per Resolution #109-16. Also approval of Change Order #2 to the Sr. Center Kitchen Expansion project for site drainage improvements and additional foundation pier depths in the amount of \$17,455.00

Budget Impact:

4470.900.9470-5315.00

Sales Tax Capital

Account Number

Fund

15010.1

Walker Park Senior Activity & Wellness Center

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 141,578.00

Funds Obligated \$ 138,251.23

Current Balance \$ 3,326.77

Does item have a cost? Yes

Item Cost \$ 95,000.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 95,000.00

Remaining Budget \$ 3,326.77

V20140710

Previous Ordinance or Resolution # 109-16

Original Contract Number: 42315

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor Lioneld Jordan

THRU: Paul A Becker, Chief Financial Officer
Connie Edmonston, Parks & Recreation Sr. Director

FROM: Wade Abernathy, Facilities Management/Building Construction Manager

DATE: October 25, 2016

SUBJECT: Resolution to recognize Grant Revenue from CDBG Projects in the amount of \$95,000 for the kitchen expansion at the Fayetteville Senior Activity and Wellness Center, and Approval of Change Order#2 to the Sr. Center Kitchen Expansion Contract with Ellingson Contracting for Site Drainage improvements in the amount of \$17,455.

RECOMMENDATION:

Staff recommends passing of a resolution to recognize grant funds from CDBG Projects for the Kitchen Renovation project. The funds will be expended out of the Senior Center Kitchen Expansion Phase 1. The funds will be used to move some of the project phase 2 items forward resulting in expediting the project. With the approval of the 2017 Budget, the funds will also allow some of the value engineering items to be added back into the project.

Approval of Change Order # 2 in the amount of \$17,455.00 is also recommended to correct an existing drainage issue on the north side of the center, and also additional drill pier depths for the foundation.

BACKGROUND:

At the meeting of June 7, 2016, Council Approved a Contract with Ellingson Contracting for Kitchen Renovations at the Fayetteville Sr. Activity and Wellness Center. Phase 1 in 2016 and Phase 2 (with council approval of 2017 Budget) in 2017. An existing site drainage issue was not a part of the original scope of work. Adding this work will help alleviate excessive water run off during large rain events.

DISCUSSION:

The grant funds will expedite the Sr. Center Kitchen Expansion project by allowing several phase 2 items to be completed this year.

Approval of change order #2 will provide trench drains, new storm drain, and site concrete which will correct an existing site drainage issues. It also includes increased drill pier depths required for proper foundation support as recommended by the geo tech engineer. Staff's review of the original price for the site drainage was not in line with industry standards. Staff

negotiated on scope and unit prices to decrease the original quote by \$3500. The new total for both items of \$17,544 which has been reviewed by Staff and the Architectural Consultant. Both find it reasonable.

BUDGET/STAFF IMPACT:

A budget adjustment for \$95,000 moving funds from 4470.900.9470-4309.00 Project 15010.1 Federal Grants-Capital to 4470.900.9470-5315.00 Project 15010.1 Contract services.

A budget adjustment will not be required for Change Order #2 amount of \$17,455.00

Attachments:

Change Order #2 with Ellingson Contracting

AIA® Document G701™ – 2001

Change Order

PROJECT: <i>(Name and address)</i> Fay. Senior Center Renovation Fayetteville, AR	CHANGE ORDER NUMBER: 002 DATE: 10/25/2016 ARCHITECT'S PROJECT NUMBER: 34415	OWNER ☒ ARCHITECT ☒ CONTRACTOR ☒ FIELD ☐ OTHER ☐
TO CONTRACTOR: <i>(Name and address)</i> Ellingson Contracting PO Box 7202 Siloam Springs, AR 72761	CONTRACT DATE: 6/7/2016 CONTRACT FOR: General Construction	

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)

See attachments provided by Ellingson Contracting (COR #1 - Pier Drilling Extra Depth, COR #2 Trench Drain Drain Pipe and Concrete Work)

The original	(Contract Sum)	was	\$	287,300
The net change by previously authorized Change Orders			\$	-53,560
The	(Contract Sum)	prior to this Change Order was	\$	233,740
The	(Contract Sum)	will be (increased) by this Change Order in the amount of	\$	17,455
The new	(Contract Sum)	, including this Change Order, will be	\$	251,195

The Contract Time will be (unchanged) by (0) days.

The date of Substantial Completion as of the date of this Change Order, therefore, is unchanged

(NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.)

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

deMx architecture
ARCHITECT *(Firm name)*

104 N. East Ave.
Fayetteville, AR 72701
ADDRESS

BY *(Signature)*

Timothy W. Maddox, Principal
(Typed name)

10/25/2016
DATE

Ellingson Contracting
CONTRACTOR *(Firm name)*

PO Box 7202
Siloam Springs, AR 72761
ADDRESS

BY *(Signature)*

David Ellingson, President
(Typed name)

10/25/16
DATE

City of Fayetteville
OWNER *(Firm name)*

113 West Mountain Street
Fayetteville, AR 72701
ADDRESS

BY *(Signature)*

Lionel Jordan, Mayor
(Typed name)

DATE



Ellingson Contracting
PO Box 7202
Siloam Springs, AR 72761

CHANGE ORDER REQUEST

Date: October 17th, 2016

To: Tim Maddox or Seth Spradlin
DeMx Architects

Re: Fayetteville Senior Center Kitchen Addition
945 S. College Ave
Fayetteville, AR 72701

Change Order Request #2

Description of Proposed Change:

Cost for adding approximately 40' of high-density, Zurn Trench drain on the north side of the new Kitchen Addition. Cost for adding additional 170' of underground drain line to daylight on west side of building. Cost for demo of additional site concrete and repouring approximately 700 SF of new pavement that is pitched to drain properly. (cost of 500 SF of paving included in original bid)

The total cost of this proposal is as follows:

Labor	\$0.00
Material	\$0.00
Equipment	\$0.00
Subcontractor - Trench Drain	\$2,975.00
Subcontractor - Underground Drain Line	\$4,175.00
Subcontractor - Concrete Paving	\$6,615.00
Sub Total	\$13,765.00
Bond (2.6%)	\$357.89
OH & P (12.5%)	\$1,720.63
Lump Sum Total	\$15,486

Upon your approval, we intend to make this change/addition immediately.
If you have any questions please feel free to contact me.

Sincerely,

David R. Ellingson
Ellingson Contracting
Mobile: 479-215-6889

Acceptance of Change

Name TIM MADDOX

Signature [Signature]

Date 10/24/16

[Print](#) | [Close Window](#)

Subject: Re: Trench Cost Break-Out

From: josh johnson <jcplumbing-rich@hotmail.com>

Date: Thu, Sep 29, 2016 9:21 pm

To: David Ellingson <david@ellingsoncontracting.com>

Excavating approximate 170' to run 6" drain line, install 6" line with proper grade get inspected and backfill w/native soil. Estimate. Material 6" pipe, fittings, couplings, elbows & 45deg elbow. Material \$1,150.00 Backhoe \$300.00 Labor 3ea technicians \$2,725.00

Sent from my iPhone

> On Sep 29, 2016, at 3:26 PM, David Ellingson <david@ellingsoncontracting.com> wrote:
>
> Rich,
>
> Can you send me the break-out pricing on that trenching as soon as possible.
>
> Thanks!
>
> -David Ellingson
>
> Sent from my iPhone

Copyright © 2003-2016. All rights reserved.

[Print](#) | [Close Window](#)

Subject: Re: Zurn flow trench drain

From: josh johnson <jcplumbing-rich@hotmail.com>

Date: Tue, Oct 04, 2016 1:05 pm

To: David Ellingson <david@ellingsoncontracting.com>

Estimate on trench drain \$57 a foot, 3 ea end caps \$24.00 ea. Labor is \$623

Sent from my iPhone

On Oct 4, 2016, at 8:52 AM, David Ellingson <david@ellingsoncontracting.com> wrote:

Rich,

I need that pricing break-out for the \$2,975 trench drain price in an e-mail today so I can submit it to the Owner.

Please reply back this morning with break-out.

Thanks,

David R. Ellingson, CPC, LEED AP, CPESC

Ellingson Contracting

PO Box 7202

Siloam Springs, AR 72761

Phone: 479.215.6889

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

Subject: RE: Zurn flow trench drain

From: "David Ellingson" <david@ellingsoncontracting.com>

Date: Tue, September 20, 2016 2:22 pm

To: "josh johnson" <jcplumbing-rich@hotmail.com>

Rich,

Owner has asked if you can itemize this \$2,975 cost at least by:

- Labor
- Material
- Equipment
- Subcontractor
- Overhead

Thanks,

David R. Ellingson, CPC, LEED AP, CPESC

Ellingson Contracting

PO Box 7202

Siloam Springs, AR 72761

Phone: 479.215.6889

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

Subject: Zurn flow trench drain

From: josh johnson <jcplumbing-rich@hotmail.com>

Date: Wed, September 07, 2016 9:50 pm

To: David Ellingson <david@ellingsoncontracting.com>

6" wide pre sloped system, high density poly, duct tile iron slotted drain. Zurn trench drain end cap, Zurn trench drain bottom out, Zurn trench drain end out. 40 ' long. Includes piping and labor \$2,975.00.
Thank you David

Sent from my iPhone

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[Print](#) | [Close Window](#)**Subject: RE: Added Concrete Paving Pricing****From: Mike Castagna <mcastagna@wincastconcrete.com>****Date: Tue, Sep 20, 2016 10:08 pm****To: David Ellingson <david@ellingsoncontracting.com>**

David,

As requested, please see breakdown listed below. I have gone ahead and broken it down as far as I could. This should give them what they need.

<u>Demolition</u>	New	1005
Equipment – 1,250	Values	960
Labor – 1,850		250
Haul Off – 450		

Pour Back

Forms/Expansion Joint – 155		
Gravel – 670		155
Equipment – 785		550
Wire Mesh – 455		653
Paving Prep Labor – 650		400
Concrete – 2,955		575
Place & Finish – 1,250		2264
Saw Cut – 250		1075
Cure – 100		200
Tools – 75		80
Strip Forms – 150		65
Power Wash – 400		120
Raised Curb – 450		375
Supervision – 750		450

Truck/Fuel – 125	Original	
O&P – 1,725	1500 SF	
	Total	650
Total - \$14,495	Cost	115

Mike Castagna • President	1650
----------------------------------	------

Wincast Concrete Services**Phone:** 479-531-9990**Fax:** 479-373-1424Reduced to
1200 SF

→ \$11,592.00

Less
Plumber
Clean-Up
of \$250

Cost Split:
500 SF for Ellingson
700 SF for City

From: David Ellingson [mailto:david@ellingsoncontracting.com]**Sent:** Tuesday, September 20, 2016 12:30 PM**To:** Mike Castagna <mcastagna@wincastconcrete.com>**Subject:** RE: Added Concrete Paving Pricing

Owner has asked if you can break this down at least by:

-Labor

\$6,615

Cost to City of
Fayetteville for Demo
and Concrete Scope to
be put into COR #2

- Material
- Equipment
- Subcontractor
- Overhead

Thanks,

David R. Ellingson, CPC, LEED AP, CPESC

Ellingson Contracting

PO Box 7202

Siloam Springs, AR 72761

Phone: 479.215.6889

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

Subject: Added Concrete Paving Pricing

From: Mike Castagna <mcastagna@wincastconcrete.com>

Date: Mon, September 12, 2016 10:27 pm

To: David Ellingson <david@ellingsoncontracting.com>

David,

Please see attached pricing for your review.

Mike Castagna • President
Wincast Concrete Services

Phone: 479-531-9990

Fax: 479-373-1424

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Ellingson Contracting
PO Box 7202
Siloam Springs, AR 72761

CHANGE ORDER REQUEST

Date: September 19th, 2016

To: Tim Maddox or Seth Spradlin
DeMx Architects

Re: Fayetteville Senior Center Kitchen Addition
945 S. College Ave
Fayetteville, AR 72701

Change Order Request #1

Description of Proposed Change:

Cost for drilling west pier deeper than noted on plans. Plans indicated 15' pier depth. GTS Testing agency required a depth of 22' for the pier depth. Please see attached subcontractor break-out of costs.

The total cost of this proposal is as follows:

Labor	\$0.00
Material	\$0.00
Equipment	\$0.00
Subcontractors	\$1,750.00
Sub Total	\$1,750.00
Bond (2.6%)	\$45.50
OH & P (12.5%)	\$218.75
Lump Sum Total	\$1,969

Upon your approval, we intend to make this change/addition immediately.
If you have any questions please feel free to contact me.

Sincerely,

David R. Ellingson
Ellingson Contracting
Mobile: 479-215-6889

Acceptance of Change

Name TIM MADDOX

Signature [Signature]

Date 9/20/16

[Print](#) | [Close Window](#)

Subject: Drilled Pier Extra Breakdown

From: Mike Castagna <mcastagna@wincastconcrete.com>

Date: Fri, Sep 09, 2016 6:19 pm

To: David Ellingson <david@ellingsoncontracting.com>

David,

Please see breakdown below.

Drilling – 850

Rebar – 300

Concrete – 100

Spoils Haul Off – 50

Labor – 100

Supervision – 100

O&P – 250

Total - \$1,750

Mike Castagna • President
Wincast Concrete Services

Phone: 479-531-9990

Fax: 479-373-1424

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GTS, Inc.

Geotechnical & Testing Services

www.gtsconsulting.net

1915 N. Shiloh Dr, Suite 1
 Fayetteville, Arkansas 72704-6611
 office #: 479-521-7645
 fax #: 479-521-6232

Office Locations
 Fayetteville, Arkansas
 Fort Smith, Arkansas
 Tulsa, Oklahoma
 Dallas, Texas

Pier Field Record

Project: Fayetteville Senior Center - Kitchen Add. **Date:** 8/29/2016
Report No. 16-11262.1 **Client:** Ellingson Contracting
Report By: Jason Williams **Subcontractor:** Long's Drilling
Pier ID: Pier #1 (West Pier) **Weather and Temperature:** 88 °F, Sunny
Pier Location: 18'-6" East of Building **Excavation Method:** Auger
Pier Start and End Time: 1:05 PM 2:40 PM **Concrete Placement Method:** Free Fall
Rebar cage placed and set per drawings? Yes **Relative Finished Floor Elev:** 0'-0"

<u>Measurements</u>	<u>Per Plans/FFE</u>	<u>Actual EL</u>
Total Depth Drilled, feet	15.00	24.50
Top of Pier Elevation, feet	2.5 below FFE	2.5 below FFE
Bottom of Pier Elevation, feet	-	~24.5 below FFE
Top of Rock Elevation, feet	-	18.00
Shaft Diameter, inches	24	24
Rock Socket Required, feet	6 - 8	-
Rock Socket Drilled, feet	-	6.50
Total Pier Depth, Feet	-	22.00

Actual EL: ~ finish floor elevation

Reinforcing Steel Information

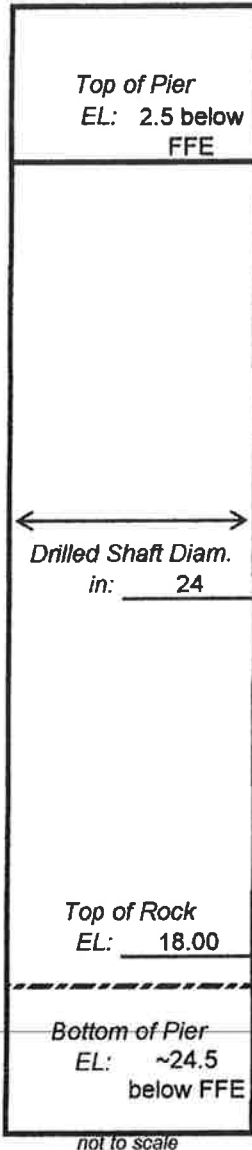
Vertical Bars:	10	#6
Tie Bars:	12" O.C.	#3

General Soil Description

Gravel with Clay (very moist)*
Brown Lean to Fat Clay with Gravel (water)*
Brown Shaley Clay (Water)*
Brown Clayey Weathered Shale (Water)*

*Water observed to be washing cuttings off auger during pier excavation

Comments: Pier excavation was observed to be in the existing grease trap. Pier excavation was observed to cave in during drilling operations. Water was observed in excavation beginning at a depth of 7 ft. Cuttings generally observed to be clays mixed with gravel material used as backfill around grease trap and adjacent utility lines. Measurement could not be obtained during drilling due to cave in and cuttings in bottom of pier excavation. Drill operator indicated harder drilling conditions beginning at a depth of approximately 18 feet below adjoining soil grades. Drilled pier contractor utilized a cleanout bucket to remove the water and cuttings from pier excavation. Approximately 7 cleanout passes performed to remove cuttings and final pier depth was measured to be 24.5 feet below adjoining soils grades. Water observed to be less than 3 inches and pier excavation stable immediately prior to installation of reinforcing steel cage.



GTS, Inc.

Geotechnical & Testing Services

www.gtsconsulting.net

1915 N. Shiloh Dr, Suite 1
Fayetteville, Arkansas 72704-6611
office #: 479-521-7645
fax #: 479-521-6232**Office Locations**
Fayetteville, Arkansas
Fort Smith, Arkansas
Tulsa, Oklahoma
Dallas, Texas**Pier Field Record**

Project:	Fayetteville Senior Center - Kitchen Add.	Date:	8/29/2016
Report No.	16-11262.2	Client:	Ellingson Contracting
Report By:	Jason Williams	Subcontractor:	Long's Drilling
Pier ID:	Pier #2 (East Pier)	Weather and Temperature:	88 °F, Sunny
Pier Location:	37'-10" East of Building	Excavation Method:	Auger
Pier Start and End Time:	3:19 PM 3:35 PM	Concrete Placement Method:	Free Fall
Rebar cage placed and set per drawings?	Yes	Relative Finished Floor Elev:	0'-0"

<u>Measurements</u>	<u>Per Plans/FFE</u>	<u>Actual EL</u>
Total Depth Drilled, feet	15.00	17.00
Top of Pier Elevation, feet	2.5 below FFE	2.5 below FFE
Bottom of Pier Elevation, feet	-	~17' below FFE
Top of Rock Elevation, feet	-	9.50
Shaft Diameter, inches	24	24
Rock Socket Required, feet	6 - 8	-
Rock Socket Drilled, feet	-	7.50
Total Pier Depth, Feet	-	14.70

Actual EL: ~ finish floor elevation

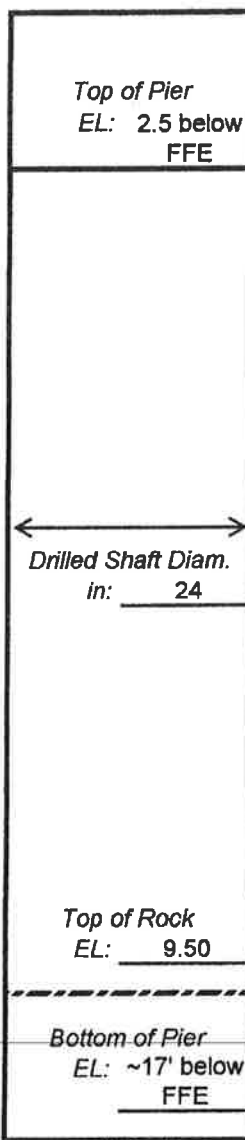
Reinforcing Steel Information

Vertical Bars:	10	#6
Tie Bars:	12" O.C.	#3

General Soil Description

Gravel with Clay (Fill)
Brown Clay
Brown Clay with Shale Fragments
Brown Clayey Weathered Shale

Comments: Contractor initially began drilling pier at 1:00 pm, but encountered utility lines at 3 feet below grade. Contractor drilled second pier while remedial work performed to de-energize power lines.
No water encountered during pier excavation at referenced pier location.

Top of Rock
EL: 9.50Bottom of Pier
EL: ~17' below
FFE

not to scale

Budget Year	Division	Adjustment Number
2016	PARKS & RECREATION (520)	
	/Org2	
	Requestor: Wade Abernathy	

To recognize grant revenue from CDBG for the kitchen renovation at the Senior Center.

	COUNCIL DATE:	11/15/2016
	LEGISTAR FILE ID#:	2016-0514
		<i>Barbara Fell</i>
		<i>10/26/2016 1:27 PM</i>
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0512

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

2016 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$13,237.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a fifty percent (50%) matching grant award from the 2016 Bulletproof Vest Partnership Grant Program for the replacement of body armor vests for Fayetteville police officers.

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

City of Fayetteville Staff Review Form

2016-0512

Legistar File ID

11/15/2016

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

Greg Tabor
Submitted By

10/24/2016
Submitted Date

Police /
Police Department
Division / Department

Action Recommendation:

Staff recommends acceptance of a 50% matching grant award from the 2016 Bulletproof Vest Partnership (BVP) Grant Program for the replacement of thirty-four (34) body armor vests for our police officers and approval of a budget adjustment in the amount of \$13,237 to recognize grant funding. Matching funds in the amount of \$13,237 are budgeted within Police Bulletproof Vest (project #13011-1) of the Capital Improvements Program.

Budget Impact:

1010.200.2920-5302.00

General

Account Number

Fund

37042-2016

Bulletproof Vest Partnership - 2016

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ **13,237.00**

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ **13,237.00**

Remaining Budget \$ **13,237.00**

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police 
DATE: October 24, 2016
SUBJECT: 2016 Bulletproof Vest Partnership Grant Program Award

RECOMMENDATION:

Staff recommends acceptance of a 50% matching grant award from the 2016 Bulletproof Vest Partnership (BVP) Grant Program for the replacement of thirty-four (34) body armor vests for our police officers and approval of a budget adjustment in the amount of \$13,237 to recognize grant funding. Matching funds in the amount of \$13,237 are budgeted within Police Bulletproof Vests (project #13011-1) of the Capital Improvements Program.

BACKGROUND:

The BVP, created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1998, the Fayetteville Police Department has obtained grant funding in excess of \$166,000 for the purchase of body armor vests through this partnership. The BVP program provides an important component to the continuing health and welfare of our police officers. Each body armor vest has a guaranteed life of five years. All state-of-the-art body armor is custom made to the exact specifications of the wearer. This ensures all officers have our required level of protection.

DISCUSSION:

The total cost to replace thirty-four (34) body armor vests is \$26,474. This grant funding by BVP will provide reimbursement of 50% (or \$13,237) of the City's expenses for the replacement of body armor vests for our police officers. The Police Department has planned for this grant matching requirement as evidenced by budgeted funds in the Capital Improvements Program's Police Bulletproof Vests (#13011-1) project.

BUDGET/STAFF IMPACT:

The City must match 50% (or \$13,237) of the total projected cost of \$26,474. Currently, matching funds are budgeted in the Capital Improvements Program's Police Bulletproof Vests (#13011-1) project. There is no staffing impact related to this grant application.

Attachments:

- Budget Adjustment
- Grant Award Notice
- Grant Award Summary

Newman, Willie

From: owner-bvp-list@ojp.usdoj.gov on behalf of BVP <bvp@usdoj.gov>
Sent: Friday, October 07, 2016 2:31 PM
Subject: Fiscal Year 2016 BVP Awards

Dear BVP applicant,

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2016 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP System. A complete list of FY 2016 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>.

The FY 2016 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2016. The deadline to request payments from the FY 2016 award is August 31, 2017, or until all available funds have been requested. Awards will not be extended past that date, and any unused funds will be forfeited.

Please see the following websites for a list of NIJ compliant vests:

Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>

Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

As a reminder, all jurisdictions that applied for FY 2016 BVP funding certified that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP System. For more information on the BVP mandatory wear policy, please see the BVP Frequently Asked Questions document: <http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVP MandatoryWearPolicy.pdf>

Finally, please visit the following page for checklists and guides for each step of the BVP process: <http://ojp.gov/bvpbasi/bvpprogramresources.htm>

For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

Thank you

BVP Program Support Team
Bureau of Justice Assistance

APPLICATION DETAILS

APPLICATION PROFILE

Participant FAYETTEVILLE CITY

Fiscal Year 2016

Number of Agencies Applied 0

Total Number of Officers for Application 127

Number of Officers on Approved Applications 127

APPLICATION PROFILE

Fiscal Year 2016

Vest Replacement Cycle 5

Number of Officers 127

Number of Stolen or Damaged 0

Emergency Replacement Needs  **Number of Officer** 11

Turnover

APPLICATION DETAILS

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
AXIIIA	34	\$762.00	\$25,908.00	\$565.40	\$26,473.40
Grand Totals	34		\$25,908.00	\$565.40	\$26,473.40

AWARD SUMMARY FOR FY2016 REGULAR FUND

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$26,473.40	\$13,236.70	08/18/16	Approved by BVP
Grand Totals:	\$26,473.40	\$13,236.70		

RETURN

Budget Year	Division	Adjustment Number
2016	POLICE (200)	
	/Org2	
	Requestor: W. Newman	

Establish a revenue and expense budget for the 2016 Bulltproof Vest Partnership grant award for the replacement of thirty-four (34) body armor vests for our police officers.

	COUNCIL DATE:	11/15/2016
	LEGISTAR FILE ID#:	2016-0512
	<i>Barbara Fell</i> 10/25/2016 8:39 AM	
	Budget Director	Date
	TYPE:	
DESCRIPTION:		
GLDATE:		
POSTED:	/	
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0432

Agenda Date: 11/15/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

(LEFT ON THE SECOND READING)

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

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

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

City of Fayetteville Staff Review Form

2016-0432

Legistar File ID

10/4/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

9/16/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362): Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, Residential Agricultural.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council

FROM: Andrew Garner, Planning Director

DATE: September 16, 2016

SUBJECT: **RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

The City Planning staff recommend approval of an ordinance to rezone the property to CS, Community Services and R-A, Residential Agricultural, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for approximately 73.37 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings.

Request: The request is to rezone the property to CS, Community Services (45.90 acres) and R-A, Residential Agricultural (27.47 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would help support the surrounding uses noted above.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030 that designates the majority of the property as **City Neighborhood Area**, with the Hamestring Creek riparian corridor as **Natural Area**, area south of Hamestring Creek as **Civic and Private Open Space/Parks** (assumed that the Links at Fayetteville golf

course might expand into this area), and a small portion of **Residential Area** in the southeastern portion of the site.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that could realize this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks non-residential goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal for CS at this future busy intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 27 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

DISCUSSION:

On September 12, 2016 the Planning Commission forwarded the applicant's request for a rezoning to the City Council with a recommendation for approval by a vote of 7-1-0 (Commissioner Selby voted 'no'). At the meeting four member of the public spoke opposed to the request, primarily citing concerns with increased traffic that would result from the rezoning.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

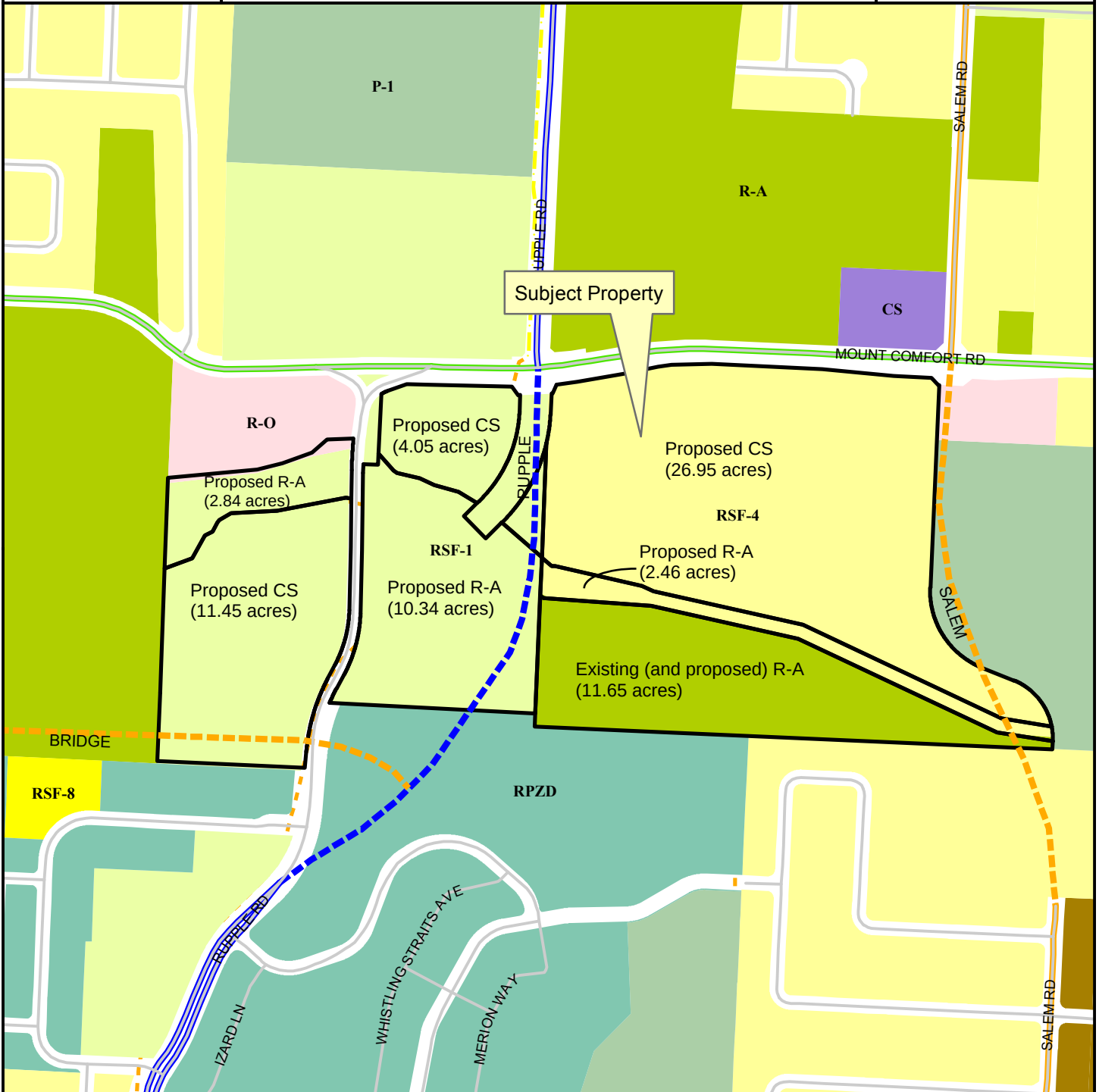
EXHIBIT 'A'

RZN 16-5550

HAZEN



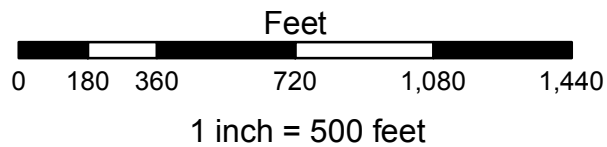
Close Up View



Legend

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

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



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

EXHIBIT 'B'
RZN 16-5550

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

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

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

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

LEGAL DESCRIPTION: (RA TO REMAIN RA)

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

LEGAL DESCRIPTION: (RSF-1 TO CS)

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

LEGAL DESCRIPTION: (RSF-1 TO RA)

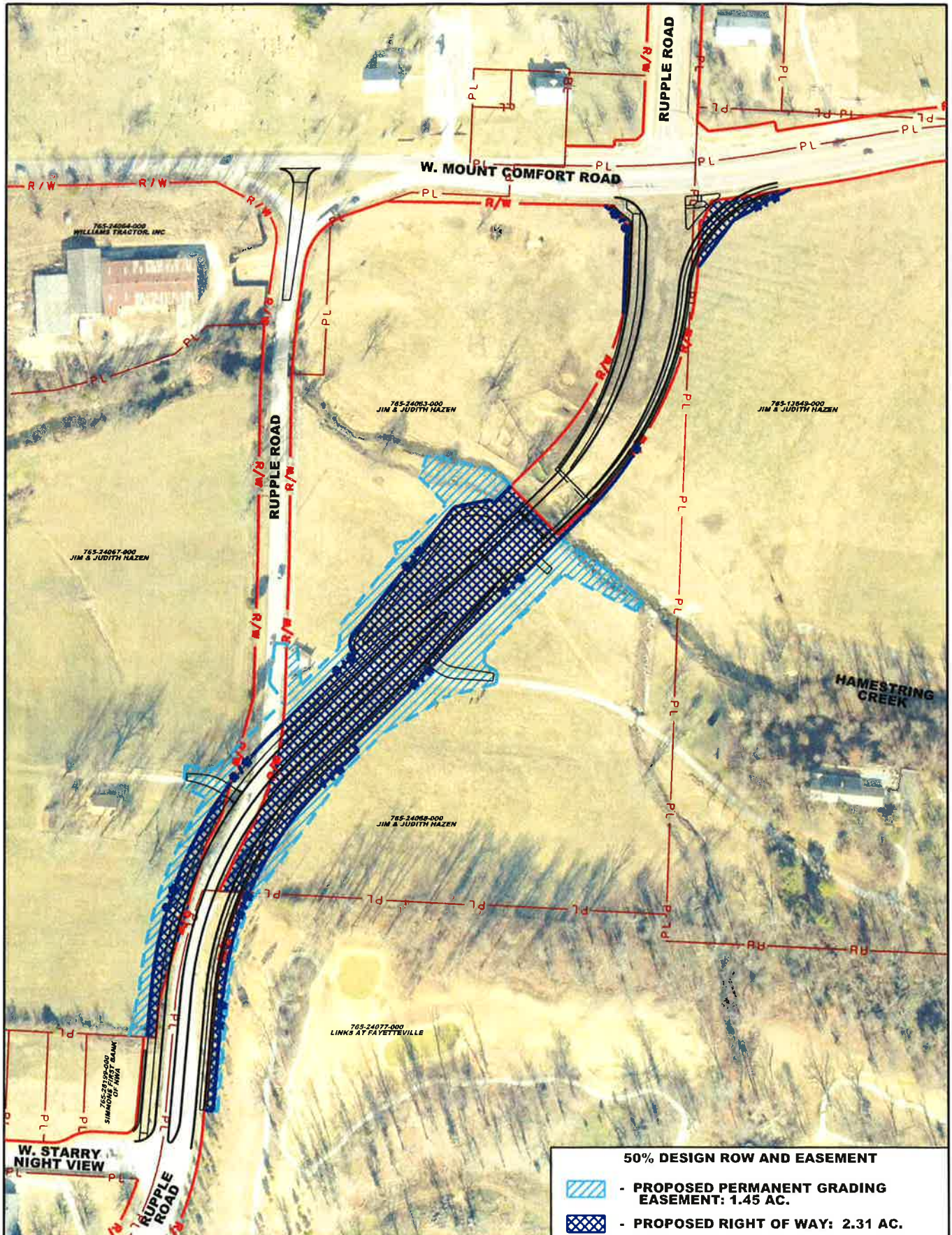
A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence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

LEGAL DESCRIPTION: (RSF-4 TO CS)

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

LEGAL DESCRIPTION: (RSF-4 TO RA)

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



0 50' 100' 200' 300'

(IN FEET)

LEGEND

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

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

AHTD JOB NO. 040657
 WASHINGTON COUNTY, ARKANSAS

CITY OF
Fayetteville
 ARKANSAS

CityClerk

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

Hi Sondra,

Can you forward this to the council members?

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

Sincerely,

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

Begin forwarded message:

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

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

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

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

Thanks so much!
Marilyn

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5550

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

361/362

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

Application:

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

Applicant (person making request):

Name: James & Judith Hazen

Address: 2160 N. Ruppel Rd.
Fayetteville, AR 72704

E-mail: _____

Phone: _____
(479) 521-0715

Fax: _____
()

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

Name: Jorgensen + Associates

Address: 124 W. Sunbridge Dr. Ste 5
Fayetteville, AR 72703

E-mail: justin@jorgensenassoc.com

Phone: _____
(479) 442-9127

Fax: _____
()

Site Address / Location: SE & SW Corner of Ruppel Rd & Mount Comfort

Current Zoning District: RSF-1, RSF-4, R-A

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property: 765-24063-000, 765-13649-000, 765-13648-000, 765-24068-000
765-24067-000

FINANCIAL INTERESTS

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

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

Name (printed): _____ Date: _____

Signature: _____

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

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

Name (printed): JAMES L. HAZEN Address: 2160 N. RUPPLE RD
Signature: James L. Hazen FAYETTEVILLE AR 72704
Date: 7.13.16 Phone: (479) 521 0715

Name (printed): JUDITH A. HAZEN Address: 2160 N. RUPPLE RD
Signature: Judith A. Hazen FAYETTEVILLE AR 72704
Date: 7.13.16 Phone: (479) 521 0715

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: September 12, 2016 *(Updated with Planning Commission results)*

SUBJECT: **RZN 16-5550: Rezone (2155 N. RUPPLE RD./HAZEN, 361/362):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL and contains approximately 73.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES and R-A, Residential Agricultural.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5550** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is for approximately 73.37 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential; agricultural; church; cemetery	RSF-1; R-A; CS
South	Links at Fayetteville golf course; Oakbrooke Subdivision	R-PZD (Links at Fayetteville); R-PZD (Oakbrooke)
East	Pathway Baptist Church	R-O; P-1
West	Agricultural	R-A

Request: The request is to rezone the property to CS, Community Services (45.90 acres) and R-A, Residential Agricultural (27.47 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcels have access to Mount Comfort Road (Minor Arterial) and Ruppel Road (Principal Arterial). Mount Comfort Road has been fully improved east of these parcels, but for most of the parcels' frontage it remains an unimproved two-lane road with open ditches. Ruppel Road is also unimproved along most of this parcel frontage, however, the city currently has projects in process to complete improvements on Ruppel Road all the way to Mount Comfort Road, routing the road east through the subject property with a planned traffic signal at the intersection of Mount Comfort/Ruppel. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the site. There is an existing 12" water main on the south side of Mount Comfort Road and an existing 6" water main on the east side of Ruppel Road.

Sewer: Sanitary Sewer is available to the site. There is an existing 24" sewer main available running through the properties along Hamestring Creek. There is also an 8" sewer main bisecting the property and another running on the west side of Ruppel Road. A 24" sewer force-main also follows Hamestring Creek, but is not available for connections.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. Large portions of these properties are identified as FEMA regulated floodplains and floodways. Floodplain Development permits would be required at time of development. Hamestring Creek is a protected stream that runs east-west through these parcels. No portions of these parcels lies within the Hillside-Hilltop Overlay District. However, large areas of these parcels contain 'Hydric soils' which can be an indicator of wetlands. At time of development a wetland delineation would be required to ensure compliance with all Army Corps of Engineers regulations.

Fire: This development will be protected by Ladder 7 located at 835 N. Ruppel Rd. It is 1.0 miles from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the majority of the property as **City Neighborhood Area**, with the Hamestring Creek riparian corridor as **Natural Area**, area south of Hamestring Creek as **Civic and Private Open Space/Parks** (assumed that the Links at Fayetteville golf course might expand into this area), and a small portion of **Residential Area** in the southeastern portion of the site. City Plan 2030 generally defines these designations as follows:*

- **Natural Areas** consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and

preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

- **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.
- **City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.
- **Civic and Private Open Space/Parks Areas** are sites that are permanently dedicated to open space or park land.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Land Use Compatibility:* The proposed zoning is compatible with surrounding land use in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would help support the surrounding uses noted above.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that result in realizing this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks non-residential goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal for CS

at this future busy intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 27 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate development of this area that has been anticipated in the City's comprehensive plan for several years. The proposed CS zoning will encourage appropriate commercial or residential development at the future busy intersection in an area that has seen intense development over the last decade, largely residential in nature. The CS District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes.

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

Finding: A CS zoning allows a wide range of commercial activity and unlimited residential density. The proposed rezone would create the potential to substantially increase traffic in the area over the existing zoning. However, with the re-alignment of Ruppel Road through the site and the future traffic signal at Mount Comfort/Ruppel, increased traffic has been anticipated will be able to be accommodated. Further, non-residential goods and services that would be permitted under the CS zoning would not likely be a regional draw but would primarily accommodate people living in the area.

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

Finding: Rezoning a majority of the property to CS could significantly alter population density in the area. CS zoning allows a wide range of commercial activity and unlimited residential density. The rezone request is not likely to undesirably increase load on public services given the existing and anticipated infrastructure improvements, as discussed throughout this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding **RZN 16-5550** to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03 (R-A); 161.05 (RSF-1); 161.07 (RSF-4); 161.20 (CS)
- Fire Marshal Comments
- Request letter
- Rezone exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 12, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Hoskins</u>			
Second: <u>Hoffman</u>			
Vote: <u>7-1-0 (Selby voted 'no')</u>		Note: <u>recommend approval</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: _____	☐ Approved	☐ Denied	

161.03 - District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

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

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses.*

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

(D) *Conditional Uses.*

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

(E) *Density.*

Units per acre	1
----------------	---

(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

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

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

(I) *Building Area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

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

161.20 - Community Services

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

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

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	56 feet
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

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



To: Andrew Garner

From: Captain J. Ashley; Assistant Fire Marshal

Date: 8/12/16

Re: RZN 16-5550 / 2155 N. Ruppel

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

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

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

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

Captain Jeremy Ashley

Fayetteville Fire Department



JORGENSEN
+ASSOCIATES
Civil Engineering • Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 6, 2016

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Hazen Property Rezoning

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

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

Sincerely,



Justin L. Jorgensen, PE

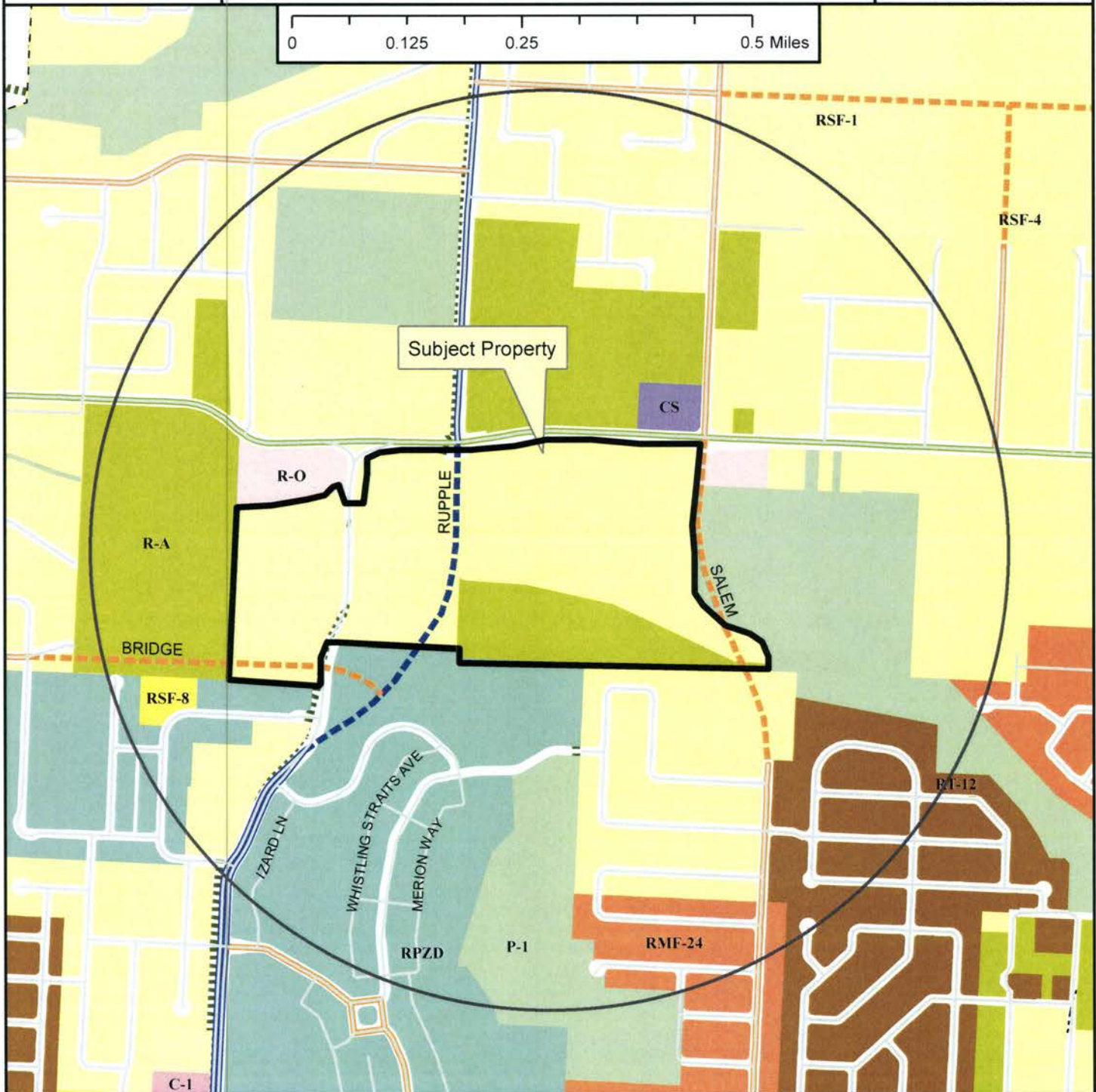
RZN 16-5550

One Mile View

2155 N. RUPPLE/HAZEN



0 0.125 0.25 0.5 Miles



Legend

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



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

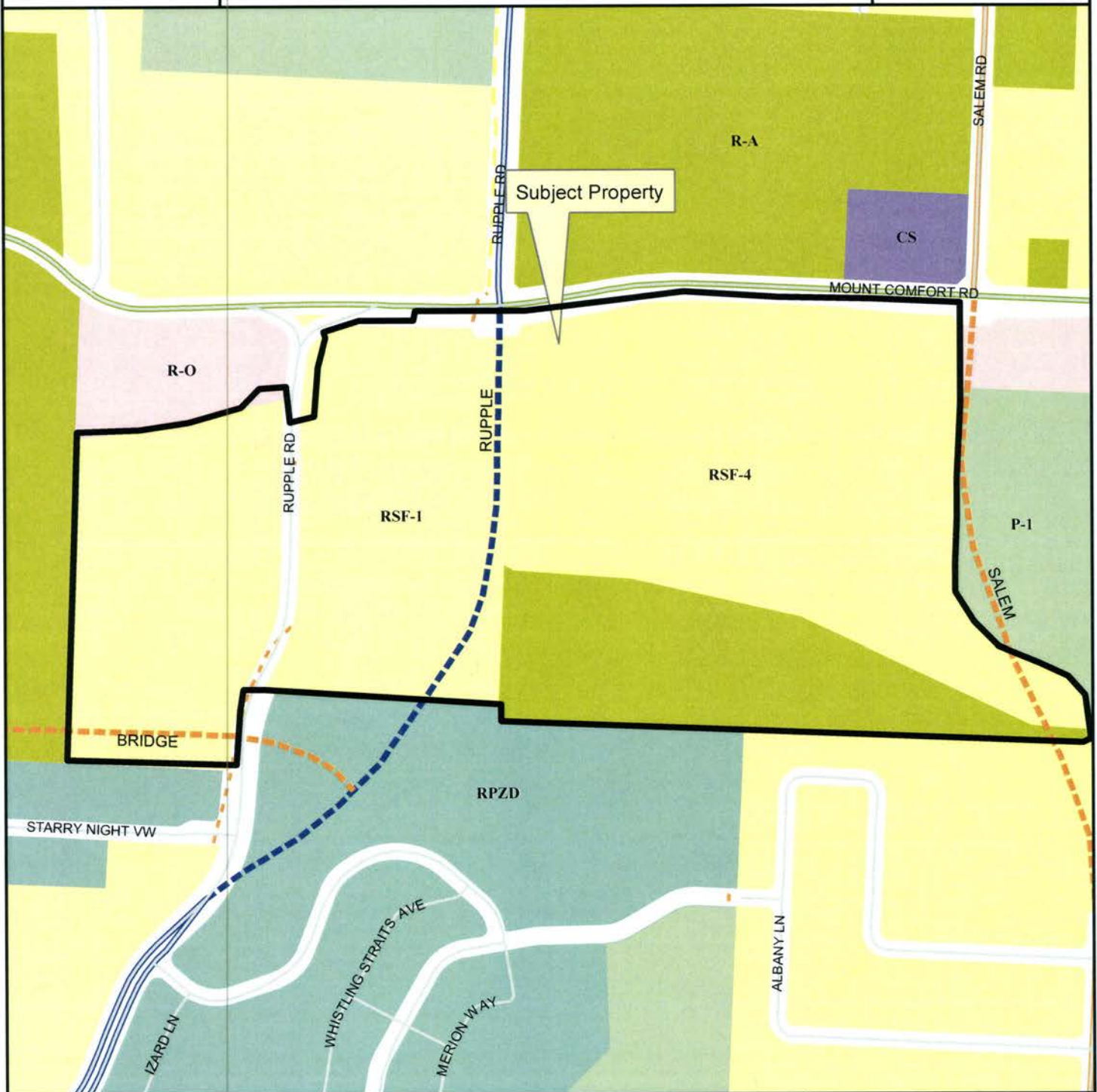
Planning Commission
September 12, 2016

Agenda Item 14
16-5550 Hazen
Page 16 of 19

RZN 16-5550

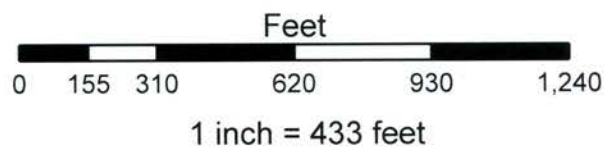
Close Up View

2155 N. RUPPLE/HAZEN



Legend

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



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

RZN 16-5550

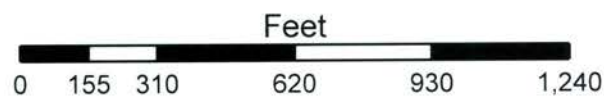
Current Land Use

2155 N. RUPPLE/HAZEN



Legend

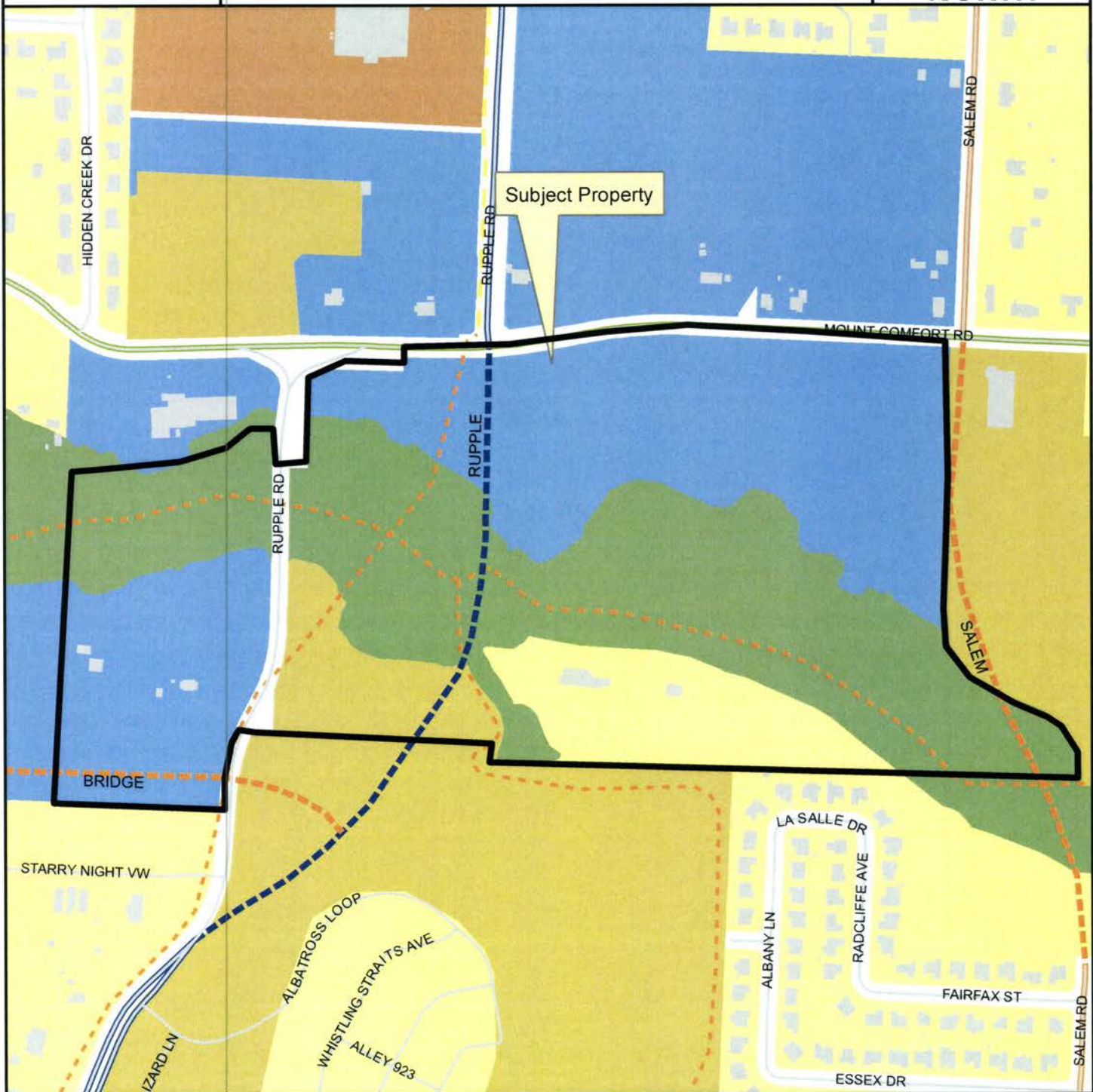
- Street
- Streets Planned**
- MSP Class**
- COLLECTOR
- PRIN ARTERIAL PKWY
- Streets Existing**
- MSP Class**
- COLLECTOR
- MINOR ARTERIAL
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)



RZN 16-5550

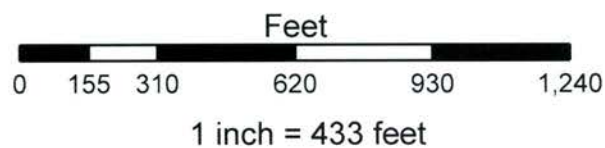
Future Land Use

2155 N. RUPPLE/HAZEN



Legend

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



FUTURE LAND USE 2030

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



City Neighborhood Areas:

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

City Neighborhood Areas encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.



Three Sisters Building



Chestnut Lofts



Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.

- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
- f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Encourage properties to redevelop in an urban form.
- j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.



Summerhill Townhouses



Hill Place Apartments



Girl Scouts Building



Sycamore Lofts





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **November 2, 2016**

RE: **RZN 16-5550 Hazen off Mount Comfort Road**

As I have explained previously to you, I believe the 4.05 acre parcel west of the proposed new Ruppel Road that adjoins Mt. Comfort Road and is north of the creek should not be rezoned from RSF-1, Residential Single Family, 1 per acre to CS, Community Services. My primary concern is that this parcel lies several feet below Mt. Comfort Road and abuts the new Ruppel Road extending from Mt. Comfort to a tall bridge over the creek. This road will be constructed atop a fairly high retaining wall along this 4 acre parcel making access to Ruppel Road very difficult and expensive

The 4 acre parcel will also have some difficulty accessing Mt. Comfort Road especially for a form based zone that requires the building to cover at least 50% of the street frontage into a build-to zone of 10 to 25 feet from the road. Rezoning this to Community Services would make this a commercial/apartment zoned parcel with unlimited density. Such a high density zone would require substantial access to adjoining streets, all several feet above this 4 acre creekside parcel.

On the other hand, the current RSF-1, Residential Single Family, 1 unit per acre parcel does not have such access problems. Four homes could be built along

the creek and access Mt. Comfort or the existing Ruppel Road with a couple of gently sloping driveways. Just leaving the existing RSF-1 zoning as is for this 4 acre parcel seems like the wisest decision. After Ruppel Road has been constructed. Mr. and Mrs. Hazen could request a rezoning when the exact height and alignment of the new Ruppel Road is a reality rather than just an abstract plan. The City Council would then be in a better position to decide whether a rezoning to Community Services or another zoning district makes sense.

Attached is a proposed ordinance with exhibits A and B (which could be better shown by Planning) if the City Council wishes to rezone only 66 of 70 acres proposed by the owners to be rezoned. I should note that the owners still want this 4.05 acre parcel rezoned Community Services and may be able to explain why their low lying land will not have the access issues I discussed above.

This rezoning request should be considered like all others presented to you and analyzed with the zoning considerations I have explained in several memos to you.

SUMMARY OF CONSIDERATIONS FOR A REZONING REQUEST

Factors that may be legally considered in rezoning issues:

1. Compatibility with adjacent zones (avoiding spot zoning)
2. Public opposition that is logical and reasonable
3. Traffic (safety and congestion)
4. Safety and Fire protection
5. Good civic design and efficiency
6. Adequacy of public facilities (sewage, water, streets)
7. Noise
8. Litter
9. Decrease in value of adjoining land
10. Appropriate and best use of land
11. City's need or lack of need for more land to be zoned as requested
12. 2030 Plan objectives

ORDINANCE NO.

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 66 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A except the 4.05 acre parcel adjoining Mount Comfort Road and west of the proposed new location of Ruppel Road and north of the creek) and the legal description (Exhibit B except the fourth legal description of the 4.05 acre parcel) both attached to the Planning Department's Agenda Memo from RSF-1, Residential Single Family, 1 Unit Per Acre; RSF-4, Residential Single Family, 4 Units Per Acre and R-A, Residential Agricultural to CS, Community Services and R-A, Residential Agricultural.

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

PASSED and APPROVED this 1st day of November, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

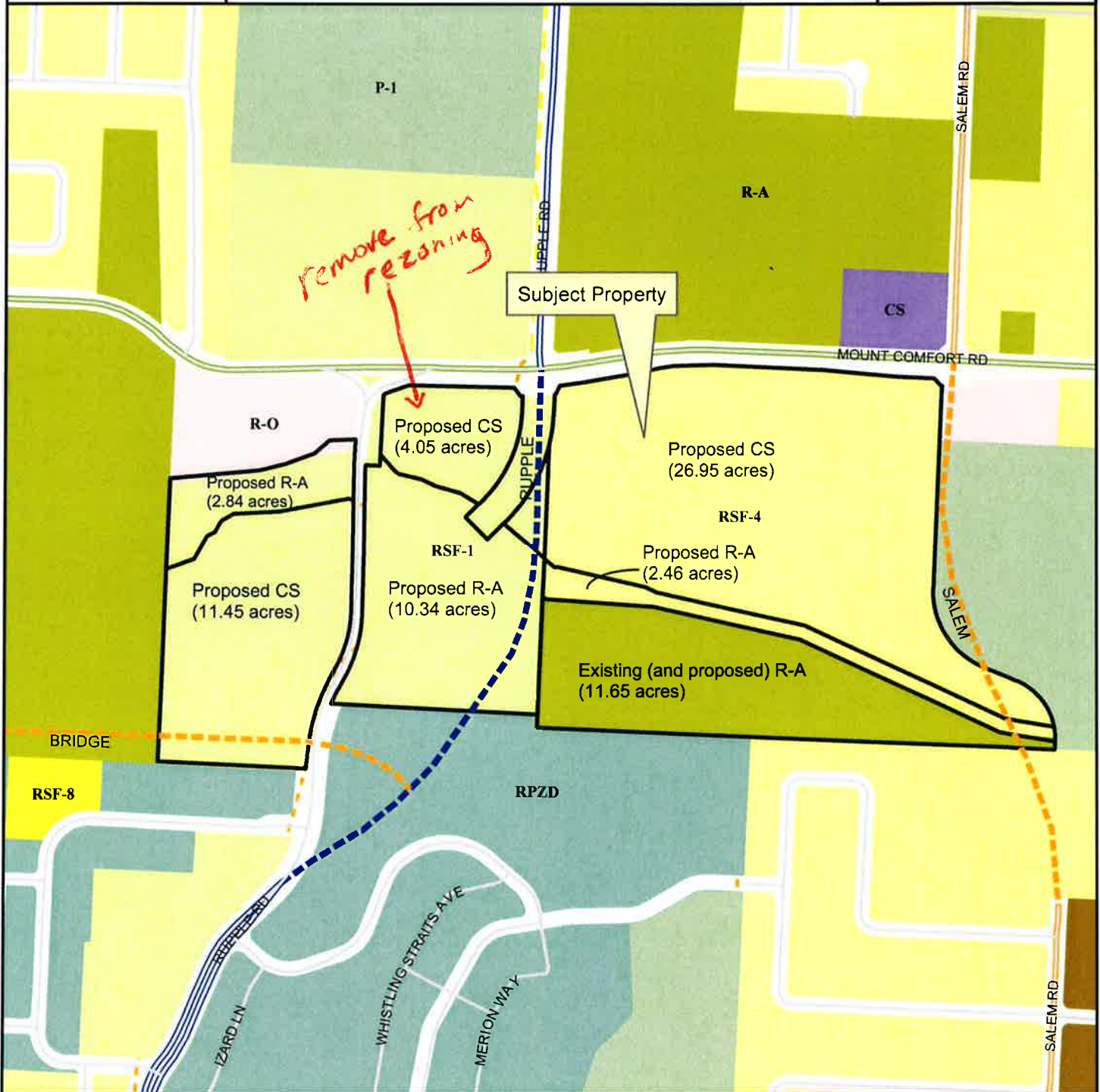
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT 'A'

RZN 16-5550

Close Up View

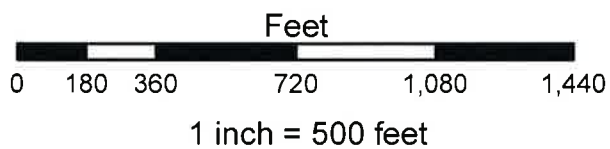
HAZEN



Legend

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

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



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

EXHIBIT 'B'
RZN 16-5550

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

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

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

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

LEGAL DESCRIPTION: (RA TO REMAIN RA)

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

LEGAL DESCRIPTION: (RSF-1 TO CS)

Remove

Remove

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

LEGAL DESCRIPTION: (RSF-1 TO RA)

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

Branson, Lisa

From: Smith, Sondra
Sent: Wednesday, November 02, 2016 2:38 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Rosa Edwards
Subject: FW: Mount Comfort and Ruppel Road rezoning

From: Rosa Edwards [mailto:rosajedwards@gmail.com]
Sent: Wednesday, November 02, 2016 1:11 PM
To: Longward4@gmail.com; La Tour, John <ward4_pos1@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Mount Comfort and Ruppel Road rezoning

Good afternoon;

I saw in the paper the details of the rezoning at Mt. Comfort and Ruppel. I was unaware of the scope of this rezoning and thought previously that it was just related to the road reconstruction. I live one mile east of this area and strongly OPPOSE this rezoning for these reasons :

- 1) We, like many along this road, intentionally selected an area to purchase a home that was not commercially developed. We could have easily purchased a home on Wedington Dr. if we wanted to be closer to these businesses. Please do not push all of us who prefer a more rural view out of the city and into the smaller surrounding towns. We love this area off the Porter Road and find it to be one of the hidden gems of the city.
- 2) The sidewalks along this road are extremely popular with walkers and the bike lanes with bicyclists. A commercial development would adversely affect this alternative transportation by increasing traffic and changing the general nature of the area.
- 3) The nearness of this commercial area to the Mount Comfort Cemetery, where my mother-in-law is buried, is particularly disconcerting. We chose that cemetery in part for its peaceful setting.
- 4) The proposal allows for multifamily homes. As I have noted in opposition to Macey Dr Townhouses, Fayetteville doesn't need more of these. We need more affordable, single family housing. Any rezoning that takes us away from that type of housing toward apartments and duplexes is concerning.

Please vote NO on November 15 to the Mount Comfort & Ruppel Road rezoning and also to the Macey Drive Townhouses as previously noted.

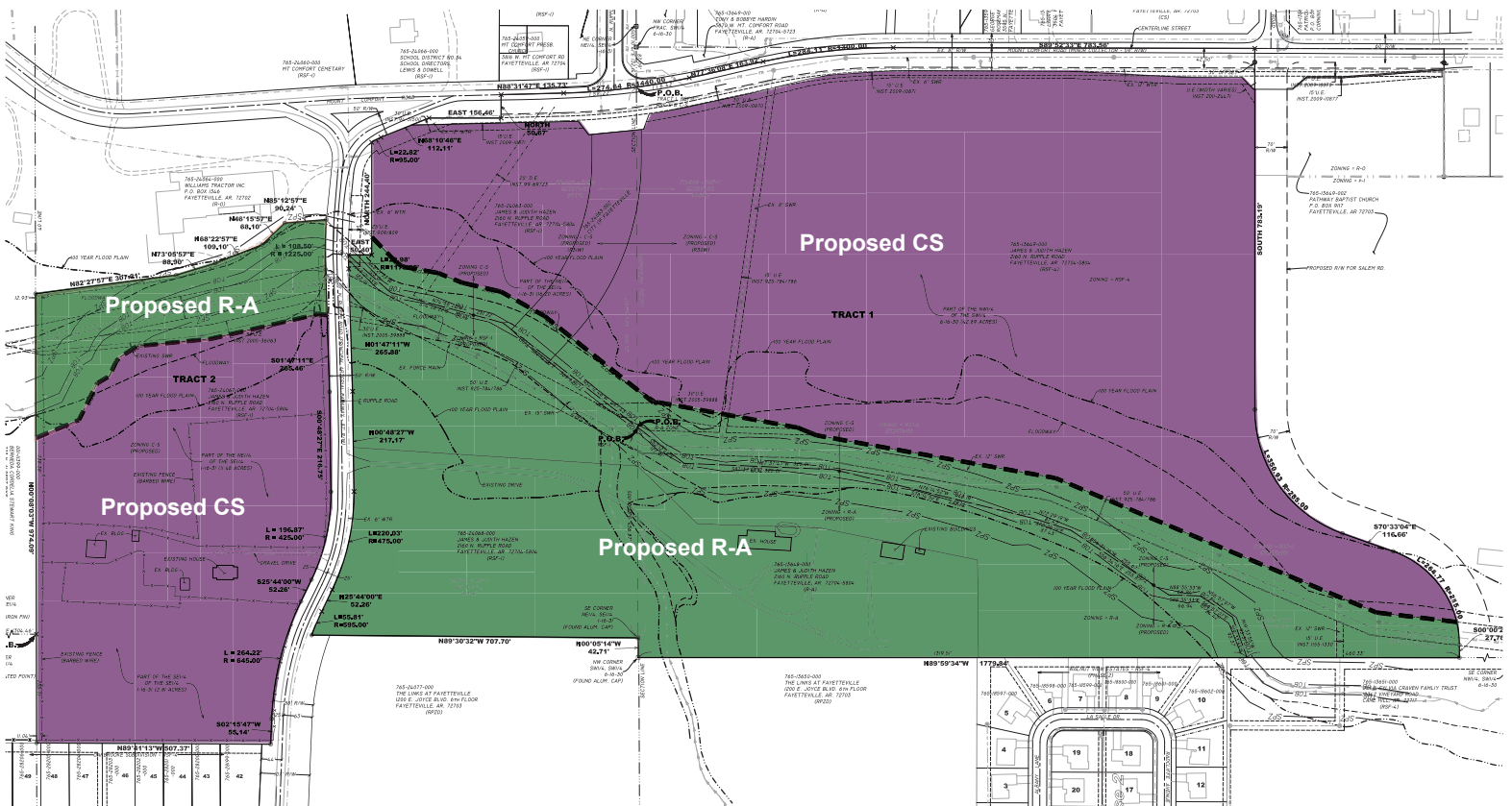
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Rosa Edwards
my blog: <http://surpassingglory.blogspot.com>

This exhibit was replaced with an updated exhibit

EXHIBIT 'A' RZN 16-5550

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



LEGAL DESCRIPTION: (RSF-4 TO RA)

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

LEGAL DESCRIPTION: (RSF-4 TO CS)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence S00°10'41"E 87.09 feet to the POINT OF BEGINNING; thence along a curve to the left 116.42 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N79°55'06"E 116.39 feet, thence N77°36'08"E 163.92 feet, thence along a curve to the right 284.11 feet, said curve having a radius of 1,300.00 feet and a chord bearing and distance of N83°51'48"E 283.55 feet, thence S89°52'33"E 783.56 feet, thence South 783.19 feet, thence along a curve to the left 350.93 feet, said curve having a radius of 285.00 feet and a chord bearing and distance of S35°16'32"E 329.18 feet, thence S70°33'04"E 116.66 feet, thence along a curve to the right 214.67 feet, said curve having a radius of 215.00 feet and a chord bearing and distance of S41°56'49"E 205.87 feet, thence N83°16'06"W 175.24 feet, thence N67°16'00"W 754.49 feet, thence N79°51'00"W 525.87 feet, thence N67°38'50"W 44.07 feet, thence N79°43'00"W 306.10 feet, thence S88°20'17"W 11.46 feet, thence N51°32'47"W 44.52 feet, thence N00°10'53"W 656.17 feet to the POINT OF BEGINNING: Containing 28.78 acres more or less subject to easements and right of way of record.

This exhibit was replaced with an updated exhibit

LEGAL DESCRIPTION: (RSF-1 TO RA)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet, thence S00°10'53"E 656.17 feet to the POINT OF BEGINNING; thence S00°10'53"E 538.02 feet, thence N89°30'32"W 707.70 feet, thence along a non tangent curve to the right 55.81 feet, said curve having a radius of 595.00 feet and chord bearing and distance of N23°02'47"E 55.79 feet, thence N25°44'00"E 52.26 feet, thence along a curve to the left 220.03 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of N12°27'47"E 218.07 feet, thence N00°48'27"W 217.17 feet, thence N01°47'11"W 265.88 feet, thence along a curve to the right 29.98 feet, said curve having a radius of 1,175.00 feet and a chord bearing and distance of N01°03'19"W 29.98 feet, thence East 50.40 feet, thence North 38.91 feet, thence S44°18'07"E 77.56 feet, thence S55°39'31"E 15.26 feet, thence S79°48'14"E 78.84 feet, thence S68°01'04"E 56.27 feet, thence S76°59'25"E 86.03 feet, thence S60°42'59"E 108.04 feet, thence S51°32'47"E 257.04 feet to the POINT OF BEGINNING: Containing 10.52 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (RSF-1 TO CS)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SE1/4, thence S00°10'41"E 132.14 feet to the POINT OF BEGINNING, thence S00°10'53"E 656.17 feet, thence N51°32'47"W 257.04 feet, thence N60°42'59"W 108.04 feet, thence N76°59'25"W 86.03 feet, thence N68°01'04"W 56.27 feet, thence N79°48'14"W 78.84 feet, thence N55°39'31"W 15.26 feet, thence N44°18'07"W 77.56 feet, thence North 205.49 feet, thence along a non tangent curve to the right 22.82 feet, said curve having a radius of 95.00 feet and chord bearing and distance of N61°17'56"E 22.76 feet, thence N68°10'46"E 112.11 feet, thence East 156.46 feet, thence North 50.67 feet, thence N88°31'47"E 135.73 feet, thence along a curve to the left 158.22 feet, said curve having a radius of 1,440.00 feet and a chord bearing and distance of N85°22'55"E 158.14 feet to the POINT OF BEGINNING: Containing 5.67 acres more or less subject to easements and right of way of record.

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

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

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

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

LEGAL DESCRIPTION: (RA TO REMAIN RA)

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0467

Agenda Date: 11/15/2016

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):

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

(LEFT ON THE SECOND READING)

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described street is not required for corporate purposes; and

WHEREAS, Van Asche Drive has recently been built to four lane boulevard standards to replace Jupiter Drive and to connect McGuire Street and Ball Street; and

WHEREAS, all property owners along Jupiter Drive have requested that Jupiter Drive be vacated from McGuire Street to the AEP Substation.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates Jupiter Drive from McGuire Street to the AEP Substation as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following conditions:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water

line that is located along Jupiter Drive. Any relocation of this water line shall be at the owner/developer's expense.

3. The Cox fiber line within the Jupiter Drive right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.

4. All of the owners of the vacated right of way property shall contractually agree in writing that upon or before 50% or more of the property they now own north of Van Asche Drive that is within the city limits of Fayetteville is approved by Final Plat or Large Scale Development, they will construct a public street connection between Ball Street and McGuire Street north of Van Asche Drive.

City of Fayetteville Staff Review Form

2016-0467

Legistar File ID

10/18/2016

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

Jeremy Pate

9/30/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5571: Vacation (WEST JUPITER DR./JUPITER DRIVE, 171): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located on WEST JUPITER DRIVE. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF OCTOBER 18, 2016

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: September 30, 2016

SUBJECT: **VAC 16-5571: Vacation (WEST JUPITER DR./JUPITER DRIVE, 171):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SE OF JUPITER ST. & MCGUIRE ST. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

RECOMMENDATION:

Planning Division staff and the Planning Commission recommend approval of **VAC 16-5571** with the following conditions:

Condition of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water line the is located along Jupiter Drive.
3. The Cox fiber line within the Jupiter Street right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.
4. A public street connecting Ball Street and McGuire Street, north of Van Asche Drive, shall be provided at the time of development.

BACKGROUND:

The subject property is the western portion of Jupiter Street in the northwest corner of the Fayetteville adjacent to the City of Johnson. Jupiter Street is an unimproved two-lane asphalt road providing an east-west connection between S. McGuire Street and S. Ball Street. The subject portion of street is located from McGuire Street to the SWEPCO electric substation on the north side of Jupiter Street; about 2,000 linear feet of street totaling 1.79 acres. Approximately one year ago the City of Fayetteville completed construction of Van Asche Drive from N. Gregg Avenue to Garland Avenue (State Highway 112) with a four and five lane sections and a median in some portions, 5-foot sidewalk along the north side of the roadway and a 10-foot shared use trail with

a 5-foot sidewalk along the south side of the roadway. This new portion of Van Asche Drive parallels the subject portion of Jupiter Street.

As depicted on attached Exhibits 'A' and 'B', the applicant proposes close the subject section of Jupiter Street and vacate the right-of-way to facilitate future development of the area.

DISCUSSION:

On September 26, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-1-0 (Commissioner Quinlan) voted 'no'. Some commissioners discussed concerns with closing this active street prior to another street being constructed to provide additional connectivity, or at least being in the planning stages.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

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

FEE: \$200.00
Sign Fee: \$5.00
S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: TOM TERMINELLA

Address: 24 East Meadow St
Fayetteville, Ar 72703

Phone: () _____

Email: _____

Fax: () _____

Site Address / Location: Jupiter Street (McGuire to West
SIDE OF SUPER Electric Substation)

Legal description of area to be vacated (attach separate sheet if necessary):

Attached

Current Zoning District: R/W

Assessors Parcel Number(s) for subject property: ADJACENT = 765-15773-800

FINANCIAL INTERESTS

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

DAVID McCLINTON & TOM TERMINELLA

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

Name (printed): _____

Date: _____

Signature: _____

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

Owners (attach additional info if necessary):

Name (printed):

Signature:

Date:

Address:

Phone:

Name (printed):

Signature:

Date:

Address:

Phone: ()

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
 - \$200.00 application fee
 - \$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

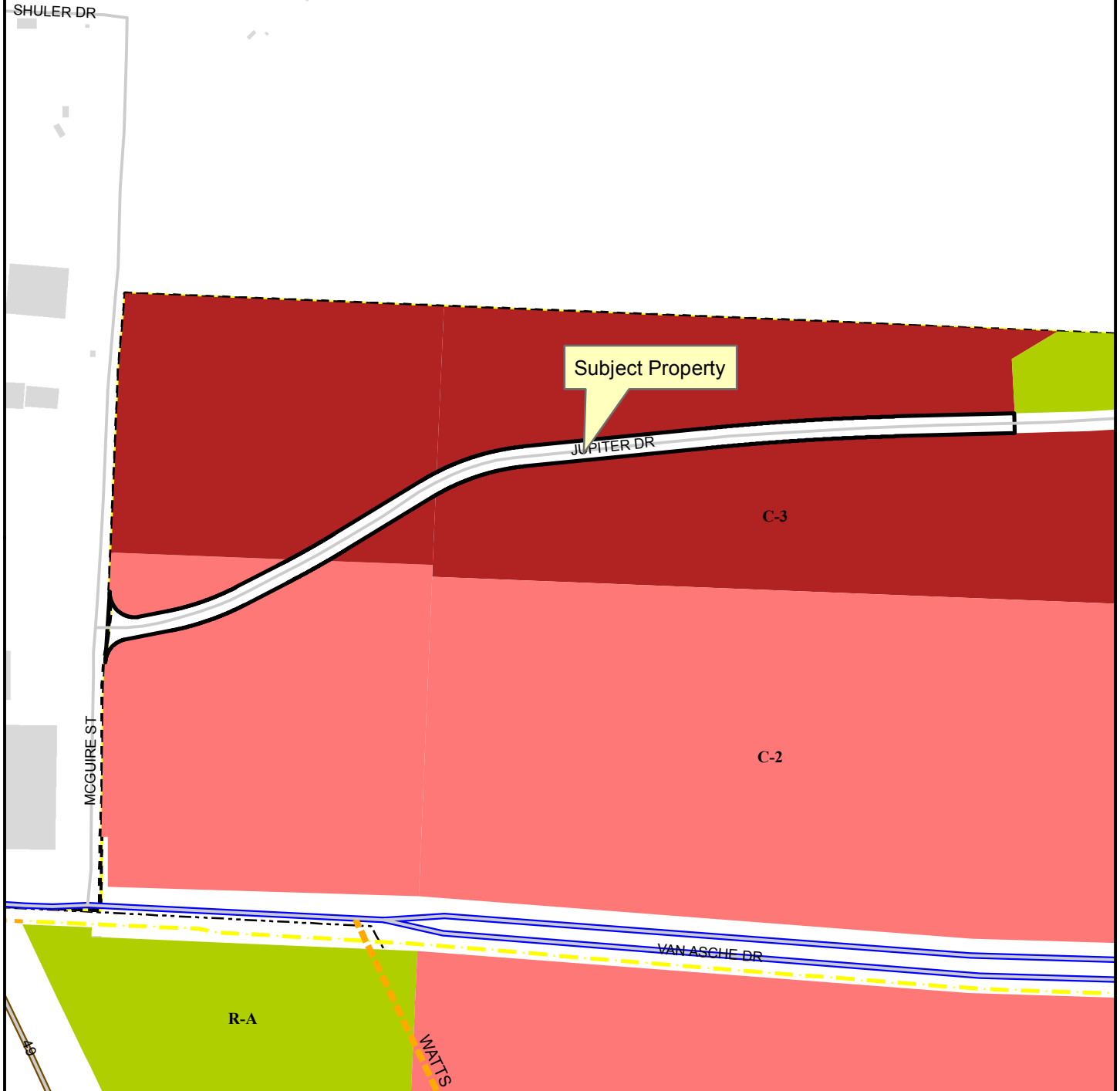
16-5571
EXHIBIT 'A'

VAC 16-5571

JUPITER STREET

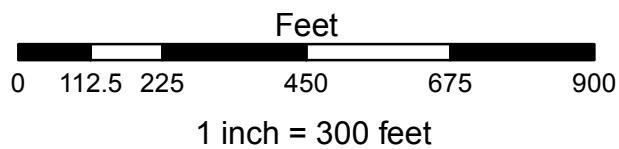


Close Up View



Legend

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



- Residential-Agricultural
- C-2
- C-3

16-5571

EXHIBIT 'B'

LEGAL DESCRIPTION: (RIGHT OF WAY VACATION)

A part of the SW1/4 of the NW1/4 and a part of the SE1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows:
Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 502.42 feet, thence S87°30'43"E 3.63 feet to the POINT OF BEGINNING, thence N03°30'46"E 143.63 feet, thence along a non tangent curve to the left 90.39 feet, said curve having a radius of 50.00 feet and chord bearing and distance of S49°21'21"E 78.57 feet, thence N78°51'24"E 57.16 feet, thence along a curve to the left 148.53 feet, said curve having a radius of 530.00 feet and a chord bearing and distance of N70°49'42"E 148.04 feet, thence N62°48'00"E 96.43 feet, thence along a curve to the left 132.03 feet, said curve having a radius of 1,780.00 feet and a chord bearing and distance of N60°40'31"E 132.00 feet, thence N58°33'01"E 203.88 feet, thence along a curve to the right 219.91 feet, said curve having a radius of 490.00 feet and a chord bearing and distance of N71°24'27"E 218.07 feet, thence N84°15'54"E 366.53 feet, thence along a curve to the right 388.27 feet, said curve having a radius of 5,220.00 feet and a chord bearing and distance of N86°23'45"E 388.18 feet, thence N88°31'36"E 243.33 feet, thence S01°28'24"E 40.00 feet, thence S88°31'36"W 243.33 feet, thence along a curve to the left 385.29 feet, said curve having a radius of 5,180.00 feet and a chord bearing and distance of S86°23'45"W 385.20 feet, thence S84°15'54"W 366.53 feet, thence along a curve to the left 201.96 feet, said curve having a radius of 450.00 feet and a chord bearing and distance of S71°24'27"W 200.27 feet, thence S58°33'01"W 203.88 feet, thence along a curve to the right 135.00 feet, said curve having a radius of 1,820.00 feet and a chord bearing and distance of S60°40'31"W 134.97 feet, thence S62°48'00"W 96.43 feet, thence along a curve to the right 159.74 feet, said curve having a radius of 570.00 feet and a chord bearing and distance of S70°49'42"W 159.21 feet, thence S78°51'24"W 93.76 feet, thence along a non tangent curve to the left 65.62 feet, said curve having a radius of 50.00 feet and chord bearing and distance of S41°15'35"W 61.01 feet to the POINT OF BEGINNING: Containing 1.79 acres more or less.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: September 26, 2016 *(Updated with Planning Commission results)*

SUBJECT: **VAC 16-5571: Vacation (WEST JUPITER ST./JUPITER STREET, 171):**
Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SE OF JUPITER ST. & MCGUIRE ST. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL and contain approximately 1.79 acres. The request is to vacate a portion of Jupiter Street.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5571** with conditions of approval.

BACKGROUND:

The subject property is the western portion of Jupiter Street in the northwest corner of the Fayetteville adjacent to the City of Johnson. Jupiter Street is an unimproved two-lane asphalt road providing an east-west connection between S. McGuire Street and S. Ball Street. The subject portion of street is located from McGuire Street to the SWEPCO electric substation on the north side of Jupiter Street; about 2,000 linear feet of street totaling 1.79 acres. Approximately one year ago the City of Fayetteville completed construction of Van Asche Drive from N. Gregg Avenue to Garland Avenue (State Highway 112) with a four and five lane sections and a median in some portions, 5-foot sidewalk along the north side of the roadway and a 10-foot shared use trail with a 5-foot sidewalk along the south side of the roadway. This new portion of Van Asche Drive parallels the subject portion of Jupiter Street. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	C-2, Thoroughfare Commercial; C-3, Central Commercial
South	Undeveloped/New Van Asche Drive corridor	C-2, Thoroughfare Commercial; C-3, Central Commercial
East	Undeveloped (City of Johnson)	City of Johnson (I, Industrial)
West	Industrial (City of Johnson)	City of Johnson (I, Industrial)

Proposal: The applicant proposes close the subject section of Jupiter Street and vacate the right-of-way to facilitate future development of the area.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the adjoining property owners, City utility departments and applicable franchise utilities, with the following responses:

Adjoining Property Owners

David Clark McClinton	No objections
-----------------------	---------------

Southwestern Electric Power	No objections
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Utility

Response

Cox Communications	No objections with conditions
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Southwestern Electric Power	No objections
-----------------------------	---------------

Ozarks Electric	No objections
-----------------	---------------

Black Hills Energy	No objections
--------------------	---------------

AT&T	No objections
------	---------------

Ozarks Electric	No objections
-----------------	---------------

City of Fayetteville

Response

Water/Sewer	No objections with conditions
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Transportation	No objections
----------------	---------------

Recycling and Trash	No objections
---------------------	---------------

The construction of Van Asche Drive was intended to serve the same east-west connection as the subject section of Jupiter Street. Given the completion of Van Asche it is appropriate to vacate Jupiter Street. The property owners that would be directly affected by the street closure do not object to the proposal. At the time the surrounding land develops, the City will review street access and connectivity as needed.

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 16-5571 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. A water line easement shall be retained in the amount of 10 feet on either side of the existing water line the is located along Jupiter Drive.
3. The Cox fiber line within the Jupiter Street right-of-way shall be relocated at the owner/developers expense prior to approval to vacate the street. Until the fiber line is relocated the right-of-way must remain.
4. *Planning Commission added Condition of Approval #4 as noted below (09-26-16).*

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied
(recommendation for approval)

Meeting Date: September 26, 2016

Motion: Hoskins *4. A public street connecting Ball Street and McGuire Street, north of Van Asche Drive, shall be provided at the time of development.*

Second: Autry

Vote: 8-1-0 (Commissioner Quinlan voted 'no')

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Vacation Exhibit
- Adjoining Property Owner and Utility Approvals
- One Mile Map
- Close Up Map



**JORGENSEN
+ASSOCIATES**
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

8/3/16

City of Fayetteville
113 W Mountain Str.
Fayetteville, AR. 72701

Att: Planning Dept.
Re: Vacate R/W of Jupiter Street

This is information pertaining to the vacation of right of way of Jupiter Street from McGuine Street to the West side of the SWEPCO Electric Substation. All adjacent utilities easements will remain. The electric substation will still have access.

Please call concerning any questions you may have.

Thank you.

Sincerely;



David L. Jorgensen, P.E.

PETITION

PETITION TO VACATE JUPITER STREET RIGHT-OF-WAY FROM MCGUIRE STREET TO WEST SIDE OF
SWEPKO ELECTRIC SUBSTATION, CITY OF FAYETTEVILLE, ARKANSAS

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the Right-of-Way hereinafter
sought to be abandoned and vacated, lying in the City of Fayetteville, Arkansas, a municipal corporation,
petition to vacate said Right-of-Way which is described as follows:

(SEE ATTACHMENT – EXHIBIT 'A')

That the abutting real estate affected by said abandonment would not be adversely affected by this
abandonment.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above described
right of way (not the utility easements), and that the above described real estate be used for their
respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully request that the governing body of the City of
Fayetteville, Arkansas, abandon and vacate the above described real estate, and that title to said real
estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to
that particular land the owners be free from the use of said Right-of-Way.

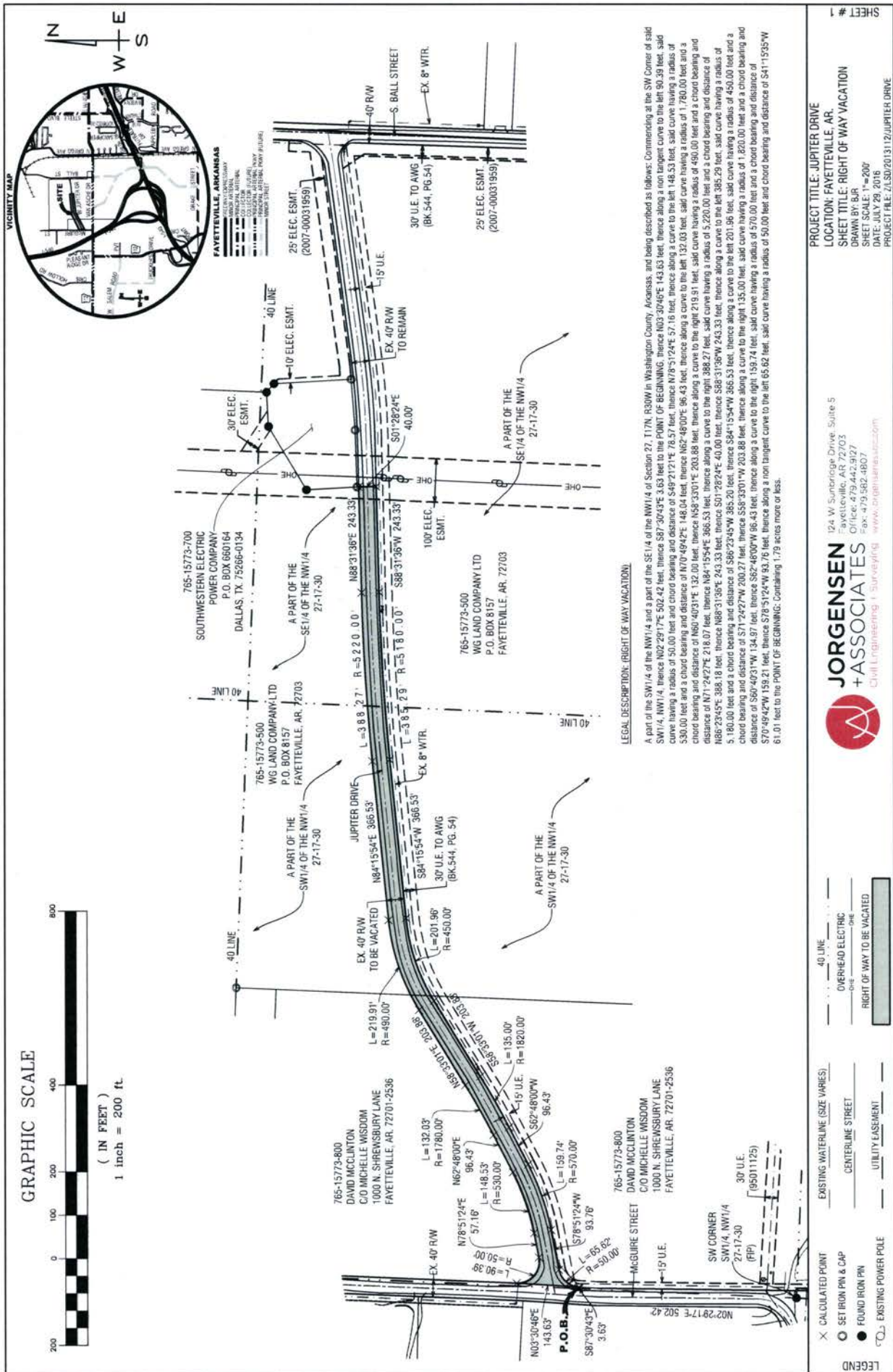
Dated this 9th day of August, 2016.

W.G. Land Co.
Printed Name W.G. Land Co.

Gerrard F. Jones
Printed Name Gerrard F. Jones

Gerrard F. Jones
Signature

Printed Name



ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/18/16

Address / location of vacation: Vacation of Jupiter Rd.

Adjacent property address: _____

Lot: _____ Block: _____ Subdivision: _____

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

Project Name

DAVID McCLINTON

Name of Adjacent Property Owner (printed)

David C McClinton

Signature of Adjacent Property Owner

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/10/16
Address / location of vacation: Jupiter Street R/W Vacation
Adjacent property address: _____
Lot: Block: Subdivision:

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

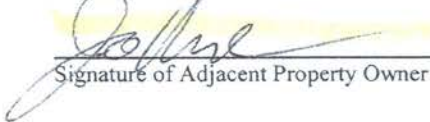
ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
☒ I do not object to the vacation described above.
☐ I do object to the requested vacation because:

Project Name

MAYNARD INC. POPS, LLC

Name of Adjacent Property Owner (*printed*)


Signature of Adjacent Property Owner

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: 8/9/16
Address / location of vacation: Jupiter R/W Vacation
Adjacent property address: _____
Lot: 1 Block: 1 Subdivision: 1

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

(Include legal description and graphic representation of what is being vacated)

ADJACENT PROPERTY OWNERS COMMENTS:

- ☐ I have been notified of the requested vacation and decline to comment.
☒ I do not object to the vacation described above.
☐ I do object to the requested vacation because:

Project Name

ARKOLA / APAC
Name of Adjacent Property Owner (printed)

M. E. Clive
Signature of Adjacent Property Owner

Murray E. Clive / G.M.
Applicant Name

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/10/16

UTILITY COMPANY: OZARKS Electric

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN S

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. FROM McGuire Street
EAST TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Wesley Mahaffey
Signature of Utility Company Representative

Staking Tech. III
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-8-16

UTILITY COMPANY: AEP SWEPco

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9627
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
PAST TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Tom L

Signature of Utility Company Representative

DISTRIBUTION Engineer

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 08/05/2016

UTILITY COMPANY: AT&T

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
If any AT&T facilities are damaged or require relocation will be the responsibility
of the property owner/ developer.

JEFF HAMILTON

Digitally signed by JEFF HAMILTON
DN: cn=JEFF HAMILTON, o=AT&T, ou=CONSTRUCTION/ ENGINEERING,
email=jhs430@att.com, c=US
Date: 2016.08.05 10:15:48 -0500

Signature of Utility Company Representative

MGR OSP Plng & Engrg Design
Title

December 2014
Page 5

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/8/2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN ↗

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Pr. From McGuire Street
PART TO WEST SIDE OF Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
Our fiber line within this Right of Way must be relocated at the developers expense before we can
approve this vacate. Until that time this Right of Way must remain.



Signature of Utility Company Representative

Construction & Planning Manager

Title

December 2014
Page 5

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/5/2016

UTILITY COMPANY: Black Hills Energy

APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address Jupiter Dr. From McGuire Street
East to West Side of Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

John Harte
Signature of Utility Company Representative

Supervisor Gas Operations
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/8/2016

UTILITY COMPANY: CoF- Recycling & Trash Collections

APPLICANT NAME: TAM TERMINELLA APPLICANT PHONE: 442-9627
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

☐ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Signature of Utility Company Representative

Comm. Services Mgr -
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-10-16

UTILITY COMPANY: City of Fayetteville (Transportation)

APPLICANT NAME: TAM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
East to West Side of Electric Substation

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

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Jacyn Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/22/2016
UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER
APPLICANT NAME: TOM TERMINELLA APPLICANT PHONE: 442-9127
JORGENSEN 
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address Jupiter Dr. From McGuire Street
EAST TO WEST SIDE OF Electric SUBSTATION

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

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

WATER LINE EASEMENT SHOULD BE RETAINED 10'
BOTH SIDES OF EXISTING WATER LINE

- ☐ No objections provided the following conditions are met:



Signature of Utility Company Representative
W&S OPERATIONS MANAGER

Title

VAC 16-5571

Close Up View

JUPITER STREET



SHULER DR

Subject Property

JUPITER DR

C-3

C-2

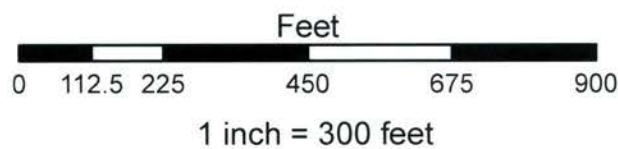
VAN ASCHIE DR

R-A

WATTS

Legend

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

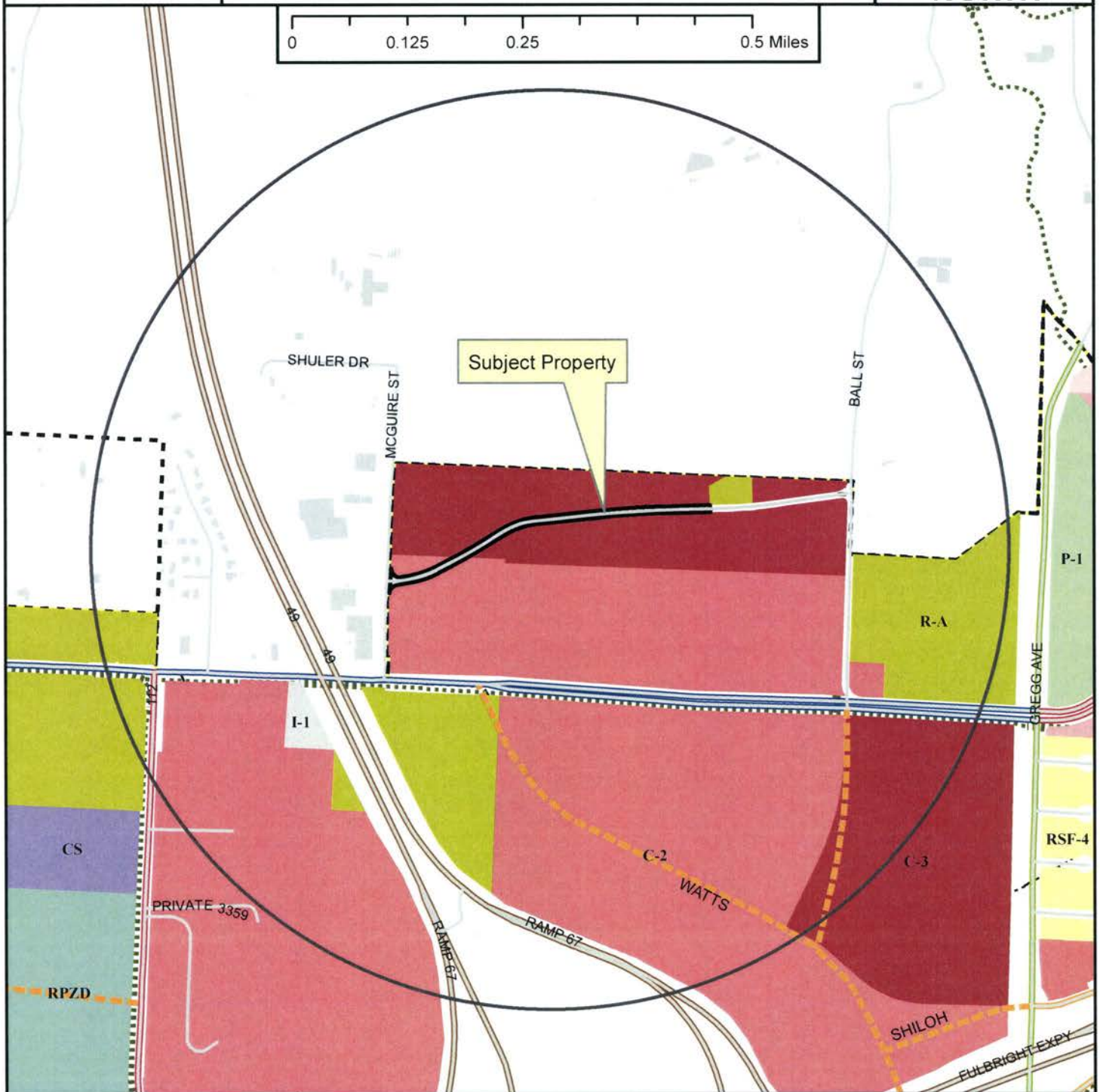
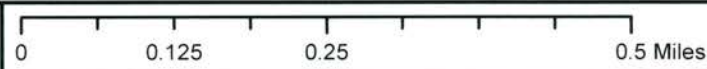


- Residential-Agricultural
- C-2
- C-3

VAC 16-5571

One Mile View

JUPITER STREET



Legend

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



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

Planning Commission
September 26, 2016



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

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

FROM: **Kit Williams**, City Attorney

DATE: **October 31, 2016**

RE: **Proposed Jupiter Road Vacation**

Attached please find the proposed Vacation Ordinance for a portion of Jupiter Road. I have made the four conditions of approval more detailed and clear after learning more details of the status of our current water main in the right of way.

Everyone should realize that if this Vacation Ordinance is granted, all of the conditions of this vacation must be accomplished by the developer/owner/applicant at their cost BEFORE the Vacation Ordinance is final and any grading is performed that could affect the usability of Jupiter Road, the water main or the Cox cable. Similarly, while no new street construction will be required before the vacation is final, the written agreement (as submitted by the City) for such construction must be signed by all property owners and provided to the City before the Vacation Ordinance is final.

If the attached modified Vacation Ordinance is acceptable to the City Council, a member should move to amend to this version. If this amendment is passed, I will then read the revised ordinance in full.

ORDINANCE NO. _____

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

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described street is not required for corporate purposes; and

WHEREAS, Van Asche Drive has recently been built to four lane boulevard standards to replace Jupiter Drive and to connect McGuire Street and Ball Street; and

WHEREAS, all property owners along Jupiter Drive have requested that Jupiter Drive be vacated from McGuire Street to the AEP Substation.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates Jupiter Drive from McGuire Street to the AEP Substation as described in Exhibit B attached to the Planning Department's memo subject to the conditions in Section 3.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following conditions of approval which all must be completed by the applicant to the satisfaction of the City prior to this vacation becoming final and prior to any damage or removal of the portion of Jupiter Drive to be vacated:

1. Any relocation or damage to utilities that could be caused by the removal or relocation of Jupiter Drive shall be at the owner/developer/applicant's expense. Any relocation of utilities shall be placed into a new easement satisfactory to the City. Owner/developer/applicant shall dedicate to the City any such new easement at owner/developer/applicant's expense.
2. The existing water main within or near the Jupiter Drive right of way must be maintained in good operational order until the owner/developer/applicant has at its expense properly constructed a replacement water main acceptable to the City with a properly dedicated easement and received formal acceptance of such fully functional and operational water main by the City. The owner/developer/applicant may not grade excavate or do other activities near the existing water main that could damage the water main until the City has accepted the replacement water main.

3. The Cox fiber line within or near the Jupiter Drive right of way shall be relocated at the owner/developer/applicant's expense and to Cox's satisfaction prior to any work being done on or near Jupiter Drive that could endanger this fiber line.

4. All of the owners of the vacated right of way property shall contractually agree in writing that upon or before 50% or more of the property they now own north of Van Asche Drive that is within the city limits of Fayetteville is approved by Final Plat or Large Scale Development, they will construct at their expense and dedicate to the City a public street connection between Ball Street and McGuire Street north of Van Asche Drive. Such contract, acceptable by the City, must be signed by all owners and/or authorized representatives of the owners of all land adjoining the current Jupiter Drive section to be vacated before this vacation can be final.

PASSED and **APPROVED** this 1st day of November, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

Blake E. Pennington
Assistant City Attorney

Patti T. Mulford
Paralegal

Phone 479.575.8313
cityattorney@fayetteville-ar.gov



113 W. Mountain Street, Suite 302
Fayetteville, AR 72701-6083

November 2, 2016

Mr. Tom Terminella
The Terminella Company, Inc.
24 East Meadow Street
Fayetteville, AR 72701

Via email only: tterminella@aol.com

Re: Jupiter Drive Vacation Conditions

Dear Tom:

I have been advised by Utilities Director Tim Nyander of the necessity to keep the existing water main in service until a replacement can be installed and made operational. The reason for this is that this main currently provides Loop Service to several important water customers that need continued water service for their businesses.

A Loop Service provides customers water from both directions so that if a leak occurs, the City can usually continue to provide necessary water pressure and flow from the other side of the leak. In contrast, without a Loop System (which would be lost if the water main along Jupiter Road was inoperative) water customers would only be served by a dead end line. This means if a leak occurs in that dead end main, all water service would likely be lost until the leak could be repaired and the water main put back in service.

This temporary loss of water service can be very inconvenient to a residential customer like me, but not necessarily intolerable if water service can be restored without tremendous delay. However, certain water customers such as hospitals, some factories and large users like Zero Mountain, Inc. would be so adversely affected that the City has worked hard to provide Loop Service to them to try to prevent loss of water service. The City's policy would normally never

allow the voluntary dismantling of Loop Service to such customers who vitally need substantial and continual water service.

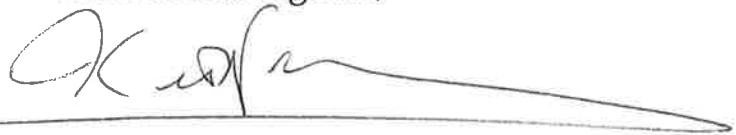
Before the City could consider removing our current Loop Service provided by the Jupiter Road main, you would have to establish two things:

1. You would have to demonstrate the vital necessity to remove the existing water main before constructing its replacement by showing clear evidence that constructing the replacement main now is not possible or feasible, and
2. You would have to provide to the City written and signed agreements from:
 - a. Zero Mountain, Inc.
 - b. Glory Transportation
 - c. Maynard, Inc.
 - d. McClinton-Anchor (ARAC)
 - e. Smurfit Kappa Orange

that:

- a. Request you be allowed to take the City water main out of service which ends Loop Service protection for these water customers.
- b. Agrees to waive any and all possible claims against the City for loss or reduction of water flow or pressure while the Loop Service has been terminated by you.

With kindest regards,

A handwritten signature in dark ink, appearing to read 'Kit Williams', is written over a horizontal line.

KIT WILLIAMS

Fayetteville City Attorney

cc: Mayor Jordan
Tim Nyander, Utilities Director
City Council



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0445

Agenda Date: 11/15/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 3

APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:

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

WHEREAS, Tim Brisiel of Legacy Ventures presented his proposed Large Scale Development 16-6488, Macey Drive Townhomes to the Planning Department; and

WHEREAS, this Large Scale Development proposed was reviewed by the Planning Department after consultations with the Engineering Division, Fire Department, Recycling and Trash Division, and others; and

WHEREAS, the Planning Department determined that Large Scale Development 16-5488 Macey Drive Townhomes complied with all applicable development regulations in the Unified Development Code and would not create or compound a dangerous traffic condition and therefor recommended its approval by the Planning Commission; and

WHEREAS, a majority of the Planning Commission denied the Large Scale Development arguing the design of the Pine Valley Subdivision's street network would create a dangerous traffic condition if more traffic from this development was allowed to access those streets which were the only feasible access to Mount Comfort Road.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Tim Brisiel of Legacy Ventures and approves Large Scale Development 16-5488, Macey Drive Townhomes as compliant with all of the Unified Development Code's requirements. This approval is subject to the conditions of approval recommended by the Planning Department.

September 19, 2016

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

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

To Whom It May Concern,

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

Our justification for the appeals is as follows:

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

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

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

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

Sincerely,



Tim Brisiel





CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 4, 2016

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Harry Davis, Planner
DATE: September 16, 2016

SUBJECT: **LSD 16-5488: Large Scale Development (2900 BLOCK OF MT. COMFORT RD./MACEY DR. TOWNHOMES, 363):** Submitted by SWOPE CONSULTING for properties located in the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR (24) UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR (4) UNITS PER ACRE, containing approximately 6.51 acres. The request is for 11 new structures with 57 multi-family units and associated parking.

RECOMMENDATION:

The City Planning staff recommend approval with conditions of a proposed multi-family development in the 2900 block of Mount Comfort Road as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'. Planning Commission has denied the proposal based on traffic safety. The applicant has appealed this decision to City Council.

BACKGROUND:

The subject property is an undeveloped portion of land south of a tributary to Hamestring Creek and north of Pine Valley Subdivision. The property on which the proposed Large Scale Development is located is a 6.51 acre flag lot off Mount Comfort Rd. The development will be accessed from Macey Dr. through Pine Valley Subdivision.

Request: The proposal is to develop eleven new residential structures with 57 multi-family units and associated parking. As part of the project, the applicant will be extending Macey Dr. approximately 150 feet into the site to provide street frontage for the development.

Public Comments: At the August 11, 2016 Subdivision Committee, members of the public spoke that are concerned about the density in this project and the likely increase in traffic on Mount Comfort Rd. Subdivision Committee forwarded this project to Planning Commission in order to let the full commission discuss traffic impacts as a result of this development.

At the September 12, 2016 Planning Commission meeting, a member of the public spoke in favor of the development upon understanding that the project would not front directly onto Mount Comfort Rd. The citizen then stated that more traffic in Pine Valley would slow down car speeds.

DISCUSSION:

This project was tabled at the August 22, 2016 Planning Commission to allow the applicant to modify architectural elevations and for staff to use traffic accident data and analysis to determine if this project will compound or create a traffic hazard.

Upon reviewing data for the intersection of Mount Comfort and Shiloh in comparison to other similar intersections across Fayetteville, Planning and Engineering staff find that this new development will not compound or create a dangerous traffic hazard (see attached data spreadsheets). Accident data in Fayetteville is based on proximity to intersections. For example, although there were 5 accidents near the corner of Mount Comfort and Shiloh in 2014, those accidents may have happened along Mt. Comfort going east or west. They may also have taken place north of said intersection. It is not conclusive that accidents originate from traffic generated in the direction of Pine Valley.

Staff also reviewed accident data within the Pine Valley Subdivision in order to assess conditions within the neighborhood (see attached data spreadsheets) and have made the same conclusions. This proposed project will not compound or create a dangerous traffic hazard. Planning staff have collectively toured this neighborhood and developed an opinion that the winding and topographically-varying nature of Wildwood Dr., W. Glen Meadow, and W. Marigold Dr. would contribute to traffic calming. This would be to the benefit of both current residents and future drivers seeking to go from the proposed development to Shiloh Dr.

Planning and Engineering staff would like to further address concerns related to making the developer cross the creek to the north and connect with Mount Comfort Rd. by stating that the connection would not be reasonable. The cost to cross the creek and connect would be economically infeasible for a project of this size. Bridging the creek and building nearly a fifth of a mile of roadway, even at the bare minimum of streets without storm drains and curbs, would not be a reasonable requirement for 57 new dwelling units. Many potential users of that connection would still need to use the Mount Comfort and Shiloh intersection, thereby not substantially diverting traffic away from the perceived issue in question.

On September 12, 2016, the Planning Commission heard the proposed project for a second time with the new traffic analysis information. Commissioners generally had the same concerns and attempted to table the project to allow the applicant more time for additional information. The motion to table failed with 3-5-0. A motion was made to approve the project, which also failed with 3-5-0.

CONDITIONS OF APPROVAL:

1. Planning Commission approval of compliance with the Urban Residential Design Standards. *Subdivision Committee gave no recommendation on this issue. Staff finds that, with the revisions provided by the project architect, the 11 proposed multi-family buildings provide enough variation between building types. UDC Section 166.23(D)(2) requires that no building type may be repeated more than three times in a development. Staff finds that the applicant's proposal gives adequate variation between building types.*
2. Planning Commission approval of parkland dedication or payment of fees in lieu. *Subdivision Committee made no recommendation on this issue. On June 29, 2016 the Parks and Advisory Board reviewed this project and recommended accepting money in lieu of land dedication to satisfy the park land dedication ordinance, Parks fees in the*

amount of \$31,920 for 57 new residential units are due prior to signing the final plat. Final fees will be assessed dependent on the total number of units actually constructed.

3. Planning Commission approval of street improvements. *Subdivision Committee gave no recommendation on this issue. Staff recommends that this project extend Macy Drive into the site approximately 150 feet into the site as proposed on the submitted site plans.*
4. Right-of-way dedication is required in the amount of 50 feet in width for the extension of Macy Drive into the site. Right-of-way dedication is not required along Mount Comfort Road as adequate street frontage exists along this road.
5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto.
6. Revisions shall be made prior to construction as outlined in the attached redline and department commentary documents.

STANDARD CONDITIONS OF APPROVAL:

7. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, and Cox Communications).
9. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
10. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
11. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
12. Large scale development shall be valid for one calendar year
13. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
14. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. Exterior lighting package must be provided to the Planning Division.

- c. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - d. Separate easement plat for this project that shall include tree preservation areas.
 - e. Project Disk with all final revisions.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
 - g. Completion of an easement plat.
-

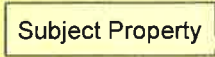
BUDGET/STAFF IMPACT:

N/A

Attachments:

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

Close Up View



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



-  RSF-4
 RT-12 Residential Two and Three-family
 RMF-24
 P-1

EXHIBIT 'B'

REVISED TRACT "B" SURVEY DESCRIPTION

A PART THE WEST 1/2 OF THE NW 1/4 OF THE SE1/4 OF SECTION 06, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT LOCATED ON THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE BEING S02°11'26"W 38.52 FEET AND S87°15'56"E 70 FEET FROM THE NORTHWEST CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 6; THENCE ALONG SAID RIGHT -OF- WAY S87°15'56"E 252.92 FEET TO A 1/2" REBAR; THENCE LEAVING SAID RIGHT -OF- WAY AND RUNNING S03°19'25"W 255.16 FEET TO A 1/2" REBAR; THENCE S85°23'52"E 209.48 FEET TO A 1/2" REBAR; THENCE N03°19'25"E 261.99 FEET TO A 1/2" REBAR LOCATED ON THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE; THENCE S87°15'56"E 137.46 FEET ALONG SAID RIGHT -OF- WAY TO A 1/2" REBAR LOCATED ON THE EAST LINE OF SAID 20 ACRE TRACT; THENCE S02°53'02"W 950.19 FEET ALONG SAID EAST LINE TO A 1/2" REBAR; THENCE LEAVING SAID EAST LINE AND RUNNING N87°21'57"W 593.87 FEET TO A 1/2" REBAR; THENCE N02°31'33"E 951.24 FEET TO THE POINT OF BEGINNING; CONTAINING 11.78 ACRES, MORE OR LESS.

SUBJECT TO THE CITY OF FAYETTEVILLE UTILITY EASEMENT FILED IN BOOK 888 AT PAGE 897, THAT RUNS EAST TO WEST THROUGH THE CENTER OF SAID PROPERTY, A CITY OF FAYETTEVILLE UTILITY AND DRAINAGE EASEMENT FILED IN BOOK 2005 AT PAGE 26510 THAT RUNS PARTIALLY ALONG THE EAST LINE, A FIFTEEN FOOT WIDE UTILITY EASEMENT SOUTH OF AND CONTIGUOUS TO THE MOUNT COMFORT RD SOUTH RIGHT OF WAY LINE THAT RUNS ALONG THE NORTH LINE (BOOK 2009,PAGE 10904), AND ANY OTHER RIGHTS-OF-WAY, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

CITY OF FAYETTEVILLE, ARKANSAS

LARGE SCALE DEVELOPMENT

FOR STAFF USE ONLY

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

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

S-T-R:
 PP#:
 Zone:

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

APPLICATION:

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

Applicant (person making request):

Name: Tim Brisiel

E-mail: tim@legacyventuresnwa.com

Address: Legacy Ventures
PO Box 8216

Phone: 479-790-3315

Fax:

Site Address / Location: 765-13627-000

Current Zoning District: RSF-4/RMF-24

Date of Preliminary Plat: N/A

Assessor's Parcel Number(s) for property: 765-13627-000

Total Acreage: 6.76 Number of Lots: 1 Number of Dwelling Units: 58

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

Name: Swope Consulting

E-mail: eric@civilfirst.com
phil@civilfirst.com

Address: 1115 South Walton Blvd Ste 161
Bentonville, AR 72712

Phone: 479-387-4361

Fax:

FINANCIAL INTERESTS

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

Legacy Ventures

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

Name (printed): Tim Brisler Date: 6/15/2016

Signature: [Signature]

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

Name (printed): Debbie Cawood Address: 4124 Front Porch View Fayetteville

Signature: Debbie Cawood

Date: 6-14-16 Phone: (479) 530-0474

Name (printed): _____ Address: _____

Signature: _____

Date: _____ Phone: _____

LSD Checklist:

Attach the following items to this application:

- | | | | |
|-----|---|--|--------------|
| (1) | Payment in full of applicable fees for processing the application: | | |
| | LSD | | |
| | Non-Residential | Non-residential (5000 square feet or less) | \$400.00 |
| | | Non-residential (More than 5000 square feet) | \$800.00 |
| | Residential | Residential (10 residential units or less) | \$200.00 |
| | | Residential (25 residential units or less) | \$400.00 |
| | | Residential (More than 25 residential units) | \$800.00 |
| | Technical Plat Resubmittal (tabled items only) | | \$200.00 per |
| | Tree Preservation | | \$120.00 |
| | Public Notification Sign Fee (per sign) | | \$5.00 |
| (2) | Correspondence in the form of a written letter to Planning Staff describing the scope, nature and intent of the proposal. Variances from requirements of the Unified Development Code will be reviewed and processed in accordance with the procedures set forth therein. Please indicate in the letter to staff if any variances are sought and if so, justification for the request. Most variances require a Planning Commission decision. | | |
| (3) | A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map. | | |
| (4) | A copy of the written decision from the Parks and Recreation Advisory Board regarding park land dedication requirements (residential projects only). | | |

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

Name (printed): _____ Date: _____

Signature: _____

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Name (printed): Debbie Cawood Address: 4124 Front Porch View
 Signature: Debbie Cawood Fayetteville
 Date: 6-14-16 Phone: (479) 530-0474

Name (printed): JACK HENRIST Address: 2901 Mt Comfort
 Signature: Jack Henrist FAYETTEVILLE
 Date: 6-23-16 Phone: 479-442-7025

LSD Checklist:

Attach the following items to this application:

- | | | | |
|-----|---|--|--------------|
| (1) | Payment in full of applicable fees for processing the application: | | |
| | LSD | | |
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APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approvals. I understand that the City might not approve what I am applying for, or might set conditions of approval.

Name (printed): _____ Date: _____

Signature: _____

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Name (printed): Dan F. Henke Address: 543 N. Tournament Dr
 Signature: [Signature] Fayetteville, AR 72704
 Date: 6-23-16 Phone: 479-595-2577

Name (printed): Marsha Wood Address: 2499 N. Center St.
 Signature: Marsha Wood Fayetteville, AR 72701
 Date: 6-24-16 Phone: 479-443-3801

LSD Checklist:

Attach the following items to this application:

- | | |
|-----|---|
| (1) | Payment in full of applicable fees for processing the application: |
| | LSD |
| | Non-Residential |
| | Non-residential (5000 square feet or less) \$400.00 |
| | Non-residential (More than 5000 square feet) \$800.00 |
| | Residential |
| | Residential (10 residential units or less) \$200.00 |
| | Residential (25 residential units or less) \$400.00 |
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PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner
Jonathan Ely, Staff Engineer
John Scott, Urban Forester

MEETING: September 12, 2016 **UPDATED WITH PC RESULTS**

SUBJECT: **LSD 16-5488: Large Scale Development (2900 BLOCK OF MT. COMFORT RD./MACEY DR. TOWNHOMES, 363):** Submitted SWOPE CONSULTING for properties located in the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR (24) UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR (4) UNITS PER ACRE, containing approximately 6.51 acres. The request is for 11 new structures with 57 multi-family units and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD 16-5488** based on findings contained herein.

AUGUST 22nd DISCUSSION AND RESPONSE:

This project was tabled at the August 22, 2016 Planning Commission to allow the applicant to modify architectural elevations and for staff to use traffic accident data and analysis to determine if this project will compound or create a traffic hazard.

Upon reviewing data for the intersection of Mount Comfort and Shiloh in comparison to other similar intersections across Fayetteville, Planning and Engineering staff find that this new development will not compound or create a dangerous traffic hazard (see attached data spreadsheets). Accident data in Fayetteville is based on proximity to intersections. For example, although there were 5 accidents near the corner of Mount Comfort and Shiloh in 2014, those accidents may have happened along Mt. Comfort going east or west. They may also have taken place north of said intersection. It is not conclusive that accidents originate from traffic generated in the direction of Pine Valley.

Staff also reviewed accident data within the Pine Valley Subdivision in order to assess conditions within the neighborhood (see attached data spreadsheets) and have made the same conclusions. This proposed project will not compound or create a dangerous traffic hazard. Planning staff have collectively toured this neighborhood and developed an opinion that the winding and topographically-varying nature of Wildwood Dr., W. Glen Meadow, and W. Marigold Dr. would contribute to traffic calming. This would be to the benefit of both current residents and future drivers seeking to go from the proposed development to Shiloh Dr.

Planning and Engineering staff would like to further address concerns related to making the developer cross the creek to the north and connect with Mount Comfort Rd. by stating that the connection would not be reasonable. The cost to cross the creek and connect would be

economically infeasible for a project of this size. Bridging the creek and building nearly a fifth of a mile of roadway, even at the bare minimum of streets without storm drains and curbs, would not be a reasonable requirement for 57 new dwelling units. Many potential users of that connection would still need to use the Mount Comfort and Shiloh intersection, thereby not substantially diverting traffic away from the perceived issue in question.

BACKGROUND:

The subject property is an undeveloped portion of land south of a tributary to Hamestring Creek and north of Pine Valley Subdivision.

The property on which the proposed Large Scale Development is located is a 6.51 acre flag lot off Mount Comfort Rd. The development will be accessed from Macey Dr. through Pine Valley Subdivision. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped, Single-Family Homes	RSF-4, Residential Single-Family – 4 units per acre
South	Pine Valley Subdivision	RMF-24, Residential Multi-Family, 24 units per acre
East	Pine Valley Subdivision	RMF-24, Residential Multi-Family, 24 units per acre
West	Undeveloped, Single-Family Homes	RSF-4, Residential Single-Family – 4 units per acre

Proposal: The proposal is to develop eleven new residential structures with 57 multi-family units and associated parking. As part of the project, the applicant will be extending Macey Dr. approximately 150 feet into the site to provide street frontage for the development.

INFRASTRUCTURE:

Water and Sewer System: The site has access to public water and public sewer.

Adjacent streets and right-of-way: This parcel currently has frontage onto Mount Comfort Rd., but the development will extend Macey Dr. from the south to create frontage and access. Adequate right-of-way exists on Mount Comfort Rd. and the extended Macey Dr. is to be dedicated as a public street, with 50 feet of right-of-way.

Street Improvements: Mount Comfort Rd. is fully improved. The Macey Dr. extension will be fully improved and meets Master Street Plan requirements. The applicant shall construct new street lights at a spacing of no less than 300 feet between lights.

Tree Preservation:

Canopy minimum requirement: 20%

Existing canopy: 63.4%

Preserved canopy: 24.6%

Mitigation required: 1,800 Sq. Ft. (Eight 2-inch caliper trees planted on-site)

Access Management/Connectivity: Access to the site will be provided through an extension of Macey Dr. from the south with a curb cut off this extension. The proposed street design and curb cut meet the access management requirements for curb cut separation. The applicant is not proposing connectivity to nearby properties within the development. The extended Macey Dr. will

dead-end at the back of a parcel, which will allow for a future extension to the west across the creek to the north, if desired.

Public Comments: At the August 11, 2016 Subdivision Committee, members of the public spoke that are concerned about the density in this project and the likely increase in traffic on Mount Comfort Rd. Subdivision Committee forwarded this project to Planning Commission in order to let the full commission discuss traffic impacts as a result of this development.

approving

RECOMMENDATION: Staff recommends ~~forwarding~~ LSD 16-5488 with the following conditions of approval:

Conditions of Approval:

1. Planning Commission approval of compliance with the Urban Residential Design Standards. *Subdivision Committee gave no recommendation on this issue. Staff finds that, with the revisions provided by the project architect, the 11 proposed multi-family buildings provide enough variation between building types. UDC Section 166.23(D)(2) requires that no building type may be repeated more than three times in a development. Staff finds that the applicant's proposal gives adequate variation between building types.*
2. Planning Commission approval of parkland dedication or payment of fees in lieu. *Subdivision Committee made no recommendation on this issue. On June 29, 2016 the Parks and Advisory Board reviewed this project and recommended accepting money in lieu of land dedication to satisfy the park land dedication ordinance, Parks fees in the amount of \$31,920 for 57 new residential units are due prior to signing the final plat. Final fees will be assessed dependent on the total number of units actually constructed.*
3. Planning Commission approval of street improvements. *Subdivision Committee gave no recommendation on this issue. Staff recommends that this project extend Macy Drive into the site approximately 150 feet into the site as proposed on the submitted site plans.*
4. Right-of-way dedication is required in the amount of 50 feet in width for the extension of Macy Drive into the site. Right-of-way dedication is not required along Mount Comfort Road as adequate street frontage exists along this road.
5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto.
6. Revisions shall be made prior to construction as outlined in the attached redline and department commentary documents.

Standard conditions of approval:

7. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, and Cox Communications).

9. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
 10. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
 11. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
 12. Large scale development shall be valid for one calendar year
 13. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
 14. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. Exterior lighting package must be provided to the Planning Division.
 - c. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - d. Separate easement plat for this project that shall include tree preservation areas.
 - e. Project Disk with all final revisions.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
 - g. Completion of an easement plat.
-

Planning Commission Action: ☐ Approved ☒ Denied ☐ Tabled	
Meeting Date: <u>September 12, 2016</u>	MOTION TO APPROVE
Motion: Brown	Motion: Autry, Second: Hoskins
Second: Autry	3-5-0
Vote: 3-5-0	MOTION FAILS, PROJECT DENIED

BUDGET/STAFF IMPACT:

None.

Attachments:

- City Attorney memo
- Planning Division comments
- Engineering Division comments
- Urban Forestry Division comments
- Parks Division comments
- Addressing comments
- Accident data
- Applicant's request letter
- Site Plans
- Elevations
- Close Up Map
- One Mile Map

Site Plan Notes:

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

PROPERTY INFORMATION

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

Public Street Information:

Street/Location	Width
Main Drive	100'
Local Road	30'
TOU, to PUL, w/ Parallel Parking	30'
Sidewalk	5'

SITE INFORMATION	30 FT	AC	% OF SITE TOTAL
SITE AREA LESS DEDICATED RIGHT-OF-WAY	263,587 S.F.	6.07 ACRES	100%
STREET PAVED AREA	33,569 S.F.	0.77 ACRES	
SIDEWALK AREA	4,417 S.F.	0.10 ACRES	
BUILDING & DRIVEWAY AREA	59,000 S.F.	1.35 ACRES	
TOTAL HARDSCAPE AREA	137,000 S.F.	3.14 ACRES	48.4%
SOFTSCAPE AREA	146,587 S.F.	3.37 ACRES	51.6%

PARING INFORMATION

UNIT	30 FT
TOTAL NUMBER OF DRIVEWAYS	10
NUMBER OF DRIVEWAYS	10
REQUIRED PARKING SPACES PER PERSON	10
PROPOSED	10
REQUIRED ADA ACCESSIBLE SPACES	10
PROPOSED	10
REQUIRED ADA RAMPED 100 UNITS	10
PROPOSED	10
REQUIRED CIRCULAR 100 UNITS	10
PROPOSED	10

Existing Features:

Feature	Description
1. Existing Main Drive	100' wide
2. Existing Local Road	30' wide
3. Existing TOU, to PUL, w/ Parallel Parking	30' wide
4. Existing Sidewalk	5' wide

Proposed Features:

Feature	Description
1. Proposed Main Drive	100' wide
2. Proposed Local Road	30' wide
3. Proposed TOU, to PUL, w/ Parallel Parking	30' wide
4. Proposed Sidewalk	5' wide

Site Specific Notes:

- 1. Private driveway connecting Main Drive shall reference the LUT
- 2. All Street Lights to be placed directly behind sidewalk
- 3. Sidewalks adjacent to Main Drive are 5' wide
- 4. Sidewalks adjacent to parking lots are 5' wide
- 5. Submittal to building dept. 10/1/18

Street lights must be placed at a maximum of 300' from each other and at every street corner, you must show where the existing and proposed are located

Site General Notes:

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

City of Fayetteville Notes:

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



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

DATE	BY	REVISION

MADEY DR. TOWNHOMES
 Development for
 Legacy Ventures WVA CO Tim Briel
 PO Box 66 72712
 Fayetteville, AR
 PH 479-409-0081

SWOPE CONSULTING
 16-205 1"-5/8"
 8/9/2016
 SITE PLAN
 C1.0



Date: August 8, 2016

Planning Commission Staff Memo

To: Harry Davis, Planner

From: Jonathan Ely
Development and Construction Manager
Engineering Division

Re: Plat Review Comments

Development: LSD 16-5488 Macy Dr. Townhomes

Engineer: Swope Consulting

Plan Comments:

1. On street parking showing on the west side of Macy Drive, will not be striped as shown. Removing striping from site plan.
2. Show all adjacent topographic information within 100 feet of the property boundary. This should include buildings, driveways, sidewalks, streets, fences, utilities, landscaping, etc...
3. A portion of the property is located within the floodplain, so an elevation certificate will likely be required, unless pad elevation is shown to be in excess of 10 feet above the BFE. Coordinate with Alan Pugh for further information.

Drainage Comments:

1. Site Design Credit for Vegetated Channel does not meet the minimum criteria as proposed on the drawings. In order to obtain this credit, the criteria listed in section 4.3.2.3 of the Drainage Criteria Manual must be met. Otherwise, the water quality calculations will need to be adjusted to accommodate the full water quality volume.
2. Post Developed Drainage Map must show the contributing area to the Vegetated Channel, and bioretention area.
3. Runoff Curve Numbers and time of concentrations calculations for each basin must conform to tables and guidelines established in Chapter 3 of the Drainage Criteria Manual. There are discrepancies in the drainage report that must be corrected prior to engineering approval of the project.
4. There is a small section of new impervious area shown in Post Developed Area B. This area must meet minimum standard #1, or provide justification for why it is not feasible to capture and treat this area for water quality.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense

3. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
4. Fire Line monthly fees will be applied based on the size of the riser penetrating the slab. See Chapter 51.136 of the Unified Development Code for table of fees associated with pipe diameter.
5. Commercial structures that may require a fire sprinkler system must obtain a fire flow study submitted and approved by the fire department prior to approval of the project.
6. Prior to engineering approval of the **building permit**, either the required public improvements must be installed and accepted, or performance bonds in the amount of 150% of the construction cost for all public improvements must be submitted, accompanied by a unit price estimate approved by the Engineering Division.
7. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - o Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - o Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - o Waterline fittings, callouts, or utility conflicts
 - o Street profiles
 - o Fine grading/spot elevations
8. The Engineer of Record shall:
 - a. Review and approve material submittals. Approved submittals shall be submitted to the City for concurrence before grading permit is issued.
 - b. Perform "Full Time" Inspection for the utility installation and shall be "In- Charge" of the approval testing.
 - c. Provide a qualified representative for all testing and inspection.
 - d. Schedule testing with the Public Works Inspector.
 - e. Authorize geotechnical testing laboratory to provide reports directly to City in PDF format. Reports shall be submitted in a timely manner.
 - f. Prepare material data sheets and test reports required by the specifications.
 - g. Insure that daily inspection reports and data sheets are submitted to the City of Fayetteville's public works inspector weekly in PDF format.
9. 2012 Standard Water & Sanitary Sewer Specifications & Details apply
10. Demolition shall not begin until the appropriate erosion control measures and required tree preservation fencing are installed
11. Prior to **Project Acceptance** (Final Plat, Certificate of Occupancy, or Temporary Certificate of Occupancy) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - h. The work shown on the civil site package must be complete and the items on the final punch list completed.
 - i. Vegetation must be established and perimeter erosion controls removed.
 - j. One (1) set of as-built drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
 - i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.
 1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
 - ii. Sanitary Sewer, and Storm Drainage (Including Private) elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
 - iii. Street Centerline, Width, Profiles and Cross slopes shall be verified.

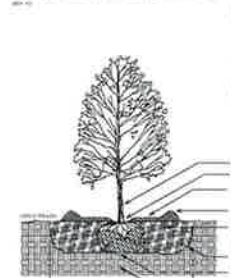
1. More than 6 inches deviation of design alignment of shall require new right of way dedication or adjustment of the street section.
- iv. Adequate verification survey to confirm accuracy of drainage report.
- v. As-builts should include the following information in a table: Linear Feet of new public streets, sidewalk (categorized by width), waterline, and sanitary sewer. Square feet of newly dedicated right-of-way.
- k. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements; 50% of water & sewer infrastructure.
- l. Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...
- m. Certification that the designed retaining walls were installed per approved plans and City of Fayetteville requirements(Inspection and Testing Reports required);
- n. Cross Sections, Volume Calculations, and Certification Retention/Detention Ponds are in accordance with the approved Drainage Report.
- o. Surveyor's Certification of Compliance for monuments and property pins.
- p. The As- Built Final Drainage Report in PDF format updated per as-built invert, slope, inlet opening, road profile, cross slope, etc...
- q. Bond, guarantee, or letter of credit for all sidewalks not constructed prior to final plat approval (150% of the estimated cost of construction);
- r. Cross Sections, contours, spot elevations, and Certification that the site has been graded per the approved MRLGP within the right of way, drainage easements, and utility easements.

1. A deduction shall also not be the location of all utilities prior to a future any work.

- [illegible]

$\mathcal{H}_1 = \{ \mathbf{h}_1, \dots, \mathbf{h}_M \}$ and $\mathcal{H}_2 = \{ \mathbf{h}_{M+1}, \dots, \mathbf{h}_{M+N} \}$ are the two sets of hypotheses. The test statistic is defined as $T(\mathbf{y}) = \sum_{i=1}^M \mathbf{y}^T \mathbf{h}_i$. The test is defined as $\delta(\mathbf{y}) = 1$ if $T(\mathbf{y}) \geq \tau$ and $\delta(\mathbf{y}) = 0$ otherwise. The test is said to be unbiased if $\mathbb{E}[\delta(\mathbf{y}) | \mathbf{h}_i] \leq \mathbb{E}[\delta(\mathbf{y}) | \mathbf{h}_j]$ for all i, j such that $\mathbf{h}_i \in \mathcal{H}_1$ and $\mathbf{h}_j \in \mathcal{H}_2$. The test is said to be invariant if $\delta(\mathbf{y}) = \delta(\mathbf{y} + \mathbf{c})$ for all $\mathbf{c} \in \mathbb{R}^N$. The test is said to be equivariant if $\delta(\mathbf{y}) = \delta(\mathbf{y} + \mathbf{c}) + \mathbf{c}^T \mathbf{h}_i$ for all $\mathbf{c} \in \mathbb{R}^N$ and $\mathbf{h}_i \in \mathcal{H}_1$. The test is said to be unbiased invariant if it is both unbiased and invariant. The test is said to be equivariant invariant if it is both equivariant and invariant. The test is said to be unbiased equivariant invariant if it is both unbiased, invariant, and equivariant. The test is said to be unbiased invariant equivariant if it is both unbiased, invariant, and equivariant. The test is said to be unbiased invariant equivariant if it is both unbiased, invariant, and equivariant.

1. The first step is to identify the problem. This involves understanding the current situation and the goals that need to be achieved.



Tree Planting Detail

IRRIGATION SLEEVES

- IRRIGATION SLEEVES
(2) 1" SCHEDULE 40 PVC
- | NO. | SYM. |
|-----|---|
| 1 |  |

- | COMMON NAME | SIZE (SPR) |
|----------------|------------|
| Botanical Name | Height |
| KHUYA SOO | |

346 *Journal of Health Politics, Policy and Law*

- | Product | Description |
|---|-----------------|
|  | Front 1/2 view |
|  | Top view |
|  | Right side view |
|  | Left side view |

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

- | Feature | Description |
|---------|-----------------------------|
| | Property Line |
| | Offsite Property Line |
| R/W | Right Of Way Line |
| | Street / Drive Centerline |
| | Curb And Gutter |
| | (See Site Plan for Details) |



811

Know what's below
Call before you dig

GRAPHIC SCALE

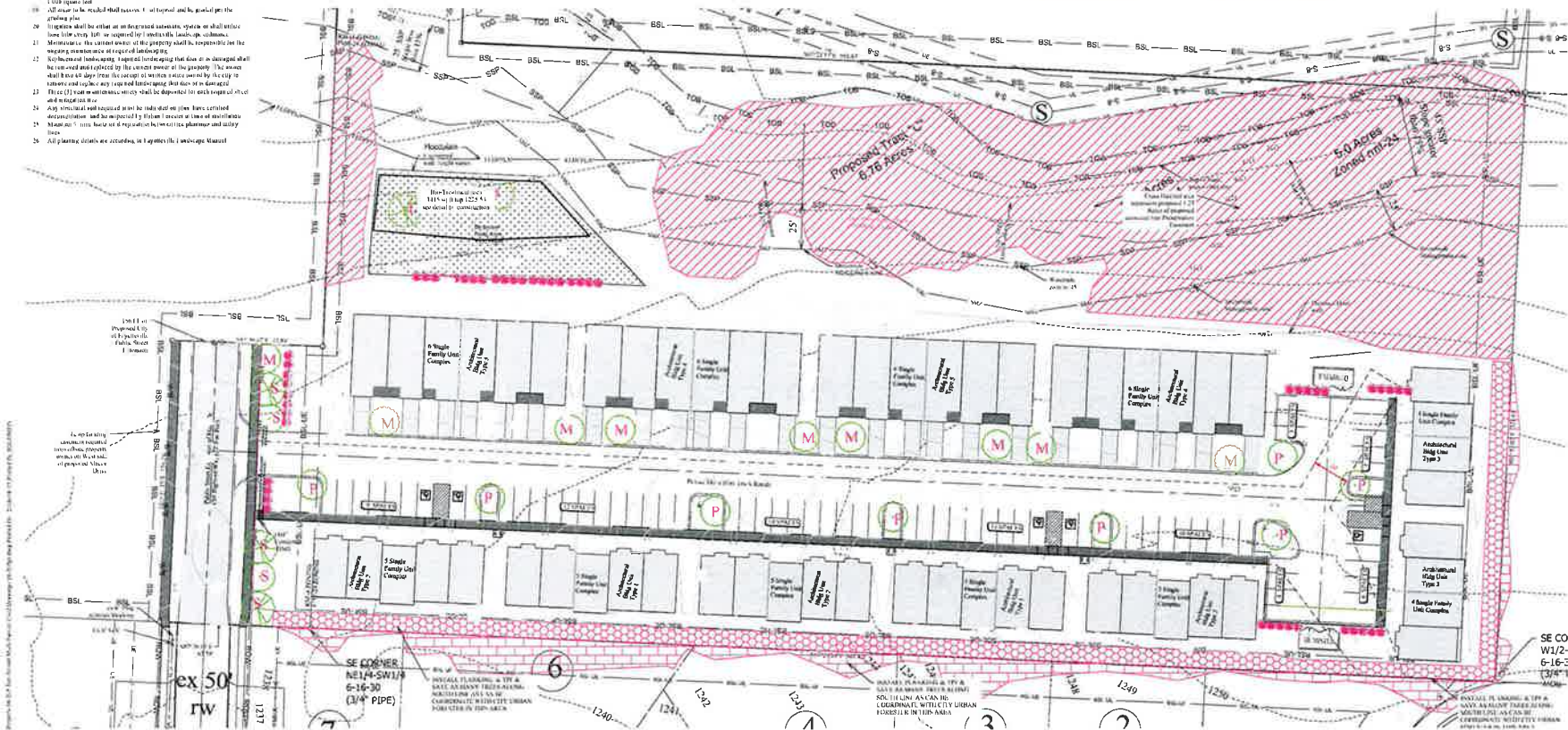
Note:
 See Cover Sheet for Abbreviation List



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

Landscaping Requirements				
Parking Fees				
Number of Parking Stalls	Number of ADA Spaces	Number of ADA Loading Zones	Number of Motor Cycle/Scouter	Required Fees
20	3	1	1	

Parameters	Landmark Regenerability	Shrub Regenerability	Grass Regenerability
Landmark Regenerability	Area of Shrub Water Footprint (m ²)	Area of Shrub Water Footprint (m ²)	Area of Shrub Water Footprint (m ²)
Shrub Regenerability	Area of Shrub Water Footprint (m ²)	Area of Shrub Water Footprint (m ²)	Area of Shrub Water Footprint (m ²)
Grass Regenerability	Area of Shrub Water Footprint (m ²)	Area of Shrub Water Footprint (m ²)	Area of Shrub Water Footprint (m ²)
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
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6	6	6	6
7	7	7	7
8	8	8	8
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87	87	87	87
88	88	88	88
89	89	89	89
90	90	90	90
91	91	91	91
92	92	92	92
93	93	93	93
94	94	94	94
95	95	95	95
96	96	96	96
97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100



DATE		REV	DATE	REV

Large Scale Development of
MACEY DR. TOWNHOMES
Development for
Legacy Ventures NWA C/O Tim Bristel
PO Box 8216
Fayetteville, AR 72712
Ph 479-409-4091

- All trees and natural areas shown on this plan to be preserved shall be protected during construction with temporary fencing. Protective fencing shall be installed around the entire length of frost-free/active standards for tree protection.
- Protective fences shall be installed prior to the start of any site preparation work and shall be maintained throughout all phases of construction and until removal from project area.
- Erosion and sedimentation control barriers shall be installed or maintained in a manner which does not result in soil build-up or erosion of adjacent areas.
- Protective fences shall surround the trees or groups of trees and will be located at the distance 1' from natural areas; protective fences shall follow the limit on construction in order to prevent the following:
 - Soil compaction in the root zone of area resulting from vehicular traffic or storage of equipment
 - Root zone disturbances due to grade changes (greater than 2" root trenching and no more than 6" for roots)
 - Wounds to exposed trunk, trunk or limbs by mechanical equipment
 - Soil compaction detrimental to trees such as concrete storage, concrete truck cleaning and trucks
- Exceptions to installing fences at tree distances may be permitted in the following cases:
 - Where there is to be an approved grade change, impermeable paving surface, tree well, or other such site development
 - Where the permeable paving is to be installed within a tree's drip-line area (since the drip line of the permeable paving area for use for wet grading so this area is graded sequentially prior to paving installation to minimize soil compaction)
 - Where trees are close to proposed buildings, erect the fence

7. Where there are severe space constraints due to tract size or other special requirements.
8. Where any of the above exceptions result in a fence being closer than 4 feet to a trunk, provided the trunk with stepping on protrusion to touch 6 feet (or 6 feet 0 inches) of one branching; in addition to the reduced fencing required.
9. Trunks exposed for removal shall be removed in a manner which does not impact trunks to be preserved.
10. Any trunks exposed by construction activity shall be pruned back to the trunk line. Trunk backfilling shall be done and quality tested at 2 days. Cover with organic material in a manner which reduces soil temperature and minimizes water loss due to capillary action.
11. Any trenching required for the installation of landscape irrigation shall be placed as far from existing trunk trunks as possible.
12. No trenching, post driving greater than 1/4 inches shall be permitted within the drip line of trunks. No cut in permitted on the root flare of any trunk.
13. All trenching, post driving and other structures, including traffic, and equipment shall take place before construction begins.
14. All finished pruning must be done according to recognized American Standard. ANS 308.
15. Approved Standard. ANS 308.
16. A city certified tree pruner must be retained to make all pruning cuts 2 feet of notified tree pruner is available from the urban forest department. The above exceptions may be considered reasonable violations if there is a substantial non-compliance or if these violations damage to a result.

Year	Age	Sex	Group	Count	Percentage
1960	15	M	Group	1	1.00
1960	16	M	Group	1	1.00
1960	17	M	Group	1	1.00
1960	18	M	Group	1	1.00
1960	19	M	Group	1	1.00
1960	20	M	Group	1	1.00
1960	21	M	Group	1	1.00
1960	22	M	Group	1	1.00
1960	23	M	Group	1	1.00
1960	24	M	Group	1	1.00
1960	25	M	Group	1	1.00
1960	26	M	Group	1	1.00
1960	27	M	Group	1	1.00
1960	28	M	Group	1	1.00
1960	29	M	Group	1	1.00
1960	30	M	Group	1	1.00
1960	31	M	Group	1	1.00
1960	32	M	Group	1	1.00
1960	33	M	Group	1	1.00
1960	34	M	Group	1	1.00
1960	35	M	Group	1	1.00
1960	36	M	Group	1	1.00
1960	37	M	Group	1	1.00
1960	38	M	Group	1	1.00
1960	39	M	Group	1	1.00
1960	40	M	Group	1	1.00
1960	41	M	Group	1	1.00
1960	42	M	Group	1	1.00
1960	43	M	Group	1	1.00
1960	44	M	Group	1	1.00
1960	45	M	Group	1	1.00
1960	46	M	Group	1	1.00
1960	47	M	Group	1	1.00
1960	48	M	Group	1	1.00
1960	49	M	Group	1	1.00
1960	50	M	Group	1	1.00
1960	51	M	Group	1	1.00
1960	52	M	Group	1	1.00
1960	53	M	Group	1	1.00
1960	54	M	Group	1	1.00
1960	55	M	Group	1	1.00
1960	56	M	Group	1	1.00
1960	57	M	Group	1	1.00
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1960	61	M	Group	1	1.00
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1960	68	M	Group	1	1.00
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1960	71	M	Group	1	1.00
1960	72	M	Group	1	1.00
1960	73	M	Group	1	1.00
1960	74	M	Group	1	1.00
1960	75	M	Group	1	1.00
1960	76	M	Group	1	1.00
1960	77	M	Group	1	1.00
1960	78	M	Group	1	1.00
1960	79	M	Group	1	1.00
1960	80	M	Group	1	1.00
1960	81	M	Group	1	1.00
1960	82	M	Group	1	1.00
1960	83	M	Group	1	1.00
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1960	85	M	Group	1	1.00
1960	86	M	Group	1	1.00
1960	87	M	Group	1	1.00
1960	88	M	Group	1	1.00
1960	89	M	Group	1	1.00
1960	90	M	Group	1	1.00
1960	91	M	Group	1	1.00
1960	92	M	Group	1	1.00
1960	93	M	Group	1	1.00
1960	94	M	Group	1	1.00
1960	95	M	Group	1	1.00
1960	96	M	Group	1	1.00
1960	97	M	Group	1	1.00
1960	98	M	Group	1	1.00
1960	99	M	Group	1	1.00
1960	100	M	Group	1	1.00</

[illegible]

Wetland Requirements			
Larvae show oligoneurine life	Permeability Fringe Type	Optimal Soil Type	Number of 1' Larvae (max) in 10' square
1	high fringe	218	6
2	mid fringe	261	0
3	low fringe	436	0
Wet Ponds is defined as backwater, oligoneurine marshland, open water vegetation, and soil as silt/clay and organic clay.	Wet Ponds is defined as open water vegetation, and soil as silt/clay and organic clay.	Wet Ponds is defined as open water vegetation, and soil as silt/clay and organic clay.	Wet Ponds is defined as open water vegetation, and soil as silt/clay and organic clay.

Line	Presumption Calculation	Dollar Test	Percent of yte
Total Vol Area "Netus Right of Way and Easements"		229,512	100%
Less: "Dedication" (same below with drop down arrow)			
Neted 24 M-0 Family Ownership Farming Fair Acres Fee		49,262	21%
Added "Arbitr" Settlement with Drop Down Arrow			
		0	0%
Total Carriage for Minimum Presumption Requirements		60,250	26.2%
Lessing True Carriage "M-0's Right of Way and Easements"		(12,167)	5.3%
True Carriage Presumed		11,763	5.1%
True Carriage Assessed "Up Side"		6,246	2.7%
True Carriage Assessed "Down Side"		5,517	2.4%
True Carriage Assessed Total		11,764	5.1%
Remaining Below Max-amount		1,488	0.6%
Allocation Requirements			

[illegible]

Land Use	Land Use Requirements	Stormwater	Shrub	Grass
Land Use	Area of 300m ² with utility 30 H ² The area is measured from the top contour plus 10 feet	Stormwater (Shrub) or (Grass)	Shrub (Large) (Shrub) or (Grass) (Small) (Grass) (Large)	Grass (Large) (Grass) (Large)
	222	2	10	10

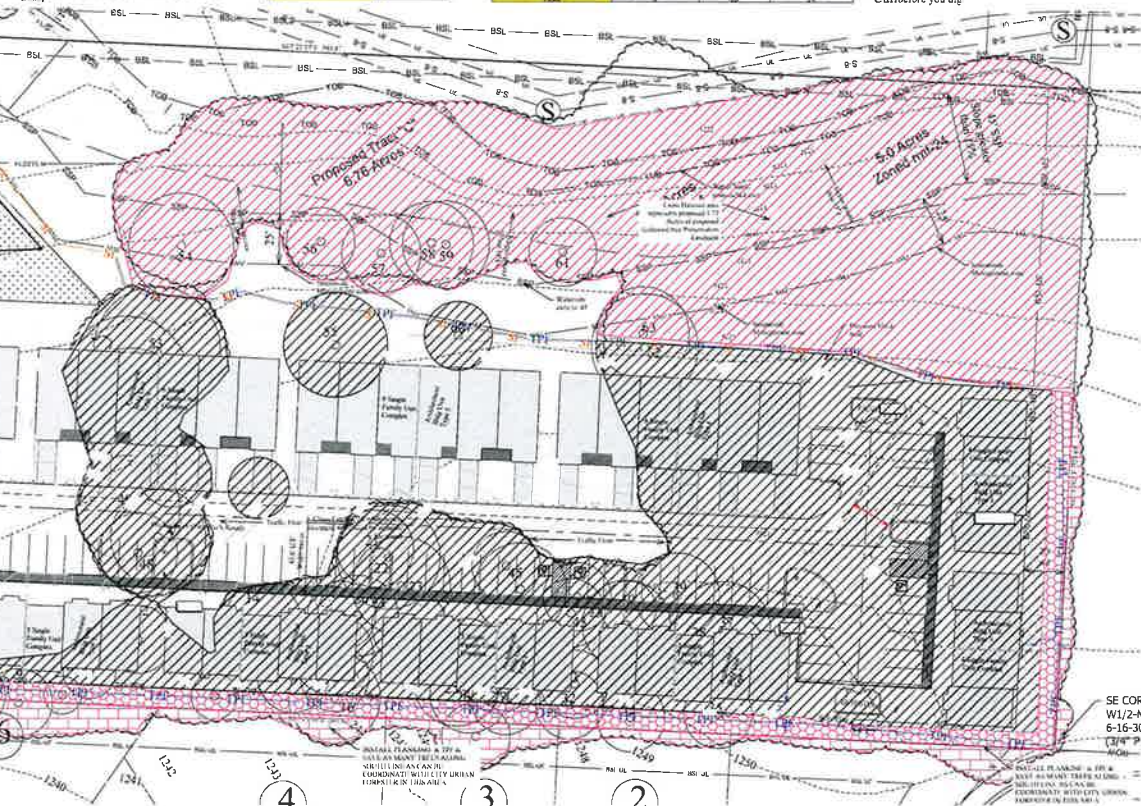
(3) (2)

[illegible]

DATE

[illegible]

-



Know what's below
Call before you dig

Large Scale Development of
MACEY DR. TOWNHOMES
Development for
Legacy Ventures NWA c/o Tim Brisel
PO Box 8216
Fayetteville, AR 72712
Ph. 479.400.4001



SWOPE CONSULTING
the difference

10001 N. 11th Ave.
 Suite 100
 Phoenix, AZ 85020

Project No. 16-205	Scale 1"=30'
Date 6/11/2016	
Sheet Description TREE PRESERVATION PLAN	
Sheet # C1.2	



TREE PRESERVATION AND PROTECTION – Chapter 167

To: Tim Brisiel, Legacy Ventures NWA

From: John Scott, Urban Forestry

CC: Jonathan Curth, Senior Planner

Date: August 15, 2016

Subject: LSD 16-5488: NE of Marigold Dr. and Macey Dr. | Macey Dr. Townhomes | Planning Commission

Requirements Submitted:

N	Initial Review with the Urban Forester
NA	Site Analysis Map Submitted (if justification is needed)
NA	Site Analysis Written Report Submitted (justification is needed)
Y	Complete Tree Preservation Plan Submitted
Y	Tree Mitigation Table on Plans
NA	Tree Preservation Waiver Submitted (only use if no trees onsite or near P/L)

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	226,512	100%
Zoning Designation * Select Below with drop down arrow		
RMF-24 Multi-Family Residential-Twenty-Four Units Per Acre	45,302	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	45,302	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	143,603	63.4%
Tree Canopy Preserved	55,765	24.6%
Tree Canopy Removed *On Site	87,838	38.8%
Tree Canopy Removed *Off Site	1,800	
Tree Canopy Removed Total	89,638	39.6%
Removed Below Minimum	0	
Mitigation Requirements	1,800	

- Total Site Area* is property line minus Master Street Plan ROW, existing easements, and Dedicated Parkland
- Existing Tree Canopy* is total tree canopy minus Master Street Plan ROW and existing easements

Tree Canopy Mitigation: 8 trees will be required for mitigation. Staff has determined the best location for the mitigation trees to offset the impact of the development is on the north side of the parking lot as shown on the landscape plan. 167.04 I 7

Canopy Below Required	Preservation Priority/Type	Forestation Base Density (ft2)	Number of 2" caliper trees to be planted
1800 ft2	High Priority	218	8
0	Mid Priority	290	0
	Low Priority	436	0
Total Mitigation			8

Mitigation Type Requested	Qty	Each	Total Cost
On-site Mitigation			
Off-site Mitigation			
Tree Escrow		\$675	
Total Mitigation			

Mitigation Type Requested:

☒ On-Site ☐ Off-Site ☐ Tree Escrow ☐ Not Requested Yet

Mitigation Type Requested Approved: ☒ YES ☐ NO

TREE PROTECTION PLAN CHECKLISTS AND COMMENTS:

Plan Checklist:

NA = not applicable

Yes = submitted by applicant

I = incomplete

No = required by City Code but not included on submitted plan

The Site Analysis Plan [167.04(H)(1)]

Tech Plat	SD	PC	Site Analysis Plan Components
Y	Y	Y	5 year aerial check on existing trees
Y	Y	Y	Property Boundary
Y	Y	Y	Natural Features 100ft beyond property line shown
Y	Y	Y	Existing Topography with slopes $\leq$ 15% highlighted
N	Y	Y	Soils
Y	Y	Y	Significant Tree(s): 24", 18" and 8" DBH
Y	Y	Y	Table listing Sig. Trees with species, size, health, priority.
Y	Y	Y	Grouping of Trees: all other trees that do not meet significant requirements.
Y	Y	Y	Table listing Grouped Trees with average species, size, health, priority
Y	Y	Y	All existing utilities
Y	Y	Y	All perennial and intermittent streams with approximate center line
Y	Y	Y	Floodplains/Floodways
Y	Y	Y	Existing street, sidewalk or bike path ROW
NA	Na	Na	Submitted Site Analysis Plan

The Analysis Plan Report [167.04(H)(4)]

Tech Plat	SD	PC	Analysis Plan Report Components
-----------	----	----	---------------------------------

NA	N/A	N/A	Detail Design Approaches used to minimize damage to OR removal of existing canopy
NA	N/A	N/A	Justification for removal of individual or groupings of trees/canopy
NA	N/A	N/A	Details providing information on on-site mitigation OR off-site alternatives
NA	N/A	N/A	Submitted Analysis Report/Statement – Note the process, iterations, and approaches with tree preservation in mind. Use email from owner/developer that was provided as reference.

Tree Preservation Plan [167.04(H)(2)]

Tech Plat	SD	PC	Tree Preservation Plan Components
Y	Y	Y	Shows ALL Proposed Site Improvements
Y	Y	Y	Delineates trees/canopy to be preserved and removed
Y	Y	Y	Delineates existing and proposed grading
Y	Y	Y	Depict limits of soil disturbance
N	Y	Y	Detail methods that will be used to protect trees during construction:
N	Y	Y	1. Tree Protection Fencing
NA	N/A	N/A	2. Limits of Root Pruning
N	Y	Y	3. Traffic flow on work site
N	Y	Y	4. Location of material storage
N	Y	Y	5. Location of concrete wash out – move outside of trees to be saved
N	Y	Y	6. Location of construction entrance/exit
Y	Y	Y	Location of ALL existing and new utility/drainage easements

Conditions of Approval:

Urban Forestry recommends approval of the Landscape Plan with the following conditions of approval:

1. Address items above marked "No" and all Redlines provided.
2. Add the following notes:
 - a. Prior to Building Permit approval, an easement plat depicting tree preservation areas must be signed by Urban Forestry.
 - b. Prior to request for final landscape inspection by Urban Forester, Landscape Architect of Record shall inspect site and direct Contractor to make changes to meet approved plans and details. No changes to the approved landscape plan may be made without Urban Forester approval.



LANDSCAPE REGULATIONS – Chapter 177

To: Tim Brisiel, Legacy Ventures NWA

From: John J. Scott, Urban Forestry

CC: Jonathan Curth, Senior Planner

Date: August 15, 2016

Subject: LSD 16-5488: NE of Marigold Dr. and Macey Dr. | Macey Dr. Townhomes | Planning Commission

Applicable Requirements:

Y	Site Development & Parking Lot Standards
Y	Street Tree Planting Standards
NA	Stormwater Facilities

Plan Checklist:

Yes = submitted by applicant

No = required by City Code but not included on submitted plan

N/A = not applicable

Tech Plat	SC	PC	All Landscape Plans
Y	Y	Y	Irrigation notes either automatic or hose bib 100' o.c. (177.03A.7.g & 177.04.B.3.a)
Y	Y	Y	Species of plant material identified (177.03.A.7.d & e)
Y	Y	Y	Size of plant material at time of installation indicated minimum size 2" caliper for trees and 3 gal. shrubs (177.03.A.7.b & c)
Y	Y	Y	Soil amendments notes include that soil is amended and sod removed (177.03.C.6.b)
Y	Y	Y	Mulch notes indicate organic mulching around trees and within landscape beds (177.03.C.6.c & d)
N	N	N	LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer (177.03.B)
Y	Y	Y	Planting bed contained by edging (177.03.C.6.f)
Y	Y	Y	Planting details according to Fayetteville's Landscape Manual (177.03.C.6.g)

Tech Plat	SC	PC	Site Development & Parking Lot Standards
NA	Na	Na	Wheel stops/ curbs (177.04.B.1)
N	Y	Y	Interior landscaping (177.04.C) Narrow tree lawn (8' min width, 37.5' min length/ 1 tree per 12 spaces) <u>OR</u> Tree island (8' min. width, 18.7' min. length/1 tree per 12 spaces) All parking lot trees must be deciduous (177.04.C.3)
Y	Y	Y	Placement of Trees (177.04.C.2) Either side at points of access (entrance/exit)
Y	Y	Y	Perimeter landscaping (177.04.D) Side and rear property lines (5' wide landscaped) Front property line (15' wide landscape) (177.04.D.2.a) Shade trees planted on south and west sides of parking lots (177.04.D.2.e) Parking lot adjacent to R.O.W. - continuous row planting of shrubs - 50% evergreen. Remaining landscaping to be ground cover and / or turf.) (177.04.D.4a) NOTE: Shade trees are described in street tree planting standards
Tech Plat	SC	PC	Street Tree Planting Standards (time of F.P. or permit) (177.05)
N	NA	NA	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
Y	Y	y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA	Na	Na	Urban Tree Wells-urban streetscape only- 8' sidewalk , trees every 30 L.F. (177.05.B.3 a-f)
NA	Na	Na	Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan and inspected at time of construction.
NA	Na	Na	Timing of planting indicated on plans (subdivisions only) (177.05.A.4)
NA	Na	Na	Written description of the method for tracking plantings (177.05.A.4.e)
Y	Y	y	Plan contains 3-year Maintenance and Monitoring Agreement. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. (177.05.A.2.e)
Tech Plat	SC	PC	Stormwater Facilities (time of F.P. or permit) (177.06.A – C)
Y	Y	Y	1 deciduous or evergreen tree/ 3000 square feet
Y	Y	Y	4 large shrubs or small trees (3 gal) / 3000 square feet
Y	Y	Y	6 shrubs or grasses (1 gal) / 3000 square feet
Y	Y	Y	Ground cover unless seed or sod is specified
Y	Y	y	50% of facility planted with grass or grass like plants

Landscape Requirements Table		
8	Mitigation Trees	3-year surety required
5	Street Trees 156/30	3-year surety required
7	Parking Trees (24/12) = Provided	
2	Detention Large Trees	
10	Detention Small Trees / Large Shrubs	

Conditions of Approval:

Urban Forestry recommends approval of the Landscape Plan with the following conditions of approval:

1. Address all items above marked "N".
2. Plan must be stamped by a Licensed Landscape Architect.
3. Add the following notes:
 - a. Prior to Building Permit approval, all required landscaping will require a performance bond and a completed Landscape Surety Form for all required landscaping. Submit an itemized landscape estimate for review at time of construction plan review.
 - b. Prior to Certificate of Occupancy, a 3-year Maintenance Plan must be submitted with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form for all required street and mitigation trees.
 - c. Landscape Architect of Record shall inspect site and direct Contractor to make changes to meet approved plans and details prior to Urban Forester Certificate of Occupancy inspection. No changes to the approved landscape plan may be made without Urban Forester approval.



TO: Planning Division
FROM: Ken Eastin, Park Planner II
DATE: August 8, 2016
SUBJECT: Parks & Recreation Technical Plat Review Comments

Meeting Date: Subdivision Committee on August 11, 2016
Item: 16-5488 LSD NE of Marigold Dr. and Macey Dr. (Macey Dr. Townhomes) 363
Park District: NW
Zoned: RSF-4, RMF-24
Billing Name & Address: Tim Brisiel
Legacy Ventures
PO Box 8216
Fayetteville, AR 72701

	<u>Current Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ 0.023 acre per unit = _____ acres	_____ @ \$920 per unit = \$ _____
Multi-Family	_____ @ 0.014 acre per unit = _____ acres	57 @ \$560 per unit = <u>\$31,920</u>

COMMENTS:

- On June 6, 2016, PRAB reviewed the project and recommended accepting money in-lieu for 57 multi-family units to satisfy the park land dedication ordinance due to the development's proximity to Salem Park, Gary Hampton Softball Complex, Hamestring and Clabber Creek Trails, and Bryce Davis Community Park.
- Fees in the amount of \$31,920 are due for the proposed 57 multi-family units prior to the issuing of building permits
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this development will be used to fund future park acquisitions and improvements within this park quadrant.
- The actual amount of fees will be determined by the actual number of units and the parks fee formula at the time of Planning Commission approval of the LSD.

Macey Drive Townhomes

APPROVED

By Dalnah Gilbert at 12:10 pm, Aug 04, 2016

50 Feet



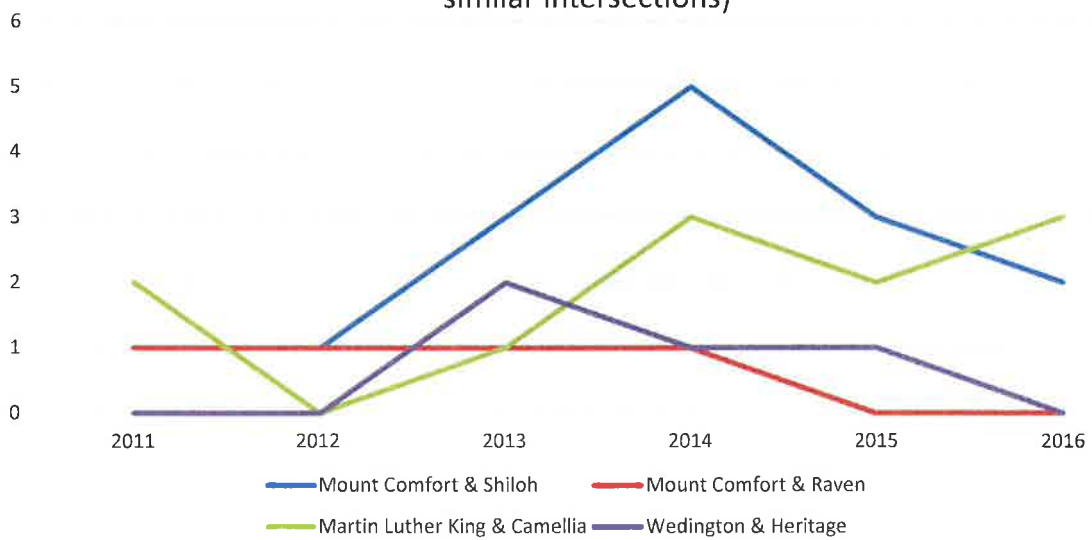
- Preliminary Address
- Street
- Project Area
- County Parcel

Vicinity Map



	Mount Comfort & Shiloh	Mount Comfort & Raven	Martin Luther King & Camellia	Wedington & Heritage
2011	1	1	2	0
2012	1	1	0	0
2013	3	1	1	2
2014	5	1	3	1
2015	3	0	2	1
2016	2	0	3	0

2011-2016 Accident Totals by Year for Mt. Comfort & Shiloh (and similar intersections)



Mount Comfort & Shiloh

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101300	20110723	134700	MOUNT COMFORT	SHILOH
201200411	20120305	74900	MOUNT COMFORT	SHILOH
201301712	20130826	72800	MOUNT COMFORT	SHILOH
201302004	20130918	174800	SHILOH	MOUNT COMFORT
201302232	20131016	125900	MOUNT COMFORT	SHILOH
201400880	20140505	75400	MOUNT COMFORT	SHILOH
201401271	20140624	14900	MOUNT COMFORT	SHILOH
201401418	20140724	162600	MOUNT COMFORT	SHILOH
201402378	20141107	73900	MOUNT COMFORT	SHILOH
201402494	20141117	94500	MOUNT COMFORT	SHILOH
201500249	20150207	172500	MOUNT COMFORT	SHILOH
201500527	20150305	152200	SHILOH	MOUNT COMFORT
201500720	20150330	74800	MOUNT COMFORT	SHILOH
201600123	20160104	151300	MOUNT COMFORT	SHILOH
201601168	20160504	75600	MOUNT COMFORT	SHILOH

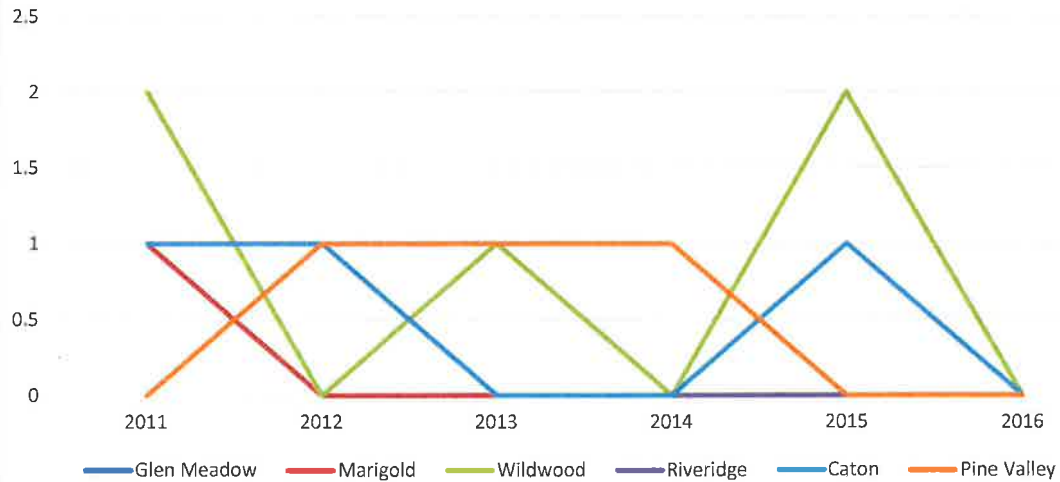
ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101894	20111003	75200	MOUNT COMFORT	RAVEN
201202027	20121012	143700	MOUNT COMFORT	RAVEN
201300191	20130201	161500	MOUNT COMFORT	RAVEN
201401856	20140915	75500	MOUNT COMFORT	RAVEN

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201101095	20110614	42800	MARTIN LUTHER KING	CAMELLIA
201101564	20110824	181600	MARTIN LUTHER KING	CAMELLIA
201300414	20130301	141800	MARTIN LUTHER KING	CAMELLIA
201400769	20140402	121000	MARTIN LUTHER KING	CAMELLIA
201402066	20141007	180700	MARTIN LUTHER KING	CAMELLIA
201402609	20141203	600	MARTIN LUTHER KING	CAMELLIA
201500708	20150328	201400	MARTIN LUTHER KING	CAMELLIA
201503119	20151211	113100	MARTIN LUTHER KING	CAMELLIA
201600090	20160114	183900	MARTIN LUTHER KING	CAMELLIA
201600679	20160313	195100	MARTIN LUTHER KING	CAMELLIA
201601825	20160715	191800	MARTIN LUTHER KING	CAMELLIA

ACCIDENT NUMBER	DATE	TIME	STREET NAME	CROSS STREET
201302830	20131207	110900	WEDINGTON	HERITAGE
201300907	20130508	112200	HERITAGE	WEDINGTON
201400439	20140304	80000	HERITAGE	WEDINGTON
201502701	20151025	160600	HERITAGE	WEDINGTON

	Glen Meadow	Marigold	Wildwood	Riveridge	Caton	Pine Valley
2011	1	1	2	0	1	0
2012	0	0	0	1	1	1
2013	0	0	1	0	0	1
2014	0	0	0	0	0	1
2015	0	0	2	0	1	0
2016	0	0	0	0	0	0

2011-2016 Accidents Totals by Street per Year (in Pine Valley Subdivision)



GlenMeadow

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100819	20110504		GLENMEADOW	MARIGOLD

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100440	20110306	2962	MARIGOLD	

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201100437	20110227		WILDWOOD	N WILDWOOD
201102526	20111221	2852	WILDWOOD	
201300288	20130214		WILDWOOD	RIVERRIDGE
201500202	20150130		WILDWOOD	RIVERRIDGE
201501168	20150518		WILDWOOD	CATON

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201200885	20120505		RIVERRIDGE	GLENMEADOW

ACCIDENT NUMBER	DATE	STREET NUMBER	STREET	CROSS STREET
201201422	20120722		CATON	
201100408	20110303		CATON	RIVERRIDGE
201501396	20150613		CATON	RIVERRIDGE

06/17/2016

Planning Division
City of Fayetteville
Fayetteville, Arkansas 72701

ATTN: Planning Staff

RE: Macey Street Townhomes

Dear Planning Staff,

Please accept this letter accompanying our Large Scale Development plans for the Macey Drive Townhomes. We have submitted the full set of plans and look forward to working with the City of Fayetteville to transition the plans to reality.

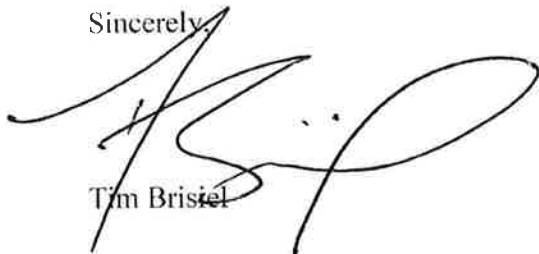
This development consists of 58 townhome units that will each be two bedrooms and two and a half baths and approximately 1300 square feet each. They will be traditional in style and design with the use of variations of James Hardie siding, brick, and stone. The objective is to make each unit look different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

The topography of the site may be slightly challenging from a developmental standpoint but feel in the end it will add to the uniqueness of the development and make it very attractive for residents.

The development seems to meet or exceed all City of Fayetteville requirements and we are hopeful that we can work through the process together quickly.

We appreciate your time and hope you will give this proposal careful consideration. We are looking forward to completing this subdivision and together leaving our *Legacy* one *Venture* at a time.

Sincerely,



Tim Bristol



NA-01	Which country rank eighth in any kind of war?
NA-02	Which country is it? (English) (French or Italian)
NA-03	Is it possible to combine war and commercial and other aspects?
NA-04	Which country (Italy, France, etc.) is most famous for its war?
NA-05	Is it possible to combine war and other aspects?
NA-06	Which country is it? (English) (French or Italian)
NA-07	Which country is it? (English) (French or Italian)
NA-08	Which country is it? (English) (French or Italian)
NA-09	Which country is it? (English) (French or Italian)
NA-10	Which country is it? (English) (French or Italian)
NA-11	Which country is it? (English) (French or Italian)
NA-12	Which country is it? (English) (French or Italian)

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

SITE INFORMATION	2021 TOTAL ACRES	AC	% OF SITE TOTAL
STREET PAVED AREA	23,360 S F	OR 0.27 ACRES	
SIDEWALK AREA	4,447 S F	OR 0.10 ACRES	
BUILDING & DRIVEWAY AREA	89,600 S F	OR 2.27 ACRES	
TOTAL Hardscape AREA	137,407 S F	OR 3.14 ACRES	48.4%
SOFTSCAPE AREA	146,581 S F	OR 3.37 ACRES	51.6%

GROSS SITE AREA	294.4856 S.F. OR 6.78 ACRES
PROPOSED DEDICATED ROW	10.87756 S.F. OR 0.25 ACRES
NET SITE AREA	283.58795 S.F. OR 6.51 ACRES
ZONING	RMF224.30 Area 283.51 ACRES

TOTAL NUMBER OF DWELLING	18
NUMBER OF BEDROOMS	18
REQUIRED PARKING SPACES 1 PER BEDROOM	18
PROVIDED	18
REQUIRED ADA ACCESSIBLE SPACES	4
PROVIDED	4
REQUIRED BIKE RACKS 1/30 UNITS	3
PROVIDED	3
REQUIRED SCOOTER 1/25 UNITS	3
PROVIDED	3

FRONT 15 Feet
RESIDENTIAL SIDE 5 feet
REAR 15 Feet

WINDSHIELD HEIGHT MAX 6'

DUP-48 TRACKS

FRONT RY 25 Feet
SIDE OTHER USES 8' each
REAR OTHER USES 20 Feet
BACK DOUBLE LAME Y'S 16 FT

BUILDING III GIFT MAX

0' 11" OFF R/W 30'
0' 20" D/B/R 4"
20' C/O K/L A/R 8' R/W 50'

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

Feature	Description
	Property Line
	Offset Property Line
	Right Of Way Line
	Surrey / Drive Centerline
	Curb And Gutter
	(See Site Plan For Slur)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Pavement Striping
	Asphalt Pavement (See Detail
	Sheet For Pavement Sections)
	Concrete Pavement (See Detail
	Sheet For Pavement Sections)
	Concrete Sidewalk
	(See Site Plan For Dimensions)
	Gate Valve
	Fire Hydrant & Assembly
	Sanitary Sewer



Know what's below.
Call before you dig.



Age Group	Percentage of Correct Responses
10-12	85
13-15	90
16-18	95
19-22	98



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

[illegible]

- All new utilities shall be placed underground, and existing utilities under 12 kV shall be re-routed underground.
- All structural and utility equipment located on the wall and/or roof shall be secured by a structural engineer, and structural equipment shall be secured by engineering notes into the structural engineering materials compatible with the supporting building. Machinery and safety equipment less than 20 inches in height shall meet building standards. Small ground-mounted equipment may be secured with tall guy wires or struts.
- Trash containers shall be secured on three sides with materials complementary in and compatible with the principal structure, with access visible from the street. An elevation depicting the materials and colors to be used shall be required and be approved by Planning Division prior to construction.
- All signs by separate permit



MACEY DR. TOWNHOMES
Legacy Ventures NWA C/O Tim Bristol
PO Box 8216
Fayetteville, AR 72712
Ph. 479.409.4091



SWOPE CONSULTING
Chief Financial Officer
 10101 E. 1st Ave., Suite 100
 Denver, CO 80231
 303.751.0000

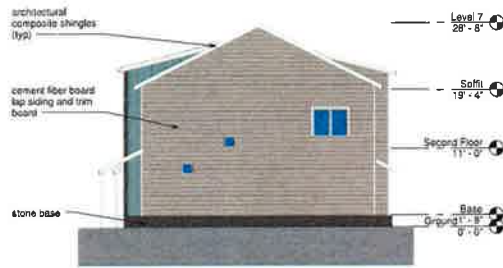
Project No.	16-205	Scale	1"=30'
Date	8/9/2016		
Sheet Description	SITE PLAN		
Sheet #	C1.0		



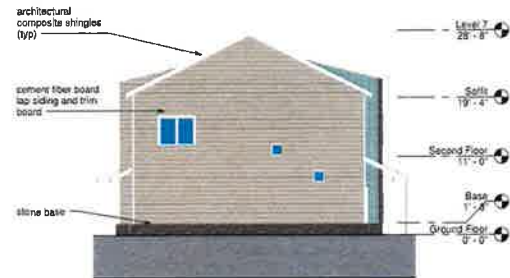
1 North Elevation
1/4" = 1'-0"



2 South Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 East Elevation
1/8" = 1'-0"

8-30-2016

Macey Drive Townhomes

5 Unit Townhouse-Elevation 1

8-30-2016

HENRY ARCHITECTURE
1722N COLLEGE AVE SUITE C • BOX 153
FAYETTEVILLE, AR 72701
PHONE: 479.534.9923 EMAIL: henry@henryarchitecture.com

DESIGNED BY: JH	CHECKED BY: JR
DATE: 8-30-2016	DATE: 8-30-2016
PROJECT: Macey Drive Townhomes	PROJECT: Macey Drive Townhomes
CLIENT: Macey Drive Townhomes	CLIENT: Macey Drive Townhomes
LOCATION: Fayetteville, AR	LOCATION: Fayetteville, AR
SCALE: 1/4" = 1'-0"	SCALE: 1/4" = 1'-0"
DATE: 8-30-2016	DATE: 8-30-2016
PROJECT: Macey Drive Townhomes	PROJECT: Macey Drive Townhomes
CLIENT: Macey Drive Townhomes	CLIENT: Macey Drive Townhomes
LOCATION: Fayetteville, AR	LOCATION: Fayetteville, AR
SCALE: 1/4" = 1'-0"	SCALE: 1/4" = 1'-0"
DATE: 8-30-2016	DATE: 8-30-2016

EL-1



1 North Elevation
1/8" = 1'-0"



2 South Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 East Elevation
1/8" = 1'-0"

830-2016

Macey Drive Townhomes

5 Unit Townhouse- Elevation 2

830-2016

EL-2

HENRY ARCHITECTURE

1724 N. COLLEGE AVE., SUITE C - BOX 15
FAYETTEVILLE, AR 72701-1015
PHONE: 479.530.9683 EMAIL: henry@henryarchitecture.com

DRAWN BY: A
CHECKED BY: dh

16-007

Fayetteville, AR





1 North West Elevation
1/8" = 1'-0"



2 South East Elevation
1/8" = 1'-0"



3 East South Elevation
1/8" = 1'-0"



4 West North Elevation
1/8" = 1'-0"



7-19-2016

Macey Drive Townhomes

4 Unit Townhouse-Elevation 1

7-19-2016

EL-3

HENRY ARCHITECTURE

1725 N. COLLEGE AVE. SUITE C BOX 153
FAYETTEVILLE, AR 72701
PHONE: +1 501 558 9633 EMAIL: henry@henryarchitecture.com

DRAWN BY: AC
CHECKED BY: AS

15-007

Fayetteville, AR





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



2 North Elevation
1/8" = 1'-0"



3 East Elevation
1/8" = 1'-0"



4 West Elevation
1/8" = 1'-0"

7-19-2016

Macey Drive Townhomes

GARAGE TOWNHOUSE ELEVATIONS-1

7-19-2016

HENRY ARCHITECTURE

1722 N. COLLEGE AVE., SUITE C BOX 159
FAYETTEVILLE, AR 72701

PHONE: 479-530-9893 EMAIL: sherry@henryarchitect.com

DESIGNED BY: sherry
DRAWN BY: sherry
CHECKED BY: sherry



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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EL-4



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



2 North Elevation
1/8" = 1'-0"



3 East Elevation
1/8" = 1'-0"



4 West Elevation
1/8" = 1'-0"



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

DESIGNED BY: AC
CHECKED BY: G

16-007

Fayetteville, AR

Macey Drive Townhomes
GARAGE TOWNHOUSE ELEVATIONS-2

8-30-2016

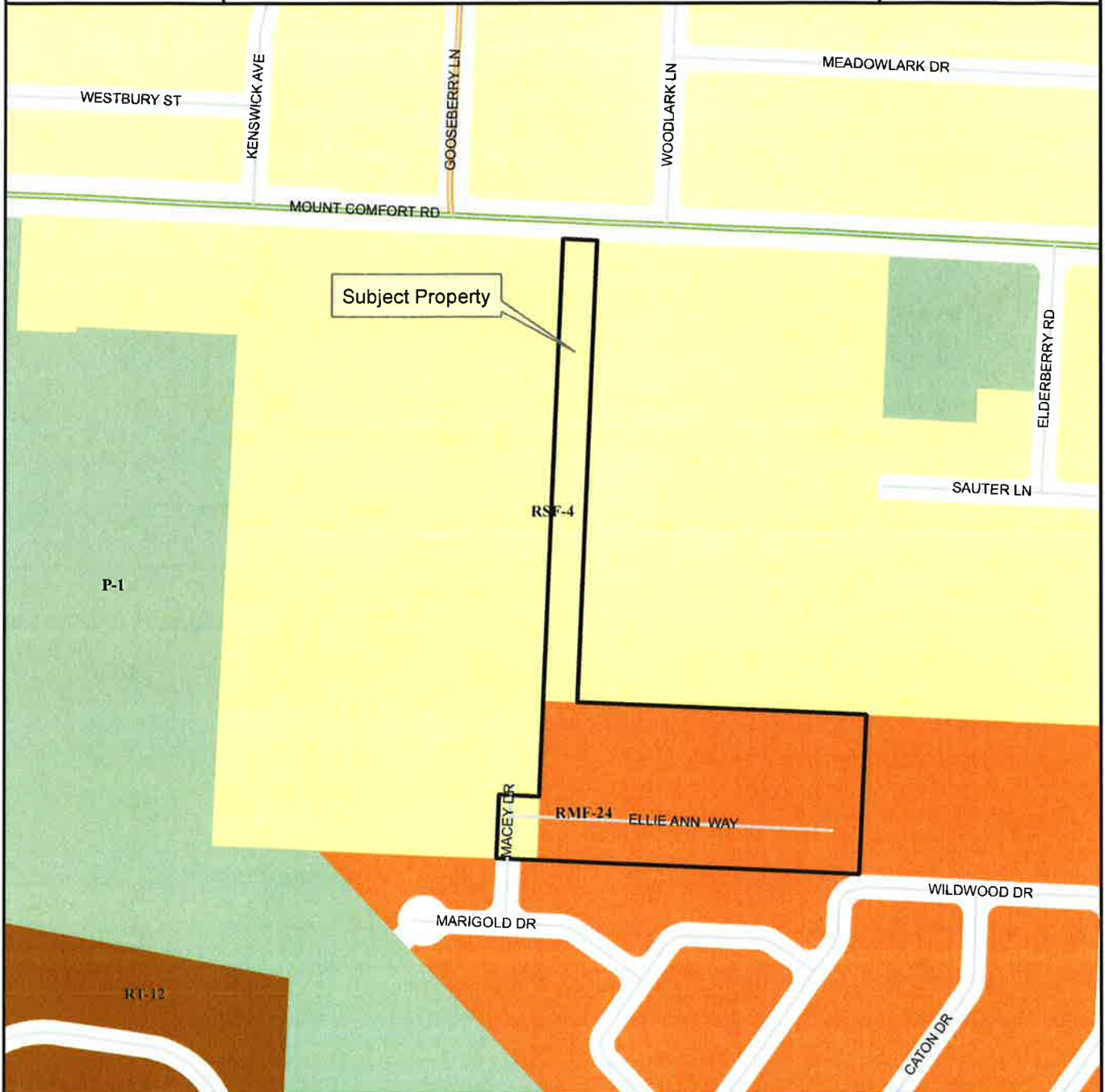
8-30-2016

EL-5

LSD 16-5488

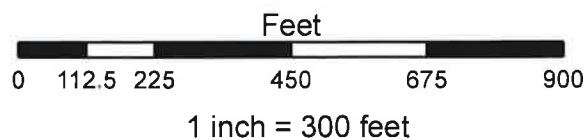
Close Up View

MACEY DR TOWNHOMES



Legend

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



- RSF-4
- RT-12 Residential Two and Three-family
- RMF-24
- P-1



MINUTES

DRAFT MINUTES - Planning Commission

September 12, 2016

5:30 PM

113 W. Mountain, Room 219

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

Call to Order: 5:30 PM, Kyle Cook

In Attendance:

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

Absent: Ryan Noble

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

City Attorney: Kit Williams

Consent Agenda:

1. Approval of the minutes from the August 22, 2016 meeting.

2. ADM 16-5580: Administrative Item (542 W. DICKSON ST./YANCEY HOG DOGS-1 YR. MOBILE VENDOR, 484): Submitted by CODY YANCEY for property located at 542 W. DICKSON ST. The property is zoned MSC-MAIN STREET CENTER and contains approximately 0.57 acres. The request is for a one year mobile food vendor permit.

3. ADM 16-5564: Administrative Item (1530 GOLF CLUB DR./THE LINKS PZD AMENDMENT, 400): Submitted by HUGH JARRETT for property located at 1530 GOLF CLUB DR. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.40 acres. The request is to amend R-PZD 07-2452 to add a clubhouse and swimming pool.

Motion:

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

Old Business:

4. LSD 16-5488: Large Scale Development (2900 BLOCK MT. COMFORT RD./MACEY DR. APTS., 363): Submitted by SWOPE CONSULTING, INC. for property located at the 2900 BLOCK OF MT. COMFORT RD. The property is zoned RMF 24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, and contains approximately 6.76 acres. The request is for a 58 unit apartment complex with associated parking.

Harry Davis, Planner: Read the staff report.

Tim Brisiel, Applicant: In agreement with planning staff on their recommendation.

Public Comment:

No public comment at this time.

Tracy Hoskins, Commissioner: Asks to see the elevations on the screen. Questions if the developer needs to have a turnaround or if the street must continue to the property line.

Andrew Garner, Planning Director: Answers no.

Tom Brown, Commissioner: Believes there is a problem with the amount of accidents in the neighborhood. There were 14 accidents in the Pine Valley subdivision, which is a higher number in comparison to the intersections analyzed by staff.

Matthew Hoffman, Commissioner: In agreement with Commissioner Brown. Hoffman believes that staff has missed some key information in how wide the streets are in Pine Valley and how that would affect driving speeds and road safety. Therefore, Hoffman cannot support the development. No further issues with development.

Ron Autry, Commissioner: In agreement with Commissioners Brown and Hoffman. The existing amount of cars produces 14 accidents, which would be further increased by having 100 or so more vehicles going through the neighborhood.

Janet Selby, Commissioner: Does not believe they can support this development and is in agreement with previous comments.

Williams, City Attorney: Cautions the Planning Commission to be careful in voting on this development. Commissioner Brown's information should be evaluated by the Planning Commission and Staff. The existing subdivision was approved and the development in question has the right to be where it is located. Williams believes that the information sent by Hoffman is not applicable to the discussion about this development. Planning staff should come back with a more detailed report on the accidents in this existing subdivision in relation to similar subdivisions elsewhere in Fayetteville. A decision to deny the proposed development would need to be defensible in court, and therefore must have a serious traffic hazard to deny.

Garner: Explains the staff's process in reviewing the data in relation to other places around Fayetteville. Staff ultimately does not believe this proposed project would cause a problem and states that a professional traffic engineer is the next step in providing more information to the Planning Commission, if they desire more data. He also clarifies that the information provided to Commissioner Brown is the information provided by staff.

Williams: Understands and defers to staff.

Brown: Believes that traffic counts must be included in this analysis. Roads with higher traffic counts have accidents numbering in the single digits, while the accident data within the subdivision amounts to 14 accidents.

Williams: Cautions the Planning Commission against making judgments without expertise in traffic engineering. Suggests the applicant should conduct a full traffic study.

Leslie Belden, Commissioner: Questions if Shiloh would be extended across the creek to the south in order to provide another outlet.

Garner: States the Master Street Plan shows that it will be extended at some point to Wedington.

Williams: States the bridge to cross the creek there is an expensive and far-future project.

Belden: Asks if there is considerable, developable land along Mt. Comfort that would continue to funnel into the intersection of Mt. Comfort and Shiloh.

Garner: Answers yes.

Autry: Asks when Pine Valley was constructed.

Garner: Answers around the 2000s, as the homes there are about 10-15 years old.

Autry: Explains that much in this area was not constructed just a short time ago. He agrees with **Williams** that there should be another traffic study to exhaust all options.

Brown: States that the developer should look into a box culvert in crossing the stream to the north and connecting with Mt. Comfort. The project should be tabled to find out more information.

Hoskins: Asks about the nature of the accidents in the report.

Garner: States that the reports do not specify.

Hoskins and **Garner** engage in further rapid question and answer about nature of streets and intersections in the report.

Hoskins: States that much time and money has been spent in improving the intersection at Mt. Comfort and Shiloh. This small of a project will not cause a problem there and crossing the river to the north would not be feasible, based on just the cost of the street length alone, for a development of this size. He surmises that the information has been analyzed well and that the applicant has made the necessary changes to be approved. The developer and owner has a right to develop this project.

Public Comment:

Sharon Davidson, Nearby Neighbor: Believes this development will help calm traffic for the neighborhood. She is in support of this development.

No more public comment.

Motion #1:

Commissioner Brown made a motion to **table LSD 16-5488**. **Commissioner Autry** seconded the motion.

Brisiel: States that some investigation in the accident reports is needed and would be happy to collaborate with staff. A full traffic study is not desired, as it would be a considerable cost and staff has not asked for one throughout this process.

Kyle Cook, Commission Chair: Asks **Williams** if the project is not approved, then the applicant would be able to appeal to City Council.

Williams: Answers yes.

Hoffman: States they do not share the same opinion stated by **Hoskins**. A final decision is more appropriate for this developer instead of tabling and pushing their development back even further.

Hoskins: Asks the Planning Commission if a traffic study would help them come to a better decision.

Autry: Answers that the nature of the accident reports would determine the decision.

Brown: Offers that the Planning Commission should offer some suggestions on comparable subdivisions that would be good comparisons.

Williams: States that the staff have provided good comparisons for intersections and the traffic study would not provide the information desired by the Planning Commission, where the accident reports would provide the best information.

Cook: Asks the applicant what their preference would be for a decision between approval or denial and tabled.

Brisiel: Prefers to be tabled.

Hoskins: Clarifies that the Planning Commission is not asking for a traffic study, but more information on the accidents.

Upon roll call the motion to table failed with a vote of 3-5-0, Motion to table for more study fails 3-5-0. Commissioners Hoffman, Quinlan, Selby, Autry, Belden voted 'no'.

Motion #2:

Commissioner Autry made a motion to **approve LSD 16-5488**. **Commissioner Hoskins** seconded the motion.

Brown: Admits that his analysis is not a professional one, but does make use of the available and given data.

Cook: States that he will support the development, although admits that the development is not good planning. The issue of traffic has been addressed and there are no other issues.

Upon roll call the motion to approve LSD 16-5488 failed with a vote of 3-5-0. Commissioners Hoffman, Quinlan, Selby, Autry, and Brown voted 'no'.

DRAFT

Branson, Lisa

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

FYI

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

Good morning,

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

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

Thank you for your time.

Rosa Edwards

--

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

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, October 18, 2016 7:40 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Regarding LSD 16-5488 The Macey Drive Townhomes

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

Sincerely,

Alan

Begin forwarded message:

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

Dear Alderman Long,

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

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

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

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

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

I will be at the council meeting Tuesday evening.

Most sincerely,

Martha M.M. Clark
2843 W. Riverridge Drive

Branson, Lisa

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

Can you please forward this to the other council members?

Begin forwarded message:

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

Alan,

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

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

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



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

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

Sincerely,

Ron & Renee Hearon

479-582-9384

479-283-9613



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0488

Agenda Date: 11/15/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 4

UARK CREDIT UNION REZONING APPEAL:

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

(LEFT ON THE FIRST READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RMF-40, Residential Multi Family, 40 Units Per Acre to C-1, Neighborhood Commercial.

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



**JORGENSEN
+ASSOCIATES**
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED
OCT 11 2016
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Re: UARK Credit Union Rezoning

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5589.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0488

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/13/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 13, 2016

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-1, Neighborhood Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-1 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop.

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is

appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' the larger undeveloped existing C-1 property on the corner into a more feasible development site, staff recommends that the proposal is appropriate.

DISCUSSION:

On September 26, 2016 the Planning Commission discussed and tabled the rezoning request as they requested the applicant discuss with the developer potential to rezone the property to a form-based zoning district. On October 10, 2016 the applicant indicated to the Commission the owner/developer's continued desire for C-1 zoning. A member of the public spoke against the C-1 request citing a preference for a form-based zoning. Commissioners that voted against the C-1 request generally discussed a desire for a form-based zoning district that would be more in line with adopted City policy for traditional development patterns. A motion to forward the request to City Council failed by a vote of 3-4-1 (Commissioners Hoffman, Quinlan, Selby and Brown voted 'no', Commissioner Cook recused).

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

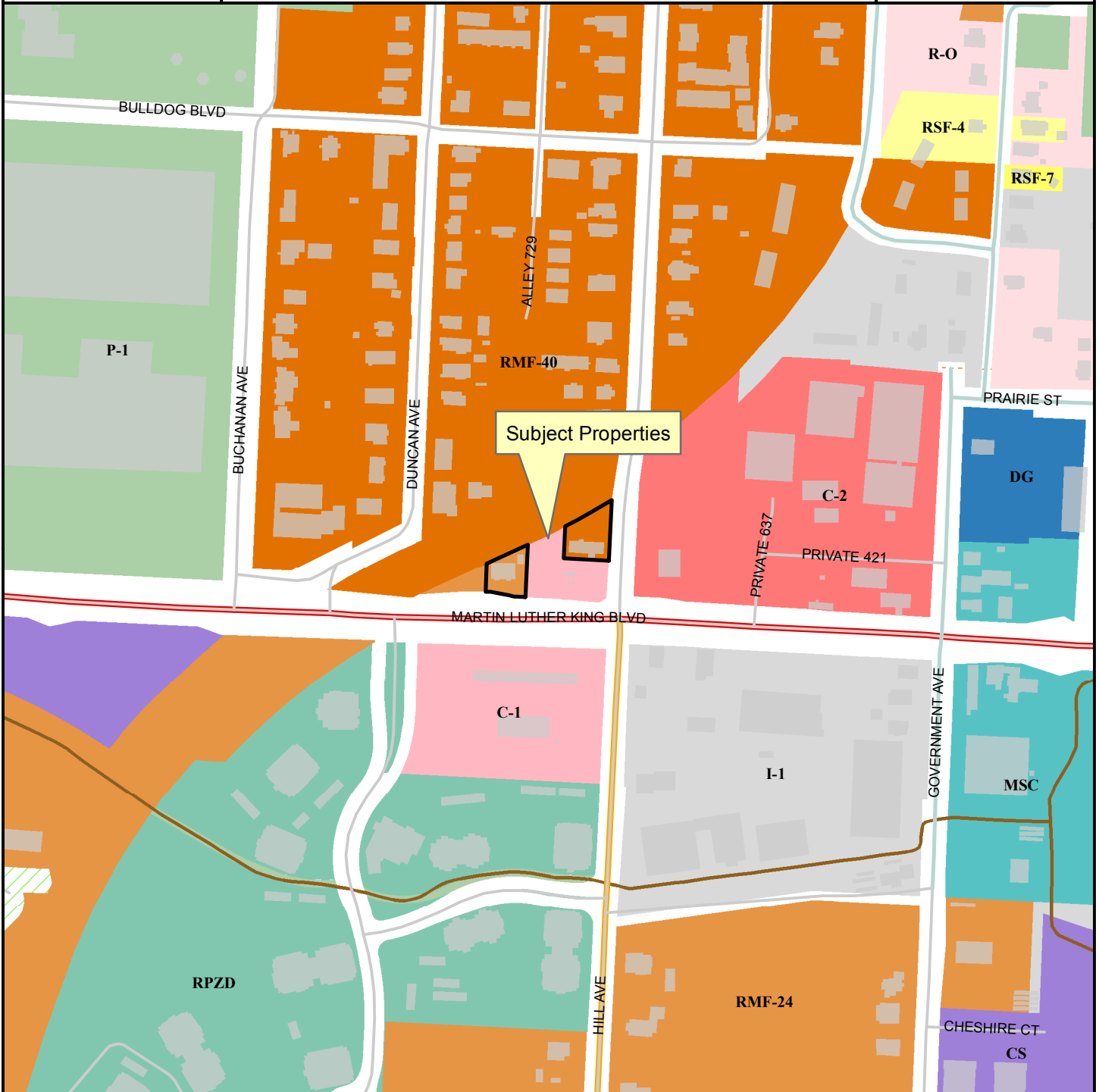
**16-5589
EXHIBIT 'A'**

RZN 16-5589

UARK CREDIT UNION

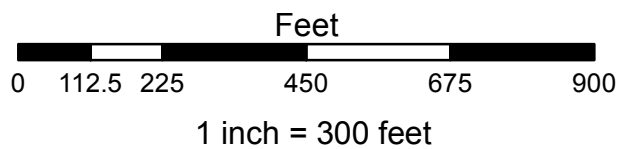


Close Up View



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

16-5588
EXHIBIT 'B'

Legal Description (Parcel No. 765-12988-001):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet, thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 feet and chord bearing N66°21'53"E 92.05 feet, thence S02°28'52"E 8.22 feet to the Point of Beginning; thence N61°45'07"E 52.97 feet, thence N60°09'30"E 21.09 feet, thence N59°00'01"E 30.74 feet, thence S02°28'52"W 121.67 feet, thence N86°54'19"W 89.19 feet, thence N02°38'39"E 65.42 feet to the Point of Beginning, Containing 0.19 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

Legal Description (Parcel No. 765-12987-000):

Part of the SE1/4, SW1/4 of Section 16, T16N, R30W in Washington County, Arkansas and being described as follows; Commencing at the SW Corner of said SE1/4, SW1/4 thence North 376.56 feet, thence East 177.99 feet to the Point of Beginning; thence N02°41'27"E 69.80 feet, thence along a curve to the left 92.07 feet, said curve having a radius of 1326.80 and a chord bearing N66°21'53"E 92.05 feet, thence South 02°41'27"W 117.85 feet, thence N87°07'59"W 22.81 feet, thence N78°44'30"W 50.66 feet, thence N89°38'28"W 9.60 feet to the Point of Beginning; Containing 0.18 Acres, more or less.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

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

FEE: \$325.00
Sign Fee: \$5.00

S-T-R:
PP#:
Zone:

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

Application:

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

Applicant (person making request):

Name: UARK Credit

Address: 50 W. Van Hise
Fayetteville AR 72703

E-mail: gina@uarkfcu.com

Phone: () 521-1107

Fax: () 521-1130

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

Name: Jorgensen & Assoc

Address: 124 W. Suburban Ave
FAYETTEVILLE, AR 72703

E-mail: dave@jorgensenassoc.com

Phone: () 442-9127

Fax: ()

Site Address / Location: _____

Current Zoning District: C-1, RMF-24
& RMF-40

Requested Zoning District: C-1

Assessor's Parcel Number(s) for subject property: 765-12988-001 & 765-12987-000

FINANCIAL INTERESTS

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

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

Name (printed): MARK CREDIT

Date: 8/31/16

Signature: _____

Jim M. Williams

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

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

Name (printed): Karen Beaton

Address: 930 Rush Dr.

Signature: [Signature]

Fayetteville AR

Date: 8-31-16

Phone: (479) 422-6902

Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: ()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

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

SUBJECT: **RZN 16-5589: Rezone (714 W. MLK BLVD. & 511 HILL AVENUE/UARK CREDIT UNION, 522):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at 714 W. MLK BLVD. and 511 HILL AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, AND RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.37 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

RECOMMENDATION:

Staff recommends **RZN 16-5589** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

September 26, 2016 Planning Commission: This item was discussed and tabled at the September 26, 2016 Planning Commission meeting. At the time of publication of this report no additional information has been submitted by the applicant.

The subject property is two separate parcels located northwest of the intersection of Martin Luther King Boulevard and Hill Avenue. The parcels are not contiguous and are on either side of two undeveloped parcels that are zoned C-1, Neighborhood Commercial. The property is bounded by the Arkansas Missouri Railroad corridor to the north. The western parcel at 714 W. Martin Luther King Boulevard is an odd-shaped property containing 0.18-acre that is zoned RMF-24 and is developed with a duplex. The eastern parcel at 511 Hill Avenue is zoned RMF-24 and contains a non-residential building that was used for many years as the shop for the Woodwork Company, a small craft woodshop. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Arkansas Missouri Railroad; Single and multi-family residential	RMF-40, Residential Multi-family 40 units per acre
South	Kum and Go gas station	C-1, Neighborhood Commercial
East	Insurance office; Walmart	C-2, Thoroughfare Commercial
West	AHTD right-of-way; railroad	RMF-24, Residential Multi-family 24 units per acre

Request: The request is to rezone the property from RMF-24 and RMF-40 to C-1. The applicant has indicated that the rezoning is needed for commercial development.

Public Comment: Staff has received no written public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue at a signalized intersection. Martin Luther King Boulevard is a Principal Arterial street with five lanes and sidewalk at the back of curb. Hill Avenue is a two lane road with a turn lane near the intersection and sidewalk. Any required improvements to these streets will be determined at time of development.

Water: Public water is available to the subject parcel. A 12-inch water main exists in the College Avenue right-of-way and a 6-inch main exists in the Hill Avenue right-of-way.

Sewer: Public sewer is available to the subject parcel. An 8-inch sanitary sewer line exists in the Hill Avenue and College Avenue right-of-way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-year floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.

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

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

RECOMMENDATION: Staff recommends RZN 16-5589 be forwarded to City Council with a recommendation for approval based on the findings discussed herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>September 26, 2016</u>	☒ Tabled (until 10/10/16)	☐ Forwarded	☐ Denied
Motion: <u>Hoffman</u>	Second: <u>Hoskins</u>	Vote: 8-0-1 (<u>Noble recused</u>)	
Date: <u>October 10, 2016</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: <u>Hoskins</u>	Second: <u>Noble</u>	Vote: <u>3-4-1</u> (Commissioners Hoffman, Quinlan, Selby, Brown voted 'no', Cook recused)	

Note: Motion to forward the item to City Council with a recommendation for approval failed by a vote of 3-4-1 as noted above.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Land Use Compatibility:* The proposed zoning is compatible with the surrounding mixture of commercial and railway uses. The property is bounded by the Arkansas Missouri Railroad corridor to the north and northwest, and commercial and office uses to the south and east along a principal arterial/state highway. The Kum and Go gas station and the Walmart Neighborhood Market were recently constructed on properties zoned C-1 and C-2, respectively, in a standard suburban commercial pattern.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) in terms of land use, which designates this property as City Neighborhood Area. This is a busy, signalized intersection and commercial land use permitted in the C-1 zoning is appropriate. However it is not consistent with the goals of the Land Use Plan in terms of development pattern. The C-1 zoning requires a suburban development pattern that is discouraged in Goal 2 of City Plan 2030. However, the rezoning would be compatible with the C-1 zoning for the 2.5-acre Kum and Go gas station site that was rezoned to C-1 in 2011 and the Walmart Neighborhood Market site adjacent to the east that was rezoned to C-2 in 2014. Given these recently approved and developed suburban patterns and given that the proposed C-1 zoning would simply 'square off' an existing C-1 property into a more feasible development site, staff recommends that the proposal is appropriate.

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

Finding: The applicant has requested the zoning change in order to assemble a large enough site with C-1 zoning for commercial development. The northwest corner of Martin Luther King and Hill Avenue contains four parcels under one ownership, a majority of which (approximately 0.44 acre) are zoned C-1, however the subject property for the rezoning would provide a more logical boundary for the applicant's intended development. The subject properties are justified to be rezoned for non-residential use given their busy corner location and surrounding commercial development pattern and railway corridor.

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

Finding: The site has access to Martin Luther King Boulevard (State Highway 62) and Hill Avenue, a partially improved local street. The rezone would allow uses likely to increase traffic, however, a traffic signal with turn lanes and pedestrian crossings is located at the subject property, which combined with the existing street infrastructure will safely handle traffic generated by development of this site under the proposed C-1 zoning.

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

Finding: **Rezoning the property from RMF-24 and RMF-40 to C-1 would reduce potential population density and would not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.15 (RMF-24); 161.16 (RMF-40); 161.19 (C-1)
- Request Letter
- Rezoning Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.15 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60 feet*
-------------------------	----------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.16 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet

Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	30/45/60* feet
-------------------------	----------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10—20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15)

161.19 - District C-1, Neighborhood Commercial

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 feet

Rear	20 feet
------	------------

(F) *Building Height Regulations.*

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

*Any building which exceeds the height of 20 feet shall be setback from any boundary line of any residential district a distance of 1 foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

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

August 30, 2016

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Att: Planning Dept
Re: Rezoning at NW Corner of MLK & Hill Str.

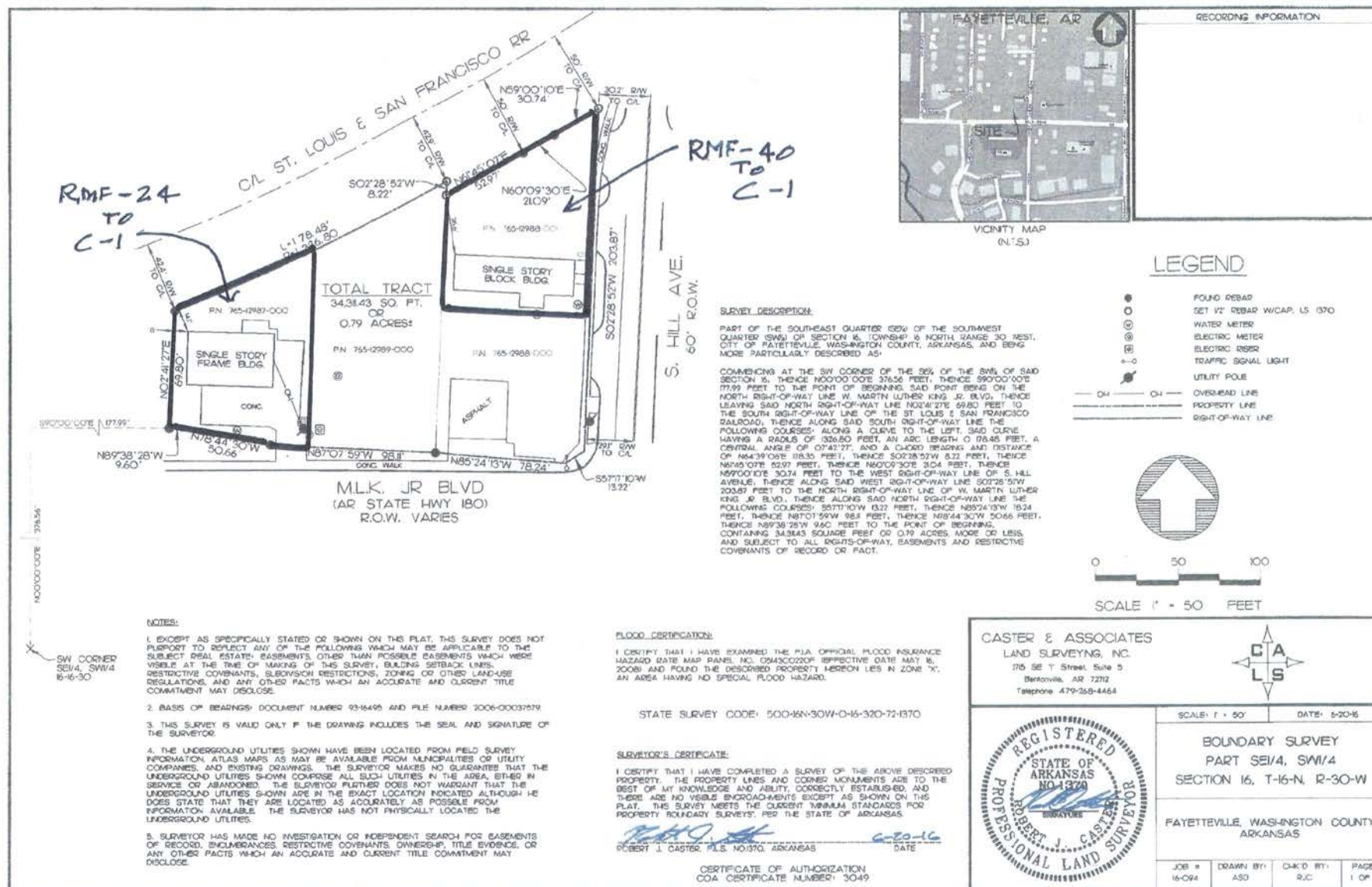
Attached please find information pertaining to a rezoning request at the NW Corner of MLK & Hill Street. This is for parcel # 765-12989-000 (RSF-24) and 765-12988-001 (RSF-40). The request is for C-1 for both parcels. This is for a bank with parking. Access will mainly be off of Hill Street with a possible access off of MLK (Right only). Sewer service will be off of Hill Street and water will be off of MLK (North side).

Please review and contact us concerning any questions you may have

Thank you.

Sincerely;


David L. Jorgensen, P.E.



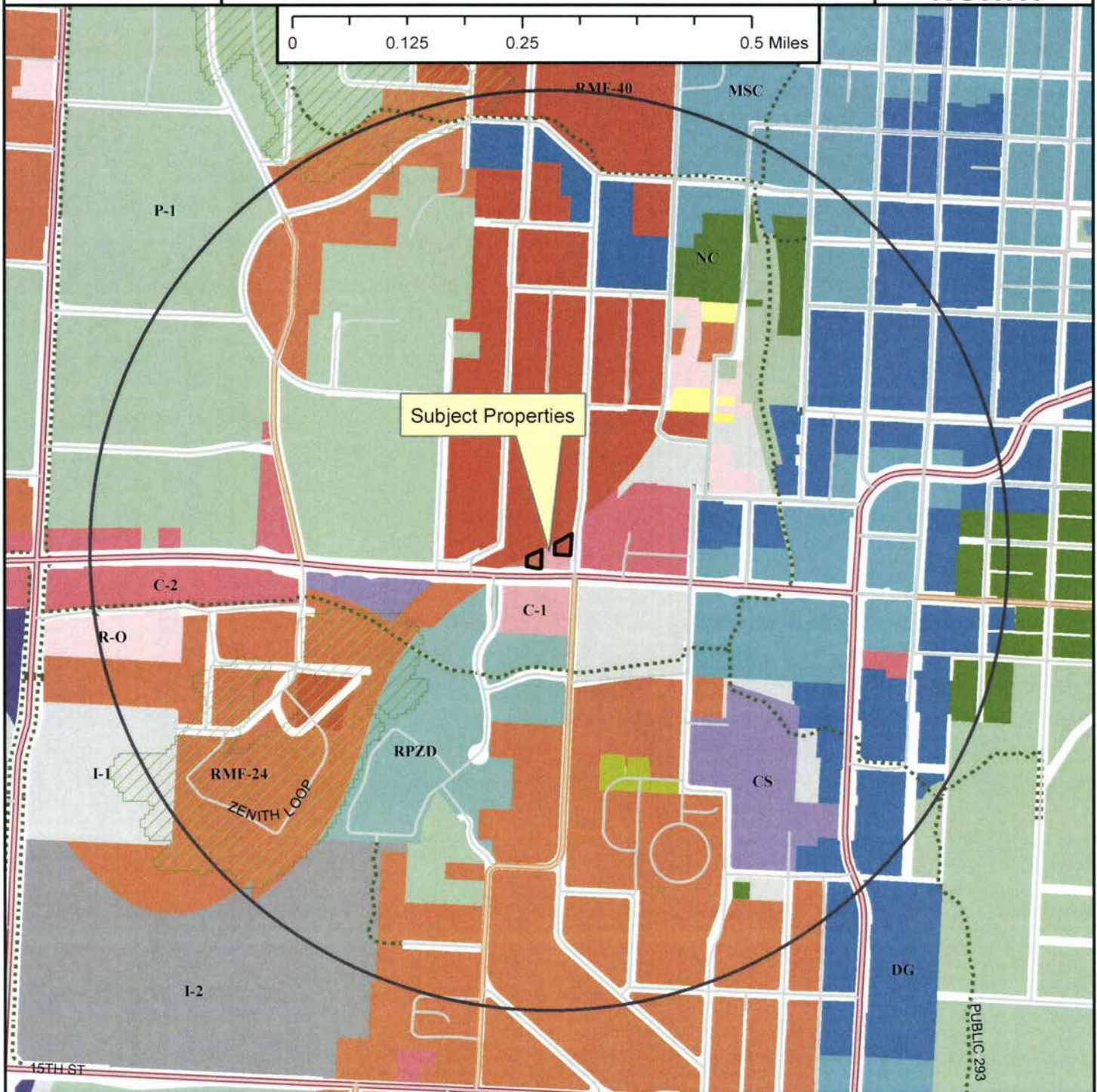
RZN 16-5589

One Mile View

UARK CREDIT UNION



0 0.125 0.25 0.5 Miles



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



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

Planning Commission

October 10, 2016

Agenda Item 4

16-5589 UARK Rezone

Page 13 of 16

RZN 16-5589

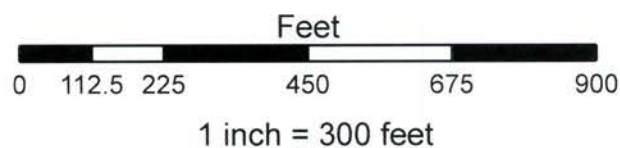
Close Up View

UARK CREDIT UNION



Legend

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



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Community Services
- Commercial, Industrial, Residential
- P-1

RZN 16-5589

Current Land Use

UARK CREDIT UNION



Legend

- Street
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Downtown Master Plan
- MSP Class
- STREET 45
- Streets Existing
- MSP Class
- COLLECTOR
- RZN16-5589
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail

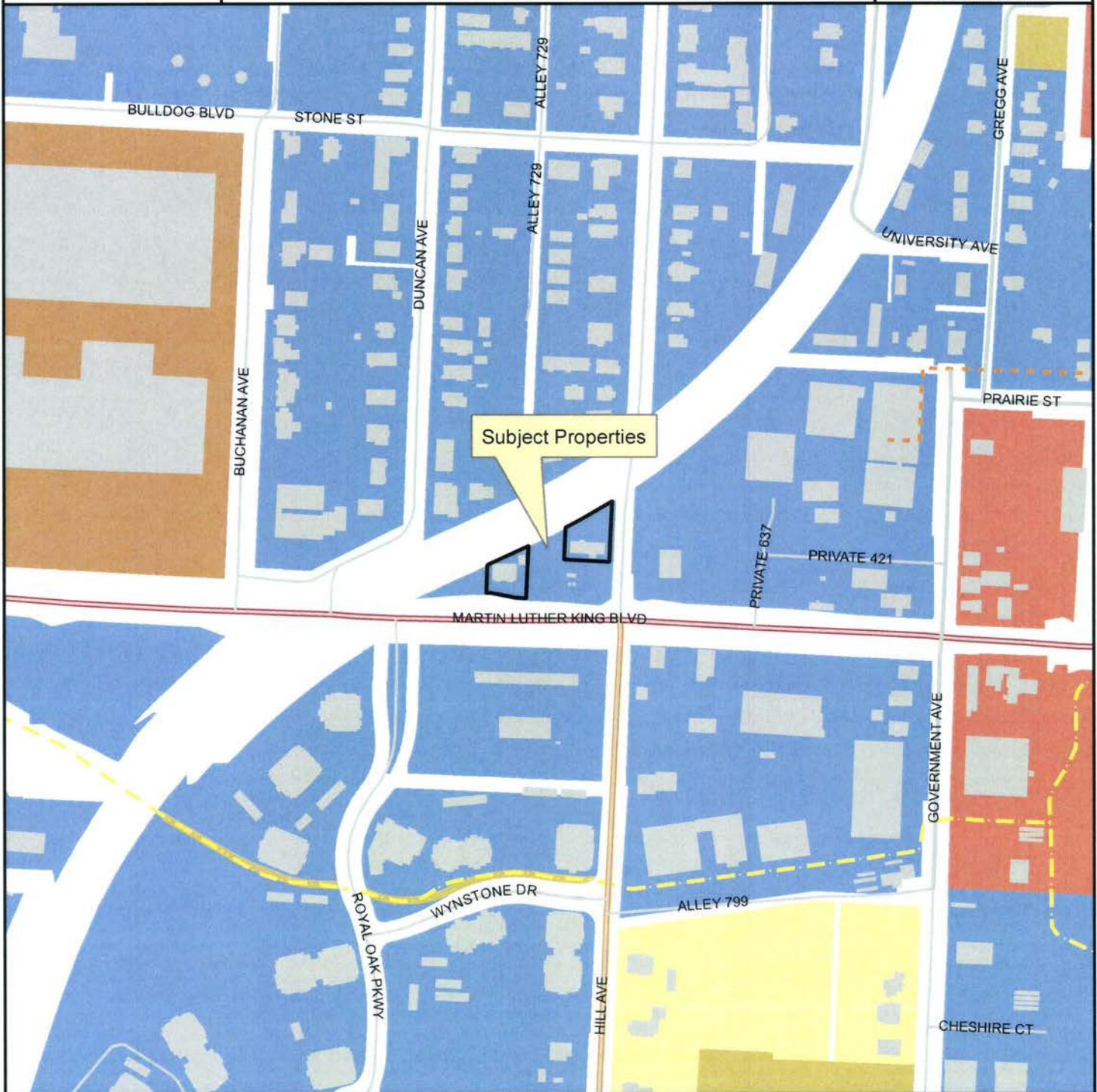
Feet



RZN 16-5589

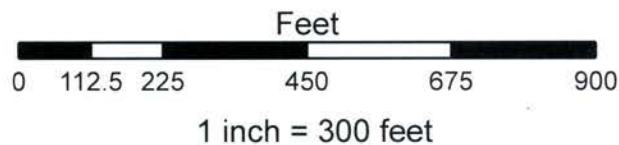
Future Land Use

UARK CREDIT UNION



Legend

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



FUTURE LAND USE 2030

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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0490

Agenda Date: 11/15/2016

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 5

WG LAND COMPANY APPEAL:

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

(LEFT ON THE FIRST READING)

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from C-2, Thoroughfare Commercial and C-3, Central Commercial To C-3, Central Commercial.

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



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

October 11, 2016

Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED

OCT 11 2016

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Re: RZN16-5590 (WG Land Company)

Please accept this appeal of the decision of the Planning Commission on October 10th, 2016, to deny the rezoning request for RZN 16-5590.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We feel that the decision of the Planning Commission was in error, and that the applicant has presented a reasonable zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

Thanks for your time.
Jorgensen + Associates

City of Fayetteville Staff Review Form

2016-0490

Legistar File ID

11/1/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 1, 2016

TO: Mayor; Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: October 14, 2016

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

The applicant has appealed the Planning Commission's denial of the requested C-3, Central Commercial Zoning to City Council. The City Planning staff recommend approval of an ordinance to rezone the property to C-3 as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare.

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The request would extend the existing C-3 zoning district boundary approximately 400 feet to the south of its current location. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Surrounding Land Use Compatibility: The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that the rezoning request is generally consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district provides a broader array of uses than C-2 including multi-family residential as a permitted use. Staff finds that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

DISCUSSION:

On October 13, 2016 the Planning Commission denied the applicant's request for a rezoning to C-3, Central Commerical. A motion to forward the request to City Council with a recommendation for approval failed by a vote of 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, and Cook voted 'no'). Several commissioners discussed concerns that C-3 zoning was not consistent with the City's goals for traditional development patterns under a form-based zoning district.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

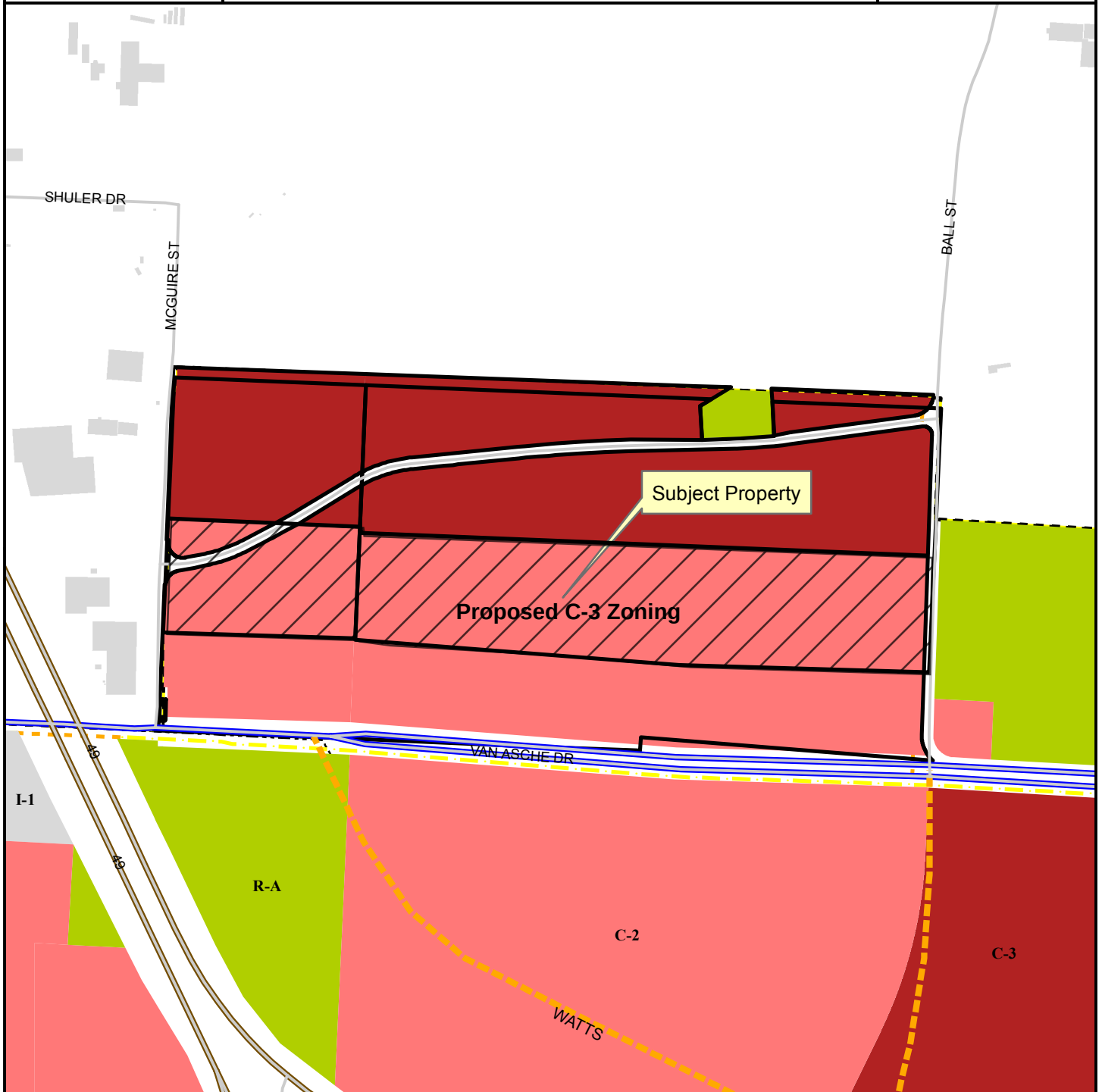
16-5590
EXHIBIT 'A'

RZN 16-5590

WG Land Co.

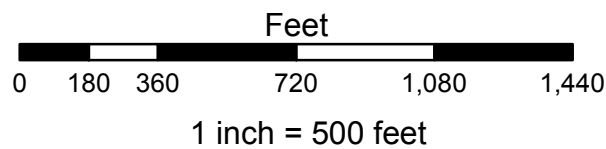


Close Up View



Legend

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



- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

16-5590
EXHIBIT 'B'

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING; thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 acres more or less subject to easements and right of way of record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5590

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

171

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

Application:

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

Applicant (person making request):

Name: Tom Terminella

Address: 24 E. Meadow Street

E-mail: tterminella@aol.com

Phone:

(479) 841-1621

()

Fax:

()

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

Name: Jorgensen & Associates

Address: 124 W. Sunbridge Dr. Ste. 5
Fayetteville, Ar. 72703

E-mail: Justin@jorgensenassoc.com

Phone:

(479) 442-9127

()

Fax:

()

Site Address / Location: East of S. McGuire Street, North of Van Asche Drive
and West of S. Ball Street

Current Zoning District: C-2 : C-3

Requested Zoning District: C-3

Assessor's Parcel Number(s) for subject property: 765-15773-500

53.18

FINANCIAL INTERESTS

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

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

Name (printed): _____ Date: _____

Signature: _____

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

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

Name (printed): W.H. LAND CO. INC.

Address: P.O. Box 8157

Signature: [Signature]

Phone: 474-251-7626

Date: 8/30/16

()

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: October 10, 2016 (Updated with Planning Commissioner results)

SUBJECT: **RZN 16-5590: Rezone (NE OF MCGUIRE ST. & VAN ASCHE DR./WG LAND COMPANY, 171):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at NE OF MCGUIRE ST. & VAN ASCHE DR. The properties are zoned C-2, THOROUGHFARE COMMERCIAL & C-3, CENTRAL COMMERCIAL and contain approximately 23 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

BACKGROUND:

Property Description: This property is a portion of undeveloped parcels totaling 23 acres generally located between McGuire St. and Roosevelt Ave./Ball St. north of Van Asche Dr. along the City of Fayetteville/Johnson boundary near I-49. The property is currently zoned C-2, Commercial Thoroughfare. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped hillside (City of Johnson)	A-1, Agriculture
South	Rural residential; farmland	R-A
East	Concrete plant; undeveloped hillside; farmland	City of Johnson (I, Industrial); R-A
West	Industrial (City of Johnson)	City of Johnson (I, Industrial)

Property Background: These parcels were last rezoned from R-A to C-2 and C-3 in 2015. The application had been denied by Planning Commission on November 9, 2015. The applicant then appealed before City Council, where it was approved on December 15, 2015.

DISCUSSION:

Request: The applicant requests to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The applicant indicated that the rezoning is necessary to support future multi-family development of the site.

Public Comment: No public comment has been received at this time.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to McGuire Street, Jupiter Drive and Roosevelt Avenue. All immediately surrounding streets are unimproved two-lane roads. The site does not have direct access to Van Asche Drive which is off-site to the south. Any street improvements would be determined at time of development.
- Water:** Public water is available to the subject parcel. 8-inch water mains exist in the McGuire Street, Jupiter Drive, and Roosevelt Avenue rights of way.
- Sewer:** Public sewer is not available in the immediate vicinity of this parcel. At time of future development, a professional engineer should be retained to propose offsite improvements to bring sewer service to this area.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No protected streams are present on these parcels. The north central portion of this parcel (north of Jupiter Drive) lies within the HHOD, and slopes greater than 15% exist in a few isolated areas on this parcel. The south-central, and southeastern portions of this parcel are identified as having "hydric" soil types and should be evaluated at the time of development for the existence of any wetlands.
- Fire:** The Fire Department has not expressed any concerns with this request.
- Police:** The Police Department has not expressed any concerns with this request.

PLANNING COMMISSION ACTION: Required

Date: October 10, 2016

☐ Tabled

☐ Forwarded

☒ Denied

Motion: Hoskins

Second: Noble

Vote: 3-5-0 (Commissioners Hoffman, Quinlan, Autry, Brown, Cook voted 'no')

Note: Motion to forward the item to City Council with a recommendation for approval failed by the 3-5-0 vote as listed above.

RECOMMENDATION: Staff recommends forwarding **RZN 16-5590** to City Council with a recommendation for approval.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to

churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **Surrounding Land Use Compatibility:** The proposed zoning is compatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, zoning districts with intense commercial and residential uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland adjacent to the south.

Land Use Plan Analysis: Staff finds that most portions of the rezoning request are consistent with the City's land use planning objectives, policies and future land use plan. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-3 district is intended to serve a regional population and permit the highest levels of commercial intensity with residential uses. Additionally, staff agrees that non-residential and residential zoning are appropriate in this location and for the Future Land Use designation, despite C-3's character of suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form.

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

Finding: The City has somewhat recently completed construction of the Van Asche Drive project adjacent to the south. A rezoning is needed because of the development pressure that will result from this project, in addition to the FLUM designating this land for future development.

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

Finding: This rezoning would not significantly increase traffic over the existing C-2 zoning district. However, as mentioned earlier in this report, the City's Van Asche Drive project has recently been completed facilitating planned growth in the area. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended.

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

Finding: **Rezoning the property will permit a potential increase in population density as the C-3 district allows multi-family residential along with non-residential uses. However, these impacts were evaluated by various City divisions in review of this rezoning and determined that it should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal. Substantial improvements to public services will be required at the time of development.**

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

Finding: **N/A**

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Request letter
- Rezone exhibit
- Current land use map
- Close up map
- Future land use map
- One mile map

PLANNING COMMISSION MEMO

- **161.21 - District C-2, Thoroughfare Commercial**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business

Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

(F) *Building Height Regulations.*

Building Height Maximum	75 feet*
-------------------------	----------

*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of 1 foot for each foot of height in excess of 20 feet.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

• **161.23 - District C-3, Central Commercial**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None

(E) *Setback Regulations.*

	Central Business District	Shopping Center
Front	5 feet	25 feet
Front, if parking is allowed between the right-of-way and the building	50 feet	50 feet
Side	None	None
Side, when contiguous to a residential district	10 feet	25 feet
Rear, without easement or alley	15 feet	25 feet
Rear, from center line of a public alley	10 feet	10 feet

(F) *Building Height Regulations.*

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

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



**JORGENSEN
+ASSOCIATES**

Civil Engineering + Surveying

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

September 1, 2016

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Development Services

Re: McClinton Property Rezoning

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

- A. The current owner of this site is as follows: David Clark McClinton
- B. Currently this property is zoned R-A. The reason for the requested rezoning is to convert the existing agricultural land, to allow for development to occur around the newly constructed Van Asche corridor.
- C. To the west of I-49 is C-2, to the north is a mix of vacant land along with industrial. To the east is a mix of P-1, C-1, and RSF-4. To the south side of Fulbright Expressway is mostly vacant land with R-O and R-A.
- D. Existing water and sewer are already at this site.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and that development in the future in this area will to be consistent with growth patterns in this area.
- F. This rezoning is needed at this time to allow this property to develop and coincides with the construction of Van Asche.
- G. This development will not adversely affect the existing or proposed streets in the area (it will support it).
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase the load on public services.
- I. The current agricultural zoning does not allow development along the newly constructed Van Asche.

Public Hearings: Planning Commission; 5:30 PM; October 26th; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

Review Location: The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

If you have any questions, please don't hesitate to contact us.

Sincerely;



**JORGENSEN
+ASSOCIATES**

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Jorgensen + Associates

LINE TABLE		
LINE	LENGTH	BEARING
L1	47.32'	N02°29'17"E
L2	21.51'	S88°20'38"E
L3	71.11'	N00°25'06"E
L4	18.94'	N87°39'29"W
L5	228.70'	N02°29'17"E

LEGAL DESCRIPTION: (PARCEL #765-15773-500 C-2 TO C-3)

A part of the SE1/4 of the NW1/4 and a part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said SE1/4, NW1/4, thence N02°35'23"E 323.24 feet to the POINT OF BEGINNING, thence N88°17'40"W 858.73 feet, thence N85°36'23"W 1,116.19 feet, thence N02°24'36"E 876.29 feet, thence S87°39'07"E 1,186.72 feet, thence S59°03'54"W 44.00 feet, thence S03°11'44"E 116.81 feet, thence N88°08'05"E 131.25 feet, thence N85°29'05"E 116.82 feet, thence N03°11'44"W 117.36 feet, thence S87°39'07"E 580.27 feet, thence S02°35'23"W 906.51 feet to the POINT OF BEGINNING: Containing 40.21 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL #765-15773-800 C-2 TO C-3)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 228.70 feet to the POINT OF BEGINNING, thence N02°29'17"E 878.14 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 870.16 feet, thence N88°20'38"W 660.48 feet to the POINT OF BEGINNING: Containing 13.24 acres more or less subject to easements and right of way of record.

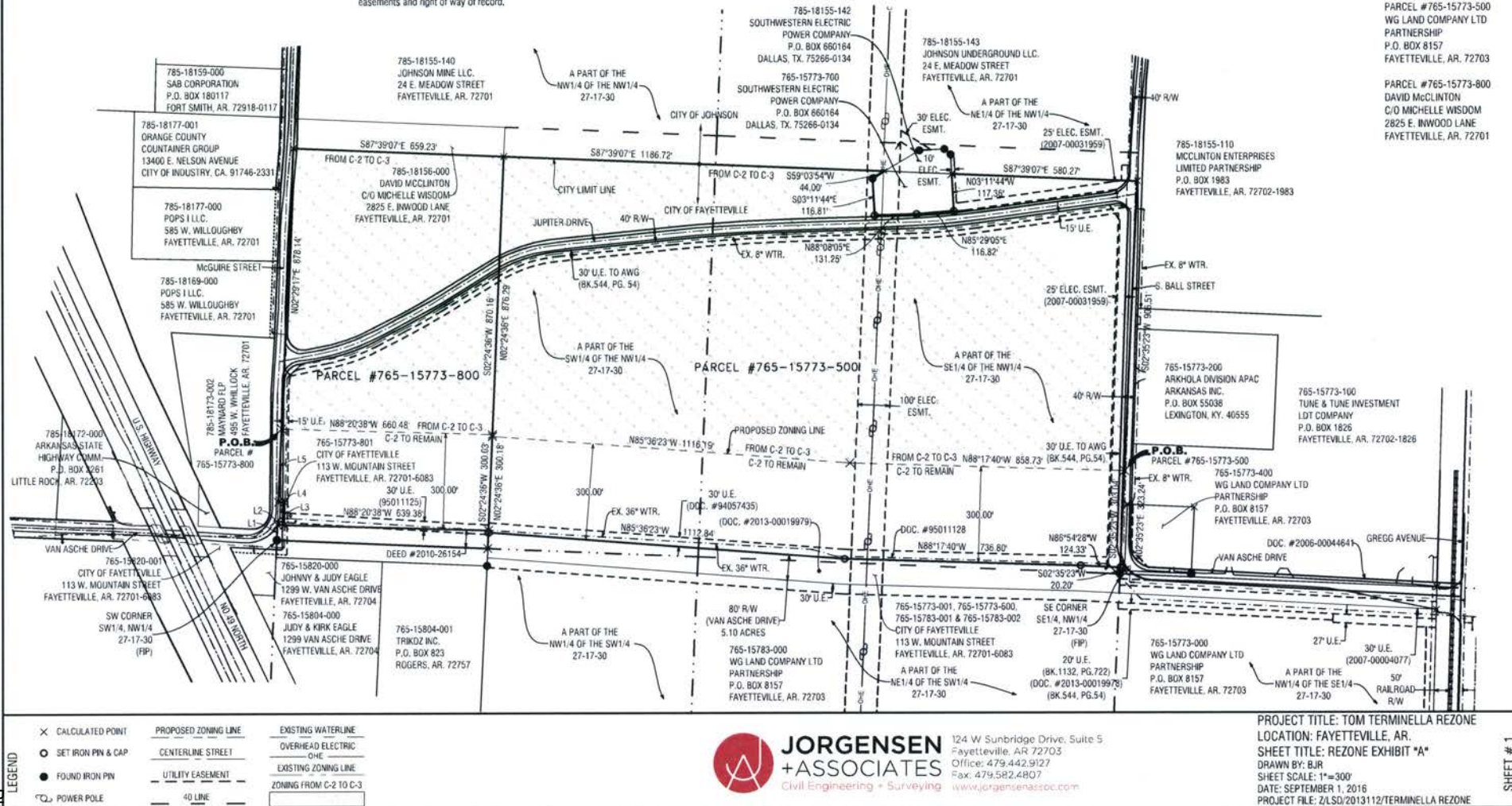
NOTES:

1. PARCEL #765-15773-500 & 765-15773-800.
2. CURRENT ZONING = C-2
3. PROPOSED ZONING = C-3

OWNERS:

PARCEL #765-15773-500
WG LAND COMPANY LTD
PARTNERSHIP
P.O. BOX 8157
FAYETTEVILLE, AR, 72703

PARCEL #765-15773-800
DAVID MCCLINTON
C/O MICHELLE WISDOM
2825 E. INWOOD LANE
FAYETTEVILLE, AR, 72701



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Fayetteville, AR 72703
Office: 479.442.9123
Fax: 479.582.4807
www.jorgensenassoc.com

PROJECT TITLE: TOM TERMINELLA REZONE
LOCATION: FAYETTEVILLE, AR.
SHEET TITLE: REZONE EXHIBIT "A"
DRAWN BY: BUR
SHEET SCALE: 1"=300'
DATE: SEPTEMBER 1, 2016
PROJECT FILE: ZLS/D/2013112/TERMINELLA REZONE

SHEET # 1

RZN 16-5590

WG Land Co.

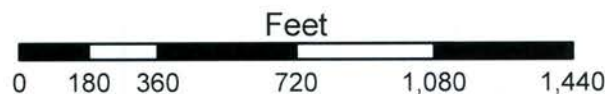


Current Land Use



Legend

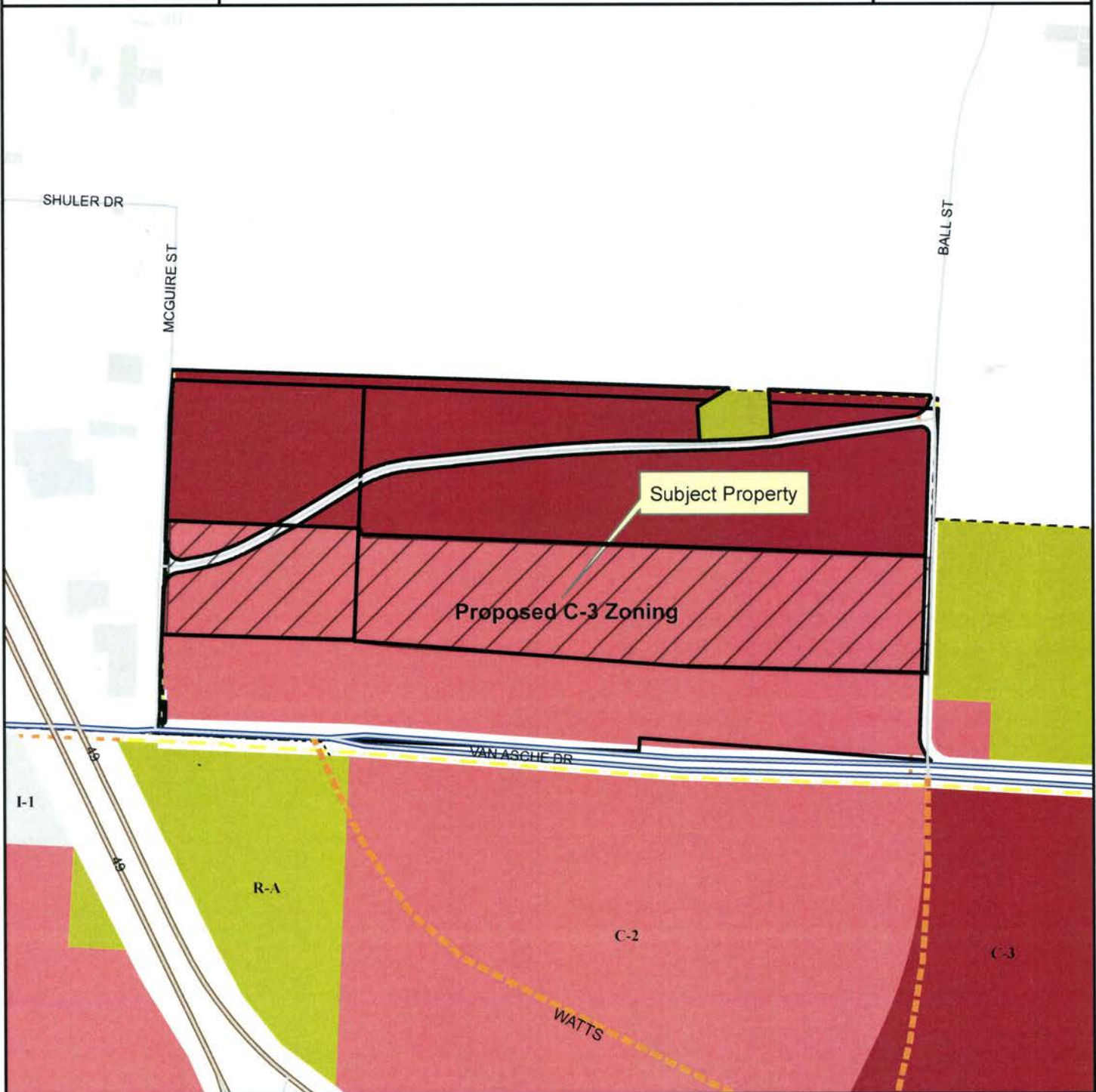
- Street
- Streets Planned
- MSP Class
- COLLECTOR
- Streets Existing
- MSP Class
- FREEWAY/EXPRESSWAY
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- RZN16-5590
- Planning Area



RZN 16-5590

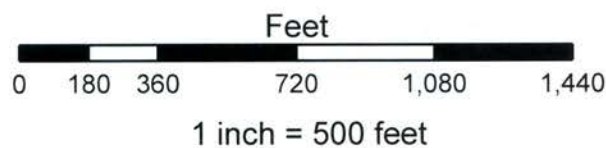
Close Up View

WG Land Co.



Legend

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

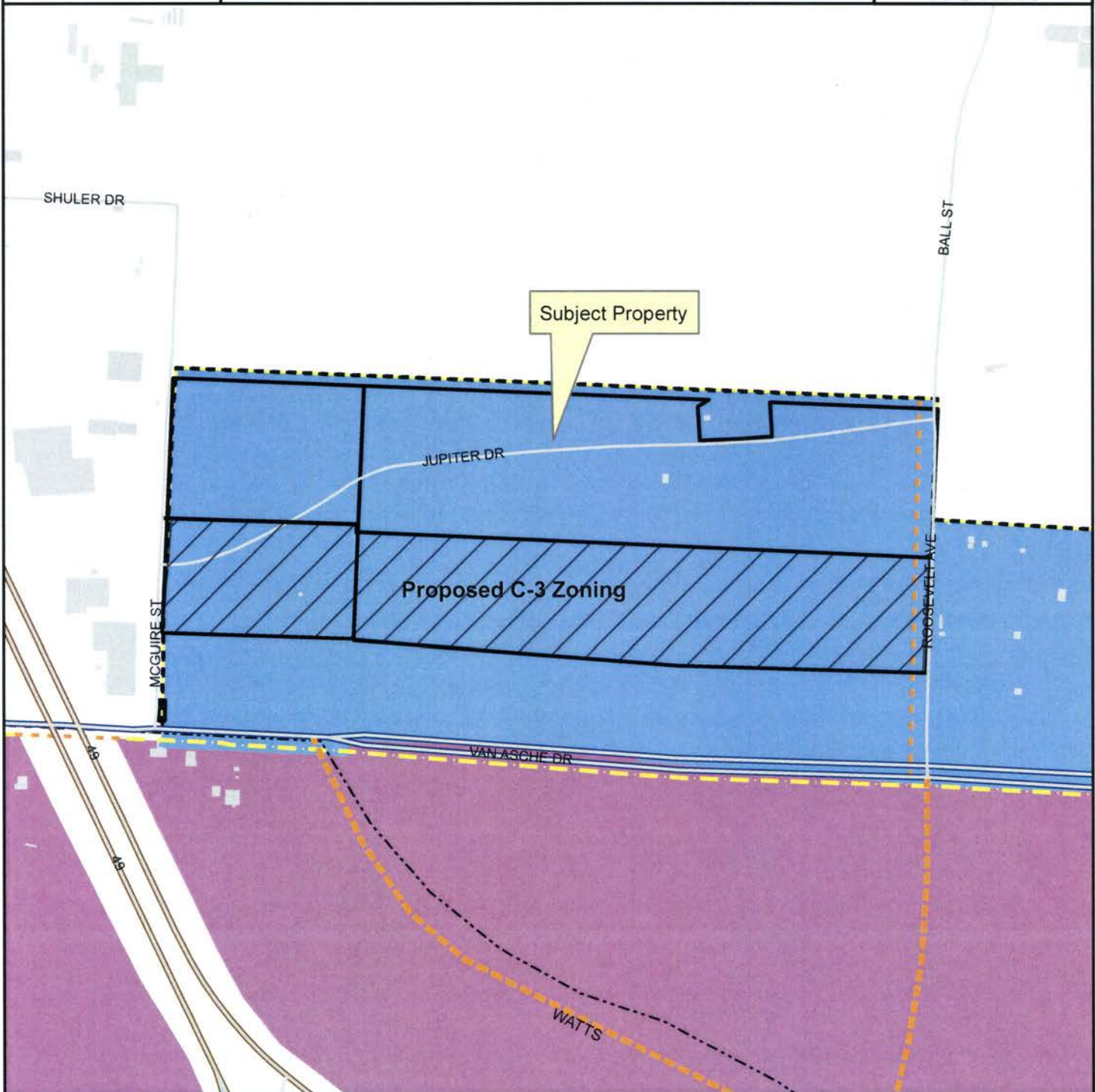


- Residential-Agricultural
- I-1 Heavy Commercial and Light Industrial
- C-2
- C-3

RZN 16-5590

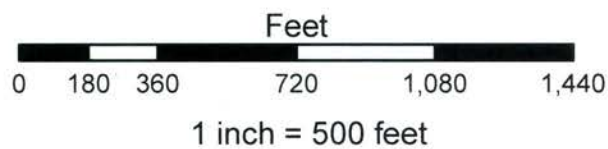
Future Land Use

WG Land Co.



Legend

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



FUTURE LAND USE 2030

- City Neighborhood Area
- Urban Center Area

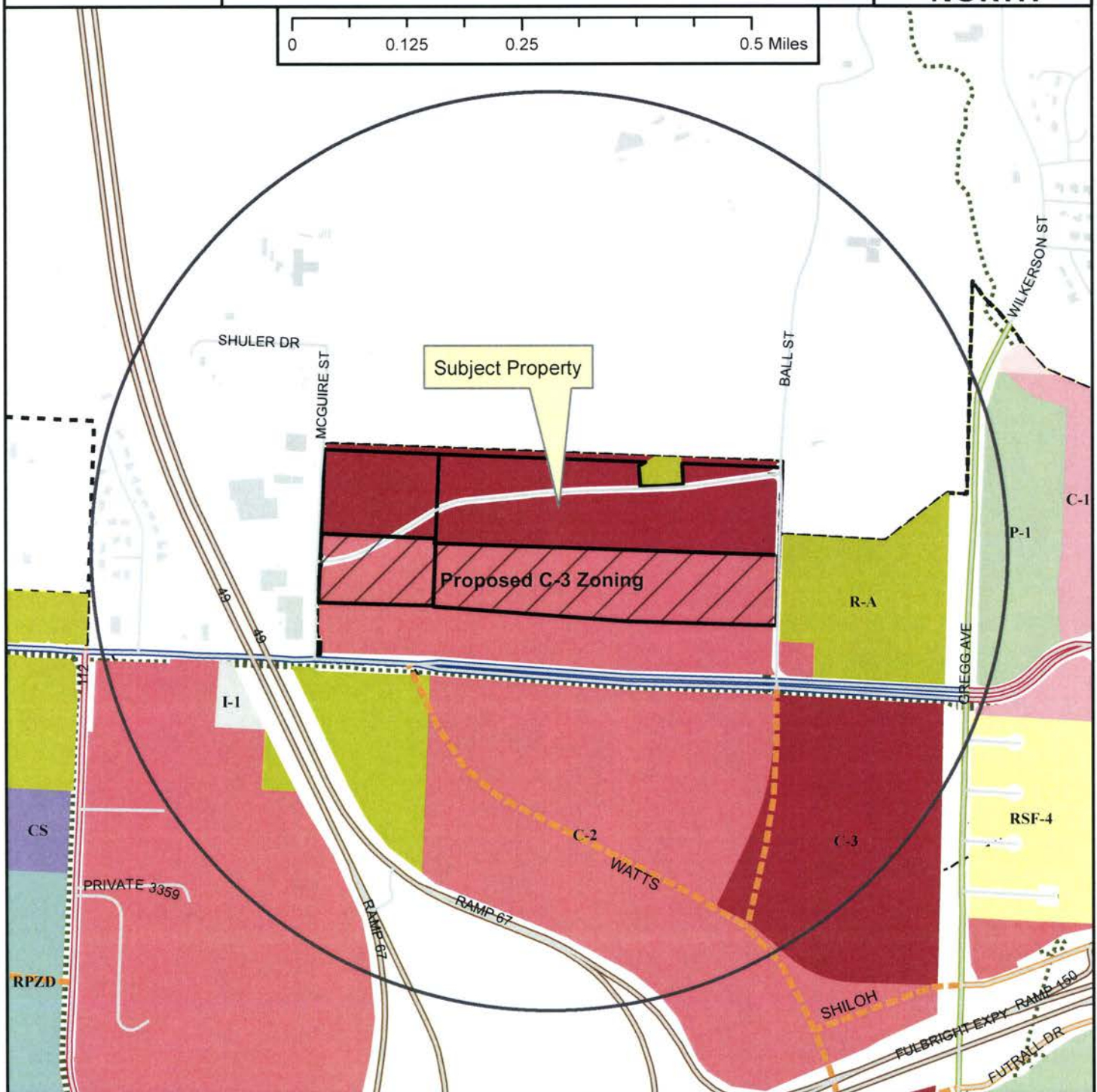
RZN 16-5590

One Mile View

WG Land Co.



0 0.125 0.25 0.5 Miles



Legend

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



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



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0521

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

RZN 16-5609 (1764 N. STARR RD./HAYS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5609 FOR APPROXIMATELY 26.83 ACRES LOCATED AT 1764 NORTH STARR ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE

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

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

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

City of Fayetteville Staff Review Form

2016-0521

Legistar File ID

11/15/2016

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

Jeremy Pate

10/28/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5609: Rezone (1764 N. STARR RD./HAYS, 373): Submitted by BATES & ASSOCIATES, INC. for property at 1764 N. STARR RD. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE and contains approximately 26.83 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 15, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: October 28, 2016

SUBJECT: **RZN 16-5609: Rezone (1764 N. STARR RD./HAYS, 373):** Submitted by BATES & ASSOCIATES, INC. for property at 1764 N. STARR RD. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE and contains approximately 26.83 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to RSF-4, Residential Single-Family, 4 Units per Acre, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject properties constitute approximately 20.68 acres located on the east side of Starr Road, approximately 1/8th of a mile south of Mission Boulevard/Highway 45. These properties were annexed in to the City of Fayetteville in mid-2004. The subject properties are largely undeveloped but generally maintained, with numerous mature trees and a large pond that constitutes about 3 acres. Multiple structures exist on the properties, including at least two single-family dwellings and two accessory structures of 2,000 to 4,000 square feet. Although not in a floodplain, the pond on the subject property empties northward, eventually feeding in to Mud Creek.

In June of 2004, the City Council approved resolutions to annex several parcels of land that were completely surrounded by the City of Fayetteville. Among these unincorporated areas were the subject properties. At that time, and as part of the same ordinance that annexed the property, the current RSF-1, Residential Single-family, One Unit per Acre zoning designation was applied.

Request: The request is to rezone the subject properties from RSF-1, Residential Single-family, One Unit per Acre to RSF-4, Residential Single-family, 4 Units per Acre.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties, which includes large areas of single-family housing developed under the requirements of the RSF-4 zoning district. Other adjacent land uses include a residential development of varying density to the west and the Saint Joseph school and church. Additionally, the Madison Natural Area to the

northeast can potentially create a natural progression of green space from the large pond on the subject property northwards.

Land Use Plan Analysis: City Plan 2030 designates the subject property as Residential Neighborhood Area, which supports a wide spectrum of residential uses along with complimentary low-intensity retail and commercial services. While it does not permit the full range of residential housing types and appropriate commercial uses, the proposed RSF-4 zoning district somewhat accommodates the Residential Neighborhood Area form of development, allowing single-family homes by right and two-family homes by conditional use permit.

The Residential Neighborhood Area designation also promotes traditional residential urban design. Although the RSF-4 zoning does not eliminate the possibility of developing in a traditional town form, a minimum lot size of 8,000 square feet and setbacks in place of build-to-zones limit the possibility of developing these properties into a compact neighborhood. Despite this, the RSF-4 zoning district does allow for lot widths and lot sizes that are considerably greater density than the current RSF-1 zoning, and approval of the proposed rezoning will allow for density of approximately four times greater than currently permitted.

DISCUSSION:

On October 24, 2016 the Planning Commission forwarded the applicant's request with a recommendation for approval by a vote of 5-1-0, with Commissioner Quinlan dissenting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

16-5609
EXHIBIT 'A'

RZN 16-5609

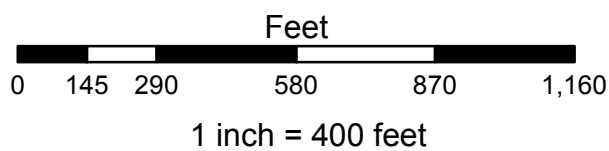
Close Up View

HAYS



Legend

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



- Residential-Agricultural
- RSF-1
- RSF-4
- Residential-Office
- P-1

16-5609
EXHIBIT 'B'

HAYS LEGAL DESCRIPTION

A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF NORTH STARR DRIVE WHICH IS N03°07'25"E 613.54' AND S87°20'07"E 58.32' FROM THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°34'05"E 883.12', THENCE LEAVING SAID RIGHT-OF-WAY S87°11'01"E 1025.61', THENCE S07°04'19"W 335.74', THENCE S04°53'41"W 546.07', THENCE N87°20'07"W 977.07', TO THE POINT OF BEGINNING, CONTAINING 20.19 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5609

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

373

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

Application:

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

Applicant (person making request):

Name: J.B. Hays

Starr Road Development / Investment LLC

Address: 2025 Green Acres Road

Fayetteville, AR 72703

E-mail:

Phone:

()

()

Fax:

()

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

Name: Geoffrey Bates

Bates & Associates, Inc.

Address: 7230 S. Pleasant Ridge DR

Fayetteville, AR 72704

E-mail: geoff@batesnwa.com

Phone:

(479) 442-9350

()

Fax:

()

Site Address / Location: East of Starr Road and west of N Candleshoe drive

Current Zoning District: RSF-~~1~~

Requested Zoning District: RSF-4

Assessor's Parcel Number(s) for subject property: 765-24047-000, 765-24048-000, 765-24049-000

FINANCIAL INTERESTS

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

J B Hays

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

Name (printed): Geoffrey Bates

Date: 9-14-16

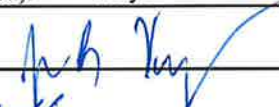
Signature: 

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

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

Name (printed): JB Hays

Address: same as applicant

Signature: 

Phone:

Date: 9-14-16

()

Name (printed):

Address:

Signature:

Phone:

Date:

()

Rezoning Checklist:

Attach the following items to this application:

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

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 24, 2016 (**Updated with Planning Commission Results**)

SUBJECT: **RZN 16-5609: Rezone (1764 N. STARR RD./HAYS, 373):** Submitted by BATES & ASSOCIATES, INC. for property at 1764 N. STARR RD. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE and contains approximately 26.83 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5609** to the City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject properties constitute approximately 20.68 acres located on the east side of Starr Road, approximately 1/8th of a mile south of Mission Boulevard/Highway 45. These properties were annexed in to the City of Fayetteville in mid-2004. The subject properties are largely undeveloped but generally maintained, with numerous mature trees and a large pond that constitutes about 3 acres. Multiple structures exist on the properties, including at least two single-family dwellings and two accessory structures of 2,000 to 4,000 square feet. Although not in a floodplain, the pond on the subject property empties northward, eventually feeding in to Mud Creek.

In June of 2004, the City Council approved resolutions to annex several parcels of land that were completely surrounded by the City of Fayetteville. Among these unincorporated areas were the subject properties. At that time, and as part of the same ordinance that annexed the property, the current RSF-1, Residential Single-family, One Unit per Acre zoning designation was applied. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family residential & Madison Natural Area	RSF-4, Residential Single-family, 4 Units per Acre
South	St. Joseph Catholic Church & School	R-A, Residential-Agricultural
East	Single-family residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Multi-family residential & Single-family residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the subject properties from RSF-1, Residential Single-family, One Unit per Acre to RSF-4, Residential Single-family, 4 Units per Acre.

Public Comment: Staff has received a significant amount of public queries but no statements of support or opposition.

INFRASTRUCTURE:

Streets: The subject properties have access to Starr Drive to the west and the stub-out of East Arapaho Drive to the east. No curb/gutter, storm drainage, or sidewalks have been constructed, East Arapaho Drive is fully improved. Any further street improvements would be determined at the time of development.

Water: Public water is available to the site. An 8-inch water main exists in the Starr Drive right-of-way as well as in an easement along the southwest property line.

Sewer: Public sanitary sewer is available along the southern edge of the properties. An 8-inch sewer main exists in the Starr Drive right-of-way. Additionally, a 24-inch public sewer main exists in an easement along the northern length of the properties. However, due to the size of this line additional main extension will be necessary prior to any individual building service connections

Drainage: Any additional improvements or requirements for drainage would be determined at the time of development. No portion of these properties lie within the FEMA designated 100-yr floodplain, but a protected stream does run north-south through the subject area. Hydric Soils have been identified on these properties and would require a wetlands determination to be provided at the time of development proposal. No part of the properties lie within the HHOD.

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

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map* designates the properties as **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. The designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF:

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: In staff's opinion, a rezoning of the subject property from the current RSF-1, Residential Single-family, One Unit per Acre, zoning district to the proposed Residential Single-family, Four Units per Acre, is compatible with surrounding uses and generally consistent with City Plan 2030.

Land Use Compatibility: While not surrounded on all sides by single-family neighborhoods, the development pattern in the area of the subject property is either single-family residential in use and zoning, or complimentary to the development of single-family housing. With the exception of church land to the south that is zoned Residential-Agricultural, all the adjacent land north, west, and east of the subject property is zoned RSF-4. Single-family subdivisions abut the subject property to the north, east, and southwest, while a residential development of mixed densities lies across Starr Drive to the west. To the south is Saint Joseph church and school and to the northeast is the Madison Natural Area. These uses, although not uniform, are fully compatible with the proposed RSF-4 zoning, and development that is compliant with the requirements of that zoning district will be well-matched for the area.

Land Use Plan Analysis: City Plan 2030 designates the subject property as Residential Neighborhood Area, which supports a wide spectrum of residential uses along with complimentary low-intensity retail and commercial services that are primarily located in corner locations. While it does not permit the full range of residential housing types and appropriate commercial uses, the proposed RSF-4 zoning district somewhat accommodates the Residential Neighborhood Area form of development, allowing single-family homes by right and two-family homes by conditional use permit.

The Residential Neighborhood Area designation also promotes traditional residential urban design. Although the RSF-4 zoning does not eliminate the possibility of developing in a traditional town form, a minimum lot size of 8,000 square feet and setbacks in place of build-to-zones limit the possibility of developing these properties into a compact neighborhood. Despite this, the RSF-4 zoning district does allow for lot widths and lot sizes that are considerably greater density than the current RSF-1 zoning. Development of this site will allow density of approximately four times greater than currently permitted, thereby constituting infill development, which is a clear goal of City Plan 2030.

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

Finding: The applicant has requested the zoning change in order make prospective development consistent with the existing zoning to the north, west, and east. The proposed zoning district and its permitted uses would allow development that is largely compatible with those of the surrounding area. Additionally, development on the subject property can take advantage of adjacent existing City infrastructure.

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

Finding: Given the size of the property, a rezoning to RSF-4 will almost certainly result in an increase of traffic in this area as the site develops. That said, the character of development will be single-family residential in nature, or two-family by conditional use, and any growth in traffic will likely not be appreciable, with no significant negative impacts on safety and congestion. Off-site improvements to public infrastructure, if any, will be determined at the time of development.

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

Finding: Given the subject property's undeveloped nature, an approved rezoning and subsequent development will undoubtedly increase the population density. It is unlikely however, to undesirably increase the load on public sewer and water. As mentioned, the site will increase the amount of traffic to the area, and any necessary street improvements will be evaluated at the time of development. The Police and Fire Departments have not expressed objections to the proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION:

While there are some mixed findings on this request, staff feels that it is undeniably compatible with existing land uses and zoning, and therefore recommends forwarding **RZN 16-5609** to City Council with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 24, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Brown	Second: Autry	Vote: 5-1-0 (Quinlan Dissented)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved	☐ Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.05, RSF-1, Residential Single-family, 1 Units per Acre
 - o §161.07, RSF-4, Residential Single-family, 4 Units per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses.*

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

(D) *Conditional Uses.*

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

(E) *Density.*

Units per acre	1
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(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

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

(I) *Building Area.* None.

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

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



Bates & Associates, Inc.

Civil Engineering - Land Surveying - Landscape Architecture

RZN 16-5609

Request Letter

7230 S. Pleasant Ridge Dr. / Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.batesnwa.com

REZONING REQUEST

Starr Road Development & Investment, LLC:

This rezoning request is being made by the owner of the following property located in Fayetteville, Arkansas:

A part of the West half (W ½) of the Southeast Quarter (SE ¼) of Section One (1), Township Sixteen (16) North, Range Thirty (30) West, and being more particularly described as follows, to-wit: Beginning at a point which is 610.64 feet North of the Southwest corner of said 80 acre tract, and running thence North 886.24 feet, thence N89°40'42"E along the South line of Madison Avenue Subdivision Phase One 1320.56 feet to an existing concrete monument, thence S00°10'40"E along the West line of Barrington Parke Subdivision Phase Two 884.25 feet thence S89°35'33"W 1321.72 feet to the point of beginning, containing 26.83 acres, more or less. Subject to that portion in street right-of-way on the West side of herein described tract, and utility easements of record.

LESS AND EXCEPT:

A part of the W ½ of the SE ¼ of Section 1, Township 16 North, Range 30 West, being more particularly described as follows: Beginning at an iron pin located at a point that is N00°05'54"E 610.64 feet and N89°41'26"E 1036.91 feet from the Southwest corner of said 80 acre tract and running thence N01°55'14"E 546.07 feet to an iron pin; thence N04°02'23"E 339.95 feet to an iron pin located on the South line of the City of Fayetteville Parks Division Property; thence N89°46'36"E 242.94 feet along said South line to a concrete monument; thence S00°04'46"E 884.25 feet along the West line of the Barrington Parke Subdivision, Phase II, to an iron pin; thence leaving said West line and running S89°41'26"W 286.4 feet to the point of beginning, containing 5.45 acres, more or less, Washington County, Arkansas.

Subject to a 40 foot wide City of Fayetteville Utility Easement along the North line, a 50 foot wide Arapho Drive right-of-way along the South line, and any other easements and/or right-of-ways of record.

and

Lot Numbered One (1), in Sunset Woods, a Planned Unit Development to the City of Fayetteville, Arkansas, as shown upon the recorded plat thereof, on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

The request is to rezone the above lots from RSF-1 to RSF-4 to be consistent with the property to the west, north, and east.

Rezoning these parcels will not have an adverse effect on the surrounding uses.

Water is available on the west and south of these tracts. An 8" CIP water main is located adjacent to the property on the west and an 8" PVC water main is located on the south side. A 24" sewer main is located along the north side of the property.

The zoning change is consistent with the surrounding zoning and uses. All of the area is residential in use.

This request in change will not have an effect on density in terms of the schools, water or sewer systems.

Respectfully,

Geoffrey H. Bates, PE

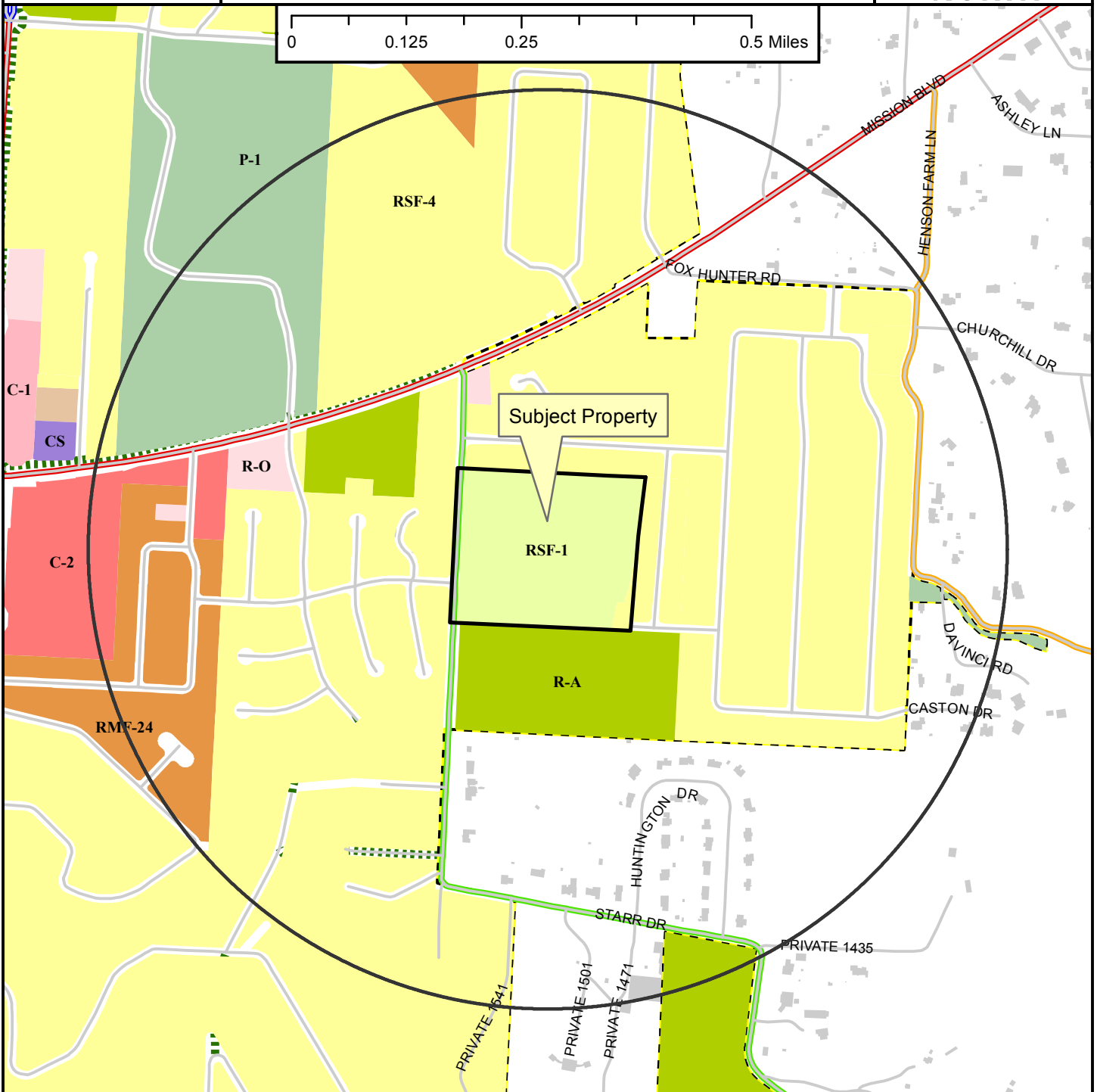
RZN 16-5609

One Mile View

HAYS

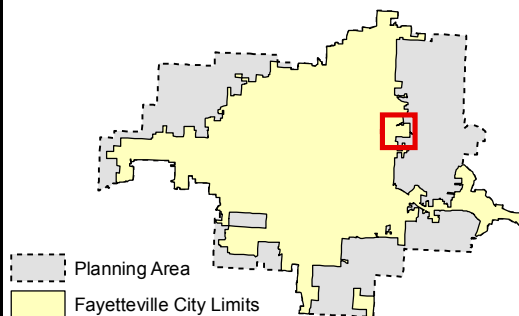


0 0.125 0.25 0.5 Miles



Legend

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



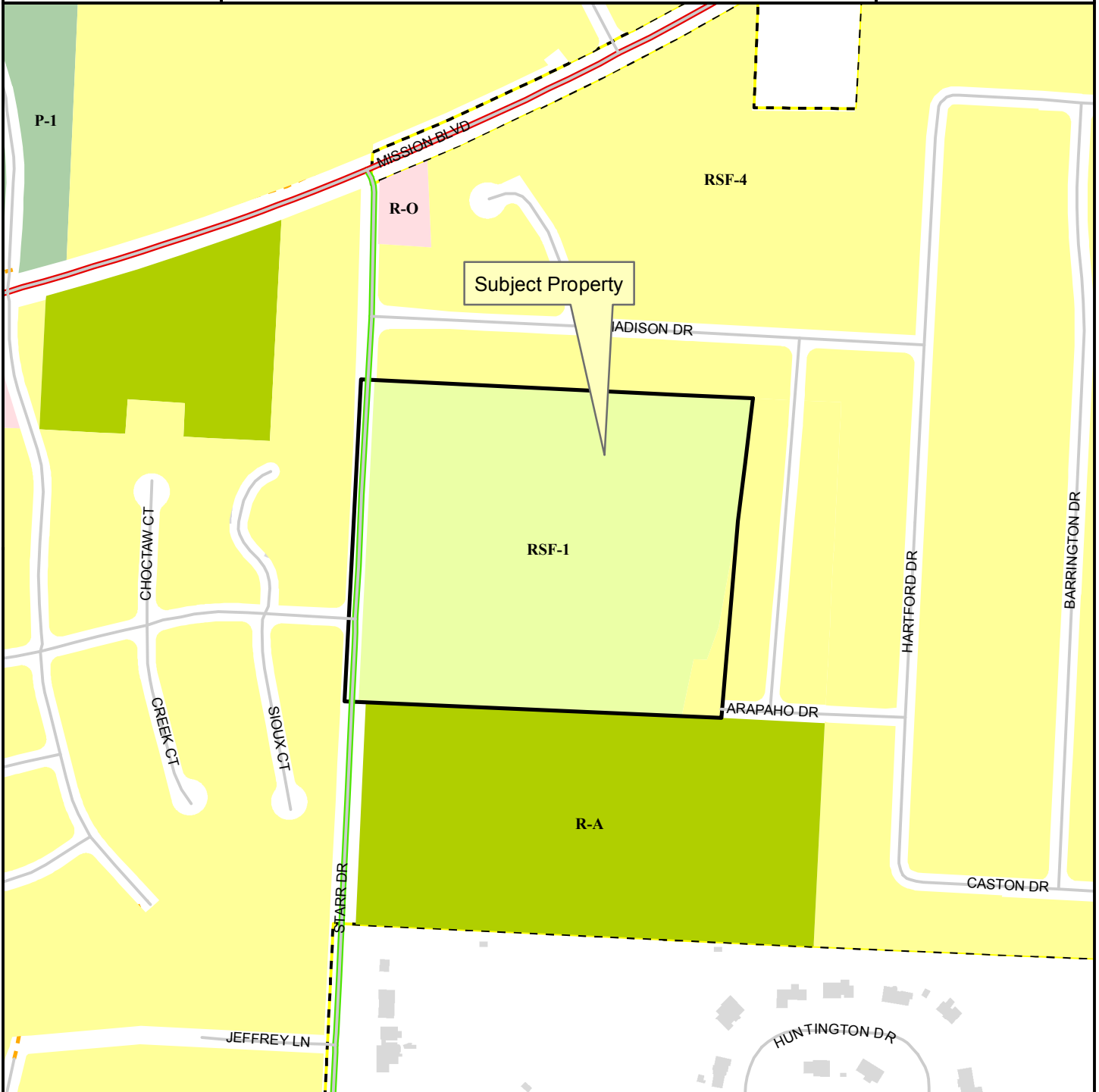
- Planning Area
- Fayetteville City Limits

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

RZN 16-5609

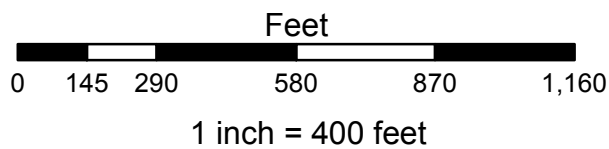
Close Up View

HAYS



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-1
- RSF-4
- Residential-Office
- P-1

RZN 16-5609

Current Land Use

HAYS



Legend

- Streams
- Street

Streets Existing

MSP Class

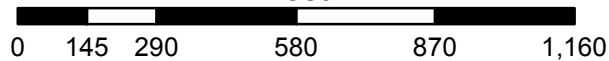
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Trail (Proposed)

RZN16-5609

Planning Area

Fayetteville City Limits

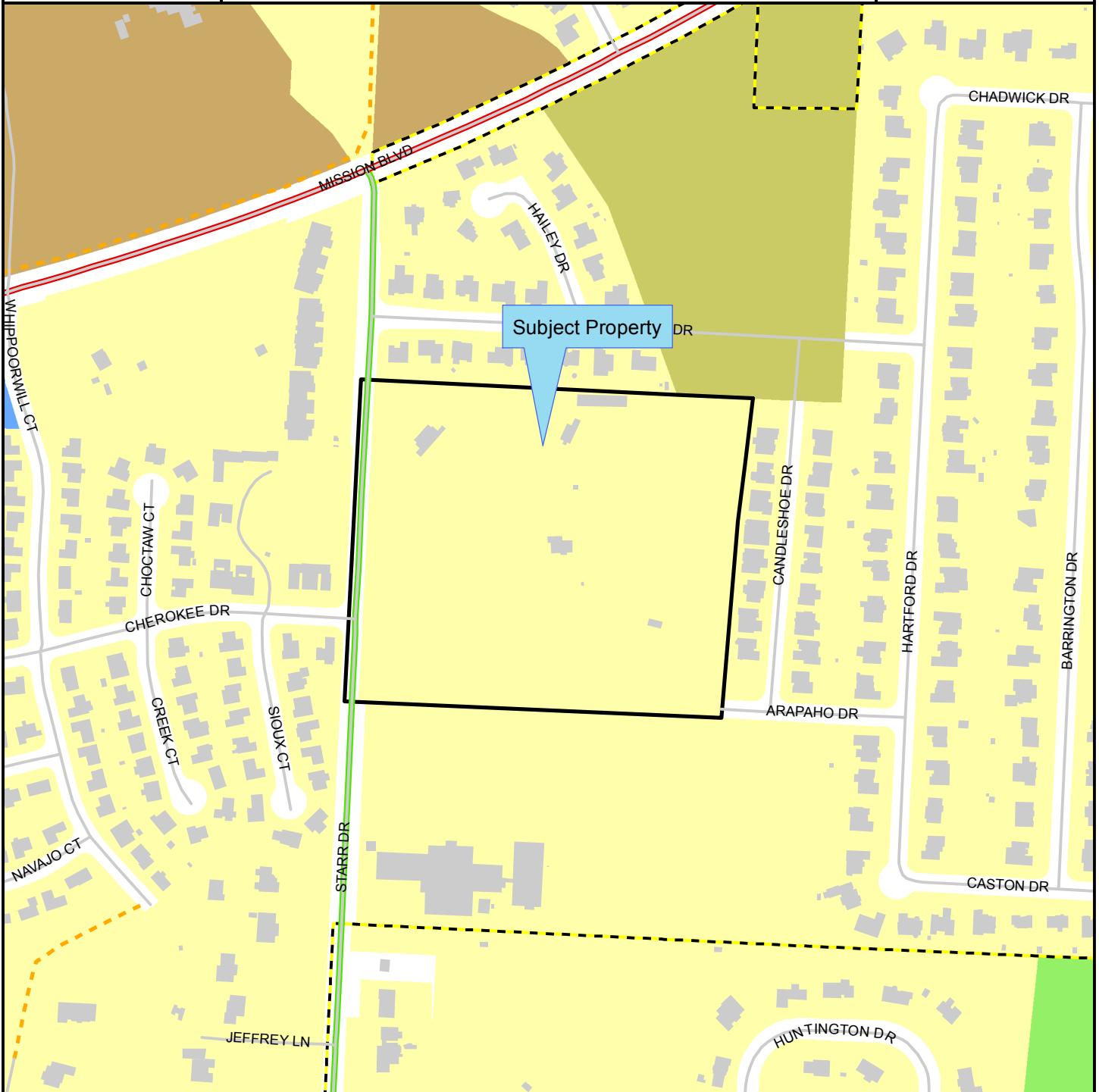
Feet



RZN 16-5609

Future Land Use

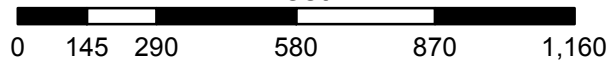
HAYS



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint

Feet



1 inch = 400 feet

FUTURE LAND USE 2030

- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0517

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 16-5633 (2350 W. WEDINGTON DR./UPTON):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5633 FOR APPROXIMATELY 0.80 ACRES LOCATED AT 2350 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS, NEIGHBORHOOD SERVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single Family, 4 Units Per Acre to NS, Neighborhood Services.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2016-0517

Legistar File ID

11/15/2016

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

10/28/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5633: Rezone (2350 W. WEDINGTON DR./UPTON, 403): Submitted by JEFF UPTON for property at 2350 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

DATE: October 28, 2016

SUBJECT: **RZN 16-5633: Rezone (2350 W. WEDINGTON DR./UPTON, 403):**
Submitted by JEFF UPTON for property at 2350 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NS, Neighborhood Services, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located one lot east of the northeast corner of Wedington Drive and Porter Road. The property is developed with an approximately 2,800 square foot, 2-story building that was constructed in 1955 according to County records. This was roughly one year before the property's annexation in to the City of Fayetteville in December of 1956. Of the structure's square footage, about 1,800 is on the first floor and classified as retail by Washington County records, while the remainder is upstairs and has been used as an apartment.

The property is currently zoned RSF-4, Residential Single-family, 4 Units per Acre. However, according to the current property owner and county records the building has consistently been used for commercial purposes other than its recent period of vacancy, and the Washington County Assessor lists the property type as "commercial improved." In researching City records, there is evidence that this property was previously zoned R-1, Low-density Residential prior to the 2003 citywide adoption of a digital zoning map to replace the hand-drawn paper maps utilized since the 1970's.

Request: The request is to rezone the subject property from RSF-4, Single-family Residential, 4 Units per Acre to NS, Neighborhood Services. The property has long been used for nonresidential purposes, but the abandonment of use and the current zoning of RSF-4 make commercial use of the building not possible unless the property is rezoned or a conditional use permit is granted. City Code considers a nonconforming use abandoned if it does not occur for a period of six months, and given the building's recent, multi-year vacancy, the only allowable uses are those permitted by right in the RSF-4 zoning district.

Land Use Compatibility: The subject property is surrounded by single-family structures on both sides of Wedington Drive. These homes range in construction date from 1946 to 1968. That said, the subject property's structure, having been built in 1955 and developed alongside the existing neighborhood, is an established part of the character of the neighborhood as a commercial use. It is scaled appropriately with the approximately 2,800 square foot building size acting as a limitation in and of itself on the potential impacts to adjacent homes. Furthermore, the NS, Neighborhood Services zoning district would not offer the opportunity to develop significantly more on the existing lot. With floor area maximums varying between 1,500 and 3,000 depending on the use, any business will be inherently restricted in scale and intensity.

Land Use Plan Analysis: The Future Land Use Map designates the property as a Residential Neighborhood Area. These areas are primarily residential, but low-intensity, non-residential uses can be appropriate. The subject property is adjacent to Wedington Drive, a 4-lane state highway, classified by the City of Fayetteville's Master Street Plan as a Principal Arterial. Rezoning the property to NS, Neighborhood Services, is consistent with land use planning objective and zoning plans as it limits non-residential uses to a maximum size of 3,000 square feet, thereby providing an appropriate scale and location to offer goods and services to the adjacent community and wider area.

DISCUSSION:

On October 24, 2016 the Planning Commission forwarded the applicant's request with a recommendation for approval by a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

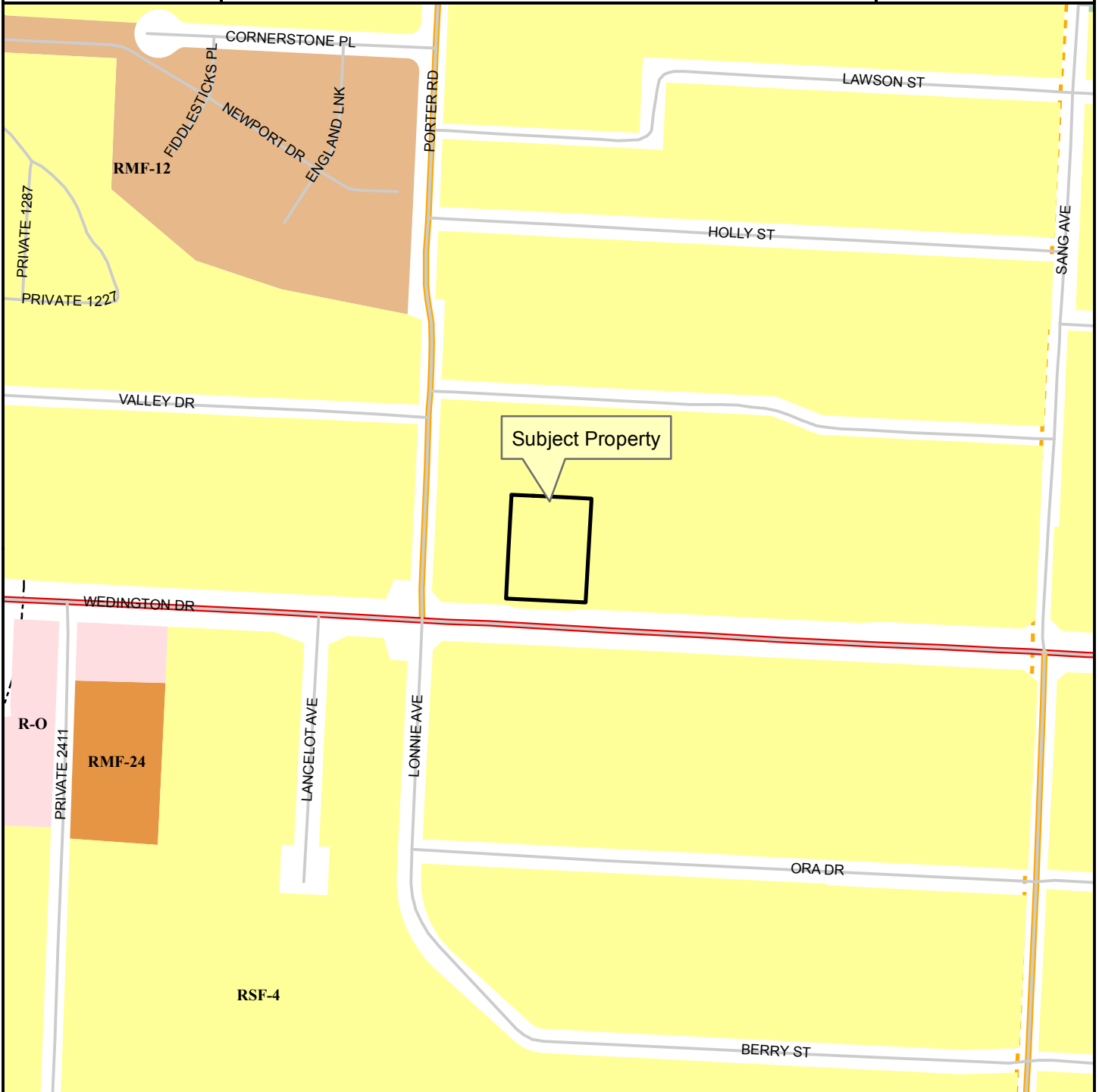
16-5633
EXHIBIT 'A'

RZN 16-5633

UPTON

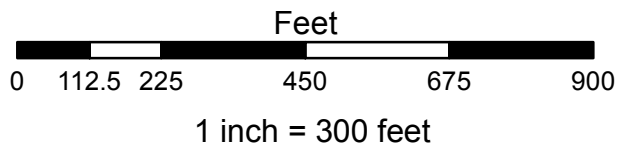


Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- RSF-4
- RMF-12
- RMF-24
- Residential-Office
- P-1

16-5633
EXHIBIT 'B'

A Part of the Southwest Quarter of the Northwest Quarter of Section Eight (8), Township Sixteen (16) North, Range Thirty (30) West, more particularly described as follows: begiiniing at a point which is 12 rods East of the Southwest corner of said SW 1/4 of the NW 1/4 and running.thence East 10 rods, thence North 16 rods, thence West 10 rods, thence South 16 rods to the point of beginning, containing one (1) acre. LESS AND EXCEPT That portion previously conveyed to the Arkansas State Highway Commission in warranty deed filed for record October 18, 1995 as land document No. 95-55589 of the records of Washington County, Arkansas, containing in said exception 0.03 acres, more or less.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5633

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

403

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: ☒ Applicant ☐ Representative

Applicant (person making request):

Name: Jeff & Ann Upton

Address: 97 DYE Creek Rd.
West Fork AR 72724

E-mail: jupton@cox.net

Phone: (479) 684-9689

(479) 571-0190

Fax: ()

Representative (engineer, surveyor, realtor, etc.):

Name:

Address:

E-mail:

Phone:

()

()

Fax:

()

Site Address / Location: 2350 W. Wedington Drive
Fayetteville AR 72701

Current Zoning District: RSF-4

Requested Zoning District: NS

Assessor's Parcel Number(s) for subject property: 765-13824-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

Jeff & Ann Upton

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Ann Upton Date: 10-6-16

Signature: [Signature]

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Property Owners of Record (attach additional info if necessary):

Name (printed): Jeff Upton

Signature: [Signature]

Date: 10-6-16

Address: 97 Dye Creek Rd
West Fork Ar. 72774

Phone: (479) 684-8689

Name (printed): Ann Upton

Signature: [Signature]

Date: 10-6-16

Address: 97 Dye Creek Rd
West Fork Ar. 72774

Phone: (479) 591-0190

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: October 24, 2016 (**Updated with Planning Commission Results**)

SUBJECT: **RZN 16-5633: Rezone (2350 W. WEDINGTON DR./UPTON, 403):**
 Submitted by JEFF UPTON for property at 2350 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5633** with a recommendation for approval.

BACKGROUND:

The subject property is located one lot east of the northeast corner of Wedington Drive and Porter Road. The property is developed with an approximately 2,800 square foot, 2-story building that was constructed in 1955 according to County records. This was roughly one year before the property's annexation in to the City of Fayetteville in December of 1956. Of the structure's square footage, about 1,800 is on the first floor and classified as retail by Washington County records, while the remainder is upstairs and has been used as an apartment.

The property is currently zoned RSF-4, Residential Single-family, 4 Units per Acre. However, according to the current property owner and county records the building has consistently been used for commercial purposes other than its recent period of vacancy, and the Washington County Assessor lists the property type as "commercial improved." In researching City records, there is evidence that this property was previously zoned R-1, Low-density Residential prior to the 2003 citywide adoption of a digital zoning map to replace the hand-drawn paper maps utilized since the 1970's. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family
South	Single-family Residential	RSF-4, Residential Single-family
East	Single-family Residential	RSF-4, Residential Single-family
West	Single-family Residential	RSF-4, Residential Single-family

Request: The request is to rezone the subject property from RSF-4, Single-family Residential, 4 Units per Acre to NS, Neighborhood Services. The property has long been used for nonresidential purposes, but the abandonment of use and the current zoning of RSF-4 makes the use of the building an existing non-conforming use. City Code considers a nonconforming use abandoned if it does not occur for a period of six months, and given the building's recent, multi-year vacancy, the only allowable uses are those permitted by right in the RSF-4 zoning district.

Public Comment: Minimal public comment has been received, but what staff has heard is supportive of this rezoning, citing the need for the building and property to be maintained and that the proposed tenant is an ideal fit for the area.

INFRASTRUCTURE:

Streets: The subject parcel has access to Wedington Drive, a fully improved Principal Arterial-classified street and state highway. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the site. There is an existing 8-inch water main in the Wedington Drive right-of-way available for service.

Sewer: Sanitary sewer is available to the site. There is an existing 6-inch located along the northern edge of this parcel available for service.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. Much of this property is identified as FEMA-regulated floodplains. No portions of this parcel lies within the Hilltop-Hillside Overlay District or has slopes in excess of 15%. Hydric soils are present on the site and any proposed development may be required to provide a preliminary wetlands statement.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map* designates the property as a **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. The designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF:

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **In staff's opinion, a rezoning of the subject property from the incongruous single-family residential zoning district to the proposed low-intensity commercial zoning district is compatible with surrounding uses and generally consistent with City Plan 2030.**

Land Use Plan Analysis: The subject property is surrounded by single-family structures on both sides of Wedington Drive. These homes range in construction date from 1946 to 1968. That said, the subject property's structure, having been built in 1955, developed alongside the existing neighborhood and has been present ever since. It is scaled appropriately with the approximately 2,800 square foot building size acting as a limitation in and of itself on the potential impacts to adjacent homes. Furthermore, the NS, Neighborhood Services zoning district would not offer the opportunity to develop significantly more on the existing lot. With floor area maximums varying between 1,500 and 3,000 depending on the use, any business will be inherently restricted in scale and intensity.

Land Use Plan Analysis: The Future Land Use Map designates the property as a Residential Neighborhood Area. These areas are primarily residential, but low-intensity, non-residential uses can be appropriate. The subject property is adjacent to Wedington Drive, a 4-lane state highway, classified by the City of Fayetteville's Master Street Plan as a Principal Arterial. Rezoning the property to NS, Neighborhood Services, is consistent with land use planning objective and zoning plans as it limits non-residential uses to a maximum size of 3,000 square feet, thereby providing an appropriate scale and location to offer goods and services to the adjacent community and wider area.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: In staff's opinion the rezoning is justified and needed. According to the City and Country records, the property has been used for non-residential uses or owned by non-residential entities since it was constructed in 1955. Further, it appears that the property was originally developed outside of the City's boundaries, and was subsequently zoned R-1, Low-density Residential despite the property's non-commercial structure and use.

The current residential zoning does not permit commercial uses by right. Currently, a commercial use of the building is not possible as it has been determined that there has been an "abandonment of use" for more than six consecutive months. This restricts the use of the existing commercial building.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The property has been used for a variety of non-residential uses for approximately 60 years and it does not appear to have increased traffic danger or congestion to any noticeable degree. Rezoning the property to Neighborhood Services will allow a greater variety of both residential and non-residential uses, some of which could generate more traffic. However, the square footage limitation required by the Neighborhood Services district will prevent the property from being developed with a large commercial structure or more than a few residential dwellings, neither of which could appreciably increase traffic and congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property to Neighborhood Services should not create an undesirable increase on public services. The property has been used historically for non-residential uses. The Fayetteville Police and Fire Departments have reviewed and commented on this rezoning request with no objections.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Staff recommends forwarding RZN 16-5633 to the City Council with a recommendation for approval based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 24, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Quinlan	Second: Selby	Vote: 6-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	☐ Approved		☐ Denied

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
 - o §161.07, RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.17, NS, Neighborhood Services
- Request letter
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet

Land area per dwelling unit	8,000 square feet	6,000 square feet
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(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
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Height Regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11)

161.17 - Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	Ten (10) or less
----------------	------------------

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
---------------	---------

Two (2)family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback Regulations.*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(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. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)

RZN 16-5633

Request Letter

Dear Planning commission,

My name is Jeff Upton and my wife and I bought the commercial building at 2350 W Wedington Dr to use for our locksmith shop that is currently on N. College Ave.

The building on Wedington is currently zoned as RSF4 and we are requesting it be changed to NS (neighborhood services) so we can operate our current business in that location.

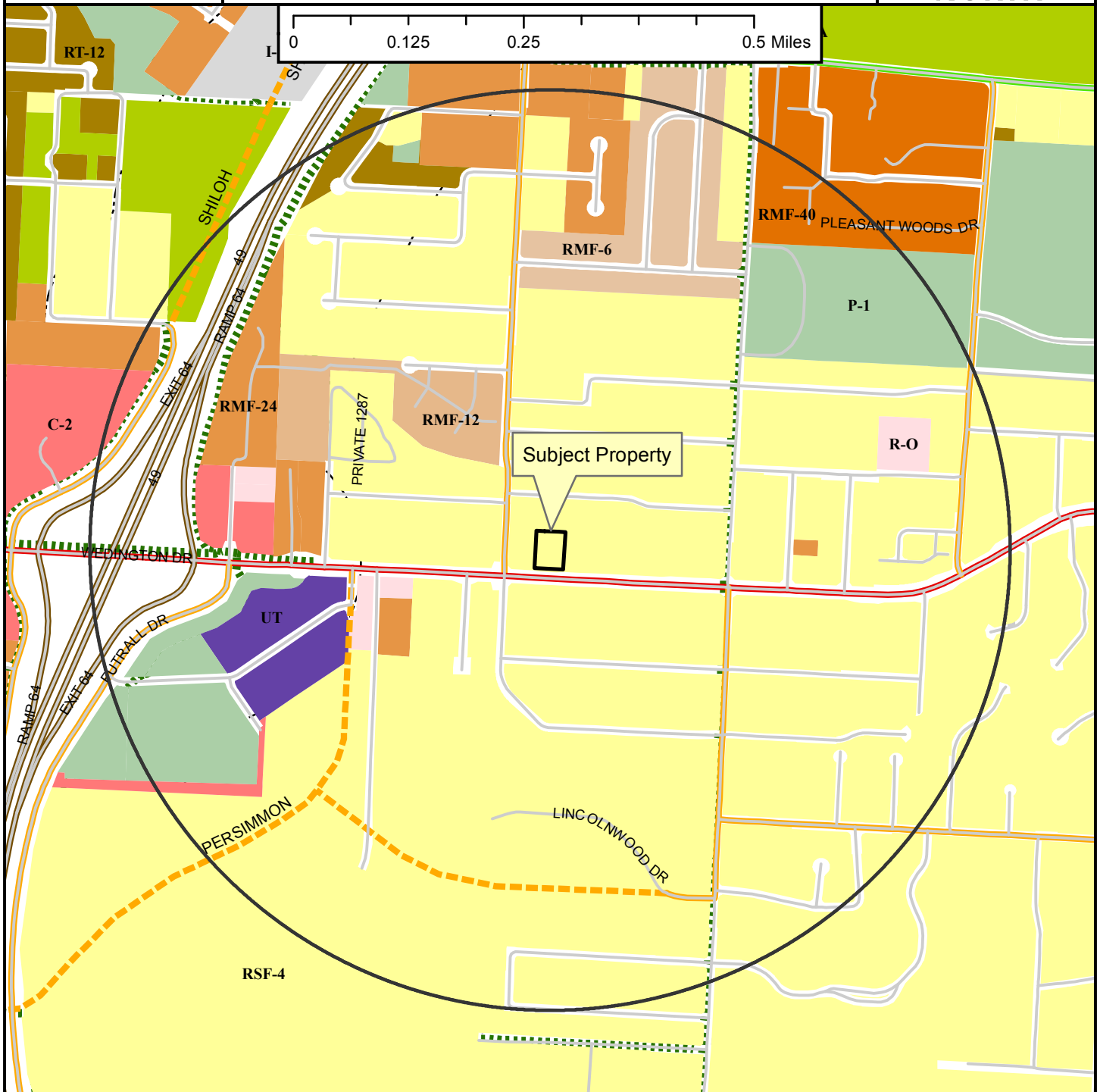
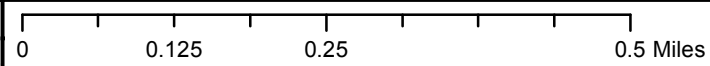
Thank you
Jeff Upton
97 Dye Creek Rd
West Fork Ar 72774
479-684-9689



RZN 16-5633

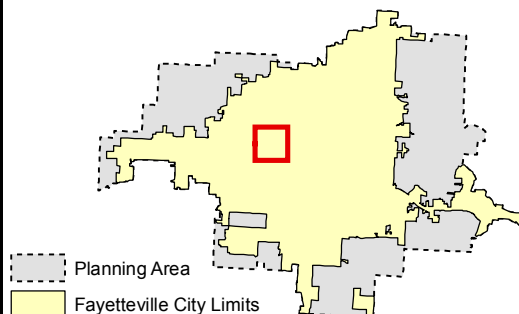
One Mile View

UPTON



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RT-12 Residential Two and Three-family
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

RZN 16-5633

UPTON

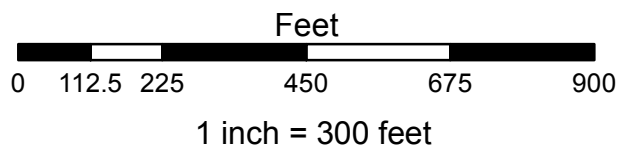


Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District
- Building Footprint



- RSF-4
- RMF-12
- RMF-24
- Residential-Office
- P-1

RZN 16-5633

Current Land Use

UPTON



Legend

Streams

Street

Streets Existing

MSP Class

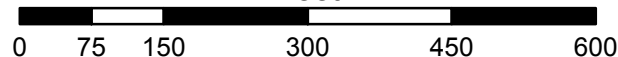
COLLECTOR

PRINCIPAL ARTERIAL

Planning Area

Fayetteville City Limits

Feet





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0523

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5598 FOR APPROXIMATELY 3.74 ACRES LOCATED AT 1777 SOUTH SMOKEHOUSE TRAIL FROM R-A, RESIDENTIAL AGRICULTURAL TO UT, URBAN THOROUGHFARE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-A, Residential Agricultural to UT, Urban Thoroughfare.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2016-0523

Legistar File ID

11/15/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/28/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 16-5598: Rezone (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE, 595): Submitted by FRANK SHARP for property at 1777 S. SMOKEHOUSE TRAIL. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.74 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 15, 2016

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Quin Thompson, Planner
DATE: October 28, 2016

SUBJECT: RZN 16-5598: Rezone (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE, 595): Submitted by FRANK SHARP for property at 1777 S. SMOKEHOUSE TRAIL. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.74 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to UT, Urban Thoroughfare, as requested by the applicant and as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for approximately 3.74 acres south of Martin Luther King Boulevard, and west of Smokehouse Trail. The property is currently within the R-A zoning district, and is developed with a large (14,400 square foot) warehouse structure and associated parking lot, formerly an Ozark Mountain Smokehouse facility built in 1975. The property also contains a single-family home that appears to be vacant.

The warehouse has been in commercial use for several years by Conditional Use Permit. The City's expansion of Ruppel Road will create a signalized intersection adjacent to this site on Martin Luther King Boulevard.

Request: The request is to rezone three parcels (approximately 3.74 acres) of the property from R-A to UT, Urban Thoroughfare, in order to allow the existing buildings to be used for commercial purposes without the need for Conditional Use Permits.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which contains a mixture of small residential and commercial developments and undeveloped property. Large parcels to the east and south are currently forested, while land to the west and north are developed with residential and commercial uses. With the extension of Ruppel Road adjacent to the northeast of this site, a signalized intersection will be created adjacent to this site. This new street infrastructure makes the property an ideal location for the more intensive and dense use allowed under the UT zoning.

Land Use Plan Analysis: The proposed zoning is fully consistent with the Future Land Use Map (FLUM) designation of this property as a City Neighborhood Area.

The goals of City Plan 2030 include making traditional town form the standard. The UT zoning district encourages patterns of development that result in realizing this goal over time, including an expectation that non-residential buildings will be located near streets and at corner locations, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

DISCUSSION:

On October 24, 2016 the Planning Commission forwarded the applicant's request with a recommendation for approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

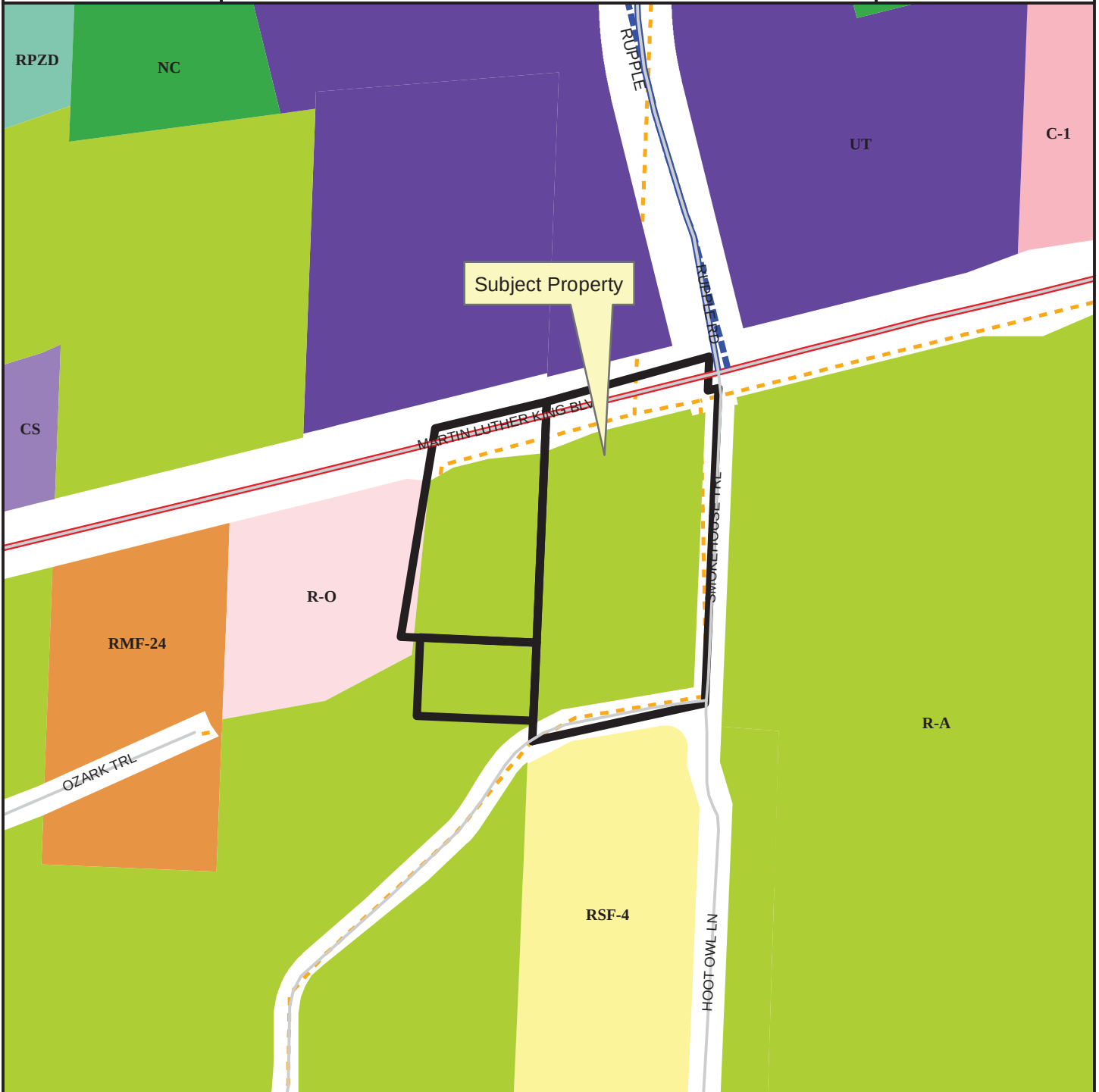
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5598
EXHIBIT 'A'

RZN 16-5598

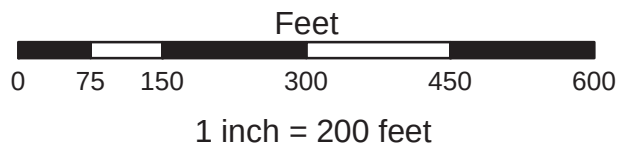
Close Up View

OZARK SMOKEHOUSE



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- RMF-24
- Residential-Office
- C-1
- Urban Thoroughfare
- Community Services
- Neighborhood Conservation
- Commercial, Industrial, Residential

RZN 16-5598
EXHIBIT 'B'

DESCRIPTION OF REAL ESTATE FOR
TRACT 1

Part of the East Half of the Northwest Quarter of the Southeast Quarter of Section 24, in Township 16 North, of Range 31 West, described as follows: Beginning at a point in the center line of the County Road which is 187 feet North of the Southwest corner of said 20 acre tract, and running thence North $75^{\circ} 9'$ East with the center line of said road to a point 234 feet East of the West line of said 20 acre tract; thence North 434.1 feet; thence South $74^{\circ} 6'$ West 15 feet; thence North 46.6 feet or to the center line of U. S. Highway No. 62; thence West bearing South with the center line of said Highway to the West line of said 20 acre tract; thence South 469.04 feet to the point of beginning, less and except that part lying within the County Road and U. S. Highway No. 62, leaving 2.17 acres, more or less.

A part of the West half of the Northwest quarter of the Southeast quarter of Section twenty-four (24) in Township sixteen (16) North, of Range thirty-one (31) West, described as follows: Beginning at a point which is three hundred twenty-three (323) feet North of the Southeast corner of twenty acre tract, and running, thence West two and eighty-three hundredths (2.83) chains to the center of a ditch; thence North 7° East with the center-line of said ditch four and forty hundredths (4.40) chains to the center-line of U.S. Highway No. 62; thence North 74° East with the center-line of said highway two and forty hundredths (2.40) chains to the East line of said twenty acre tract; thence South five (5) chains to the place of beginning, containing one and seventeen hundredths (1.17) acres, more or less, subject to an easement for roadway over and across a strip fifteen (15) feet wide off of the East side of said tract.

RZN 16-5598
EXHIBIT 'B'
Pg 2 OF 2

DESCRIPTION OF REAL ESTATE FOR TRACT 2

Beginning at a point 214 feet north of the northeast corner of the West half (W1/2) of the Southwest quarter (SW1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-four (24) in Township sixteen (16) North of Range thirty-one (31) West, Washington County Arkansas, containing 20 acres, more or less, and running thence North for one hundred and eight (108) feet, thence West, one hundred sixty (160 feet), thence South one hundred and eight (108) feet and thence East, one hundred and sixty (160 feet) to the point of beginning, containing about four tenths (0.4) of an acre.

APPROVED

By Gun Coaty at 1:43 pm, Oct 21, 2016

RZN16-5598
TRACT 2 REVISION

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name: **Frank Sharp**

Address: **2062 S. Smokehouse Trail**
Fayetteville, AR 72701

E-mail: **fsharp@pgtc.com**

Phone: **479-957-4069**
() **470-267-3205**

Fax: ()

Representative (engineer, surveyor, realtor, etc.):

Name: _____

Address: _____

E-mail: _____

Phone: ()

Fax: ()

Site Address / Location: **1725 S. Smokehouse Trail**
1777 S. Smokehouse Trail

Current Zoning District: **Residential-Agricultural**

Requested Zoning District: **Urban-Thoroughfare**

Assessor's Parcel Number(s) for subject property: **765-16299-000 765-16281-000**

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

Ozark Mountain Smokehouse, Inc.
Sharpridge Trust

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): **Frank Sharp**

Date: _____

Signature: _____

Frank Sharp

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Property Owners of Record (attach additional info if necessary):

Name (printed): **Ozark Mountain Smokehouse, Inc**

Address: **2062 S. Smokehouse Trail**

Signature: _____

Frank Sharp, President

Fayetteville, AR 72701

Date: _____

Phone: _____

479-267-3205

Name (printed): _____

Sharpridge Trust

Address: _____

2062 S. Smokehouse Trail

Signature: _____

Frank Sharp, Trustee

Fayetteville, AR 72701

Date: _____

Phone: _____

479-267-3205

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~October 24, 2016~~ **UPDATED with Planning Commission results**

SUBJECT: **RZN 16-5598: Rezone (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE, 595):** Submitted by FRANK SHARP for property at 1777 S. SMOKEHOUSE TRAIL. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.38 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding **RZN 16-5598** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is for approximately 3.38 acres south of Martin Luther King Boulevard, and west of Smokehouse Trail. The property is currently within the R-A zoning district, and is developed with a large(14,400 sf) warehouse structure and associated parking lot, formerly an Ozark Mountain Smokehouse facility built in 1975. The property also contains a single-family home that appears to be vacant.

The warehouse has been in commercial use for several years by Conditional Use Permit. The City's expansion of Ruppel Road will create a signalized intersection adjacent to this site on Martin Luther King Boulevard.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Commercial/office	UT, Urban Thoroughfare
South	Single-family Residential/Undeveloped	R-A, Residential Agricultural/RSF-4, Residential Single-family
East	Forest/Undeveloped	R-A, Residential Agricultural/RSF-4, Residential Single-family
West	Single and two-family Residential	RMF-24, Residential Multi-family/R-O, Residential Office

Request: The request is to rezone two parcels (approximately 3.38 acres) of the property from R-A to UT, Urban Thoroughfare, in order to allow the existing buildings to be used for commercial purposes without the need for Conditional Use Permits.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcels have access to Martin Luther King Boulevard and Smokehouse Trail. Martin Luther King Boulevard is an improved principal arterial and state highway; however, sidewalk has not been constructed along the frontage of the subject parcel. Smokehouse Trail is an unimproved local street without storm drainage, curb/gutter, or sidewalks. Any further street improvements would be determined at time of development.

Water: Public water is available to the site. A 12" water main exists in the Martin Luther King Boulevard right of way.

Sewer: Sanitary Sewer is available along the southern edge of the property. A 6" public sewer main extends across the frontage of this parcel and within the Smokehouse Trail right-of-way.

Drainage: Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No part of the parcel lies within the HHOD, however some slopes exist on site in excess of 15% grade.

Fire: The Fayetteville Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are expected to be more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning is compatible with surrounding land use patterns in this area, which contains a mixture of small residential and commercial developments and undeveloped property. Large parcels to the east and south are currently forested, while land to the west and north are developed with residential and commercial uses. With the extension of Ruppel Road adjacent to the northeast of this site, a signalized intersection will be created adjacent to this site. This new street infrastructure makes the property an ideal location for the more intensive and dense use allowed under the UT zoning.

Land Use Plan Analysis: The proposed zoning is fully consistent with the Future Land Use Map (FLUM) designation of this property as a City Neighborhood Area.

The goals of City Plan 2030 include making traditional town form the standard. The UT zoning district encourages patterns of development that result in realizing this goal over time, including an expectation that non-residential buildings will be located near streets and at corner locations, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed UT, Urban Thoroughfare zoning will allow certain businesses to operate in the existing commercial building without further Planning Commission review. The UT District is designed primarily to provide goods and personal services for persons living in the wider regional community and is intended to provide for adaptable mixed use centers located along commercial corridors such as Martin Luther King Boulevard. The existing R-A zoning is no longer appropriate for this property given the City creation of a major signalized intersection along this busy State highway. The requested re-zoning is justified.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The UT zoning allows a wide range of commercial activity and unlimited residential density. The proposed rezone would create the potential for increased traffic in the area over the existing R-A zoning. The property is located on a corner of Martin Luther King Boulevard, a partially improved 'Principal Arterial' street and Smokehouse Trail, an un-improved 'Local' street. The capacity of Martin Luther King Boulevard will allow future development of this parcel without creating or significantly increasing traffic danger and congestion. Further, the signalized intersection at Martin Luther King /Rupple Road should help to accommodate increased traffic to this site.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from R-A to UT could significantly alter population density in the area. CS zoning allows a wide range of commercial activity and unlimited residential density. The rezone request is not likely to undesirably increase load on public services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 16-5598 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03 & 161.22
- Request letter
- Rezone exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 24, 2016</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: QUINLAN			
Second: BROWN			
Vote: 8-0-0			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>November 15, 2016</u>	☐ Approved	☐ Denied	

161.03 - District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12)

161.22 - Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56/84 feet*
-------------------------	-------------

*A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15)

APPLICANT'S REQUEST LETTER

Rezoning Checklist

- (5) A written description of this request addressing the following items:
- a. The current Owner of Tracts 1 is the *Ozark Mountain Smokehouse, Inc.*, Frank Sharp, President (the *Sharpridge Trust* owns the stock of the *Ozark Mountain Smokehouse, Inc.*) and Tract 2 is owned by the *Sharpridge Trust*, Frank and Sara Sharp, Trustees.
 - b. The reason to request the zoning change is because the area has changed so much in the last 40 years, since 1976, when the *Ozark Mountain Smokehouse* building was constructed. Highway 62 West (later *Martin Luther King, Jr. Boulevard*) was a two lane highway and *Smokehouse Trail* was a gravel road (built in 1961 and dedicated to Washington County.) The *Ozark Mountain Smokehouse* was started behind the Sharp's house (now 1725 S. *Smokehouse Trail*) and remained there until the move to the "new" smokehouse in 1976.

In 1976 the area was primarily agricultural, with a few private homes. There were very few commercial buildings between the present day *Whataburger* and Farmington.

The functions of the "new" smokehouse consisted of production (smoked meats, cheeses, jellies, jams and candies, Sales (retail and mail order) warehousing and offices. The present building is still used for warehousing (*Fayettechill*, and outdoor outfitter) and offices (*Northwest Arkansas Land Trust*, *Fayettechill*, *Ozark Off Road Cyclists* and *Big Bot* (an artist's studio.) With these properties, located at the south terminus of the *Rupple Road/Van Ashe Boulevard "box"*, the area will probably be subject to extensive development in the next fifty years.

In addition, the property are serving as the major western entrance and trailhead to *Kessler Mountain*. Tract 2 is adjacent to twenty acres of woods and trails, protected by a conservation easement (held by the City of Fayetteville) dedicated in 2008. In addition to being the trailhead for hikers, runners and mountain bikers enjoying the new 376 acre *Kessler Mountain Reserve* and the 200 acre new regional park , The properties are being used for outdoor education by the *Kessler Mountain Outdoor Classroom and Nature Center*, which is supported by the *Fayetteville Public Schools*, the *Northwest Arkansas Land Trust* and *Fayetteville Natural Heritage Association*. In April 2016, 226 students from Happy Hollow and McNair Middle School were taught about rocks, birds, trees and other elements of nature, led by Professor Walt Manger and students from the *Department of Geosciences* at the *University of Arkansas*, members of the *Audubon Society*, staff of the *NWA Land Trust* and volunteers.

The property is also being used for outdoor events such as the annual *Kessler Mountain Trail Run* and the first annual Gumbo Cookoff.

The rooms in the smokehouse once used for food processing are now being used as meeting places by the *Ozark Off Road Cyclists*, the *Writers' Workshop*, *International Mountain Biking Association*, *NWA Regional Planning* and other nonprofits.

- b. The Ruppel Road extension to MLK, Jr. Boulevard, has prompted recent rezoning of properties adjoining Ruppel Road. This property is due north of the subject properties.
- c. The twenty acres of woods, protected by the conservation easement (no structures, paved trails or even bicycles are allowed!) will serve as a permanent buffer from the commercial properties at the Ruppel/MLK, Jr. intersection and the residential/agricultural properties on Kessler Mountain to the south. The traffic on Smokehouse Trail will be a mere fraction of the traffic on the Ruppel and MLK, Jr. Trail signage will be consistent with a nature center. Other signs will adhere to the city sign ordinance.
- d. 6" sewer lines are on the south side of MLK, Jr. and the west side of Smokehouse Trail. There is a short section of 8" sewer line (running east and west)) on the south side of Smokehouse Trail, (marked in red on the attached map.)
There are two waterlines running north and south on the east side of Smokehouse Trail and Hoot Owl Lane - a 2.25" Cast Iron Pipe closest to the road and an 8" PVC line east of that. There is a 2.25" Cast Iron Pipe on the south side of Smokehouse Trail running west (marked in blue on the attached map)
- e. The proposed zoning category of Urban Thoroughfare is consistent with the future land use objectives as expressed by the City of Fayetteville City Plan 2030 document and the Master Street Plan. The subject property is at the intersection of a Principal Arterial (MLK Jr. Boulevard) and a Principle Arterial Parkway (Ruppel Road). This site therefore has a significant civic importance that is inconsistent with the existing R-A Residential Agricultural zoning category. The Future Land Use Map indicates that this area to be City Neighborhood in character, which is described as follows:

"City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street

RZN 16-5598

Current Land Use

OZARK SMOKEHOUSE



Legend

RZN16-5598
Street

Streets Planned

MSP Class

PRIN ARTERIAL PKWY

Streets Existing

MSP Class

PRIN ARTERIAL PKWY

PRINCIPAL ARTERIAL

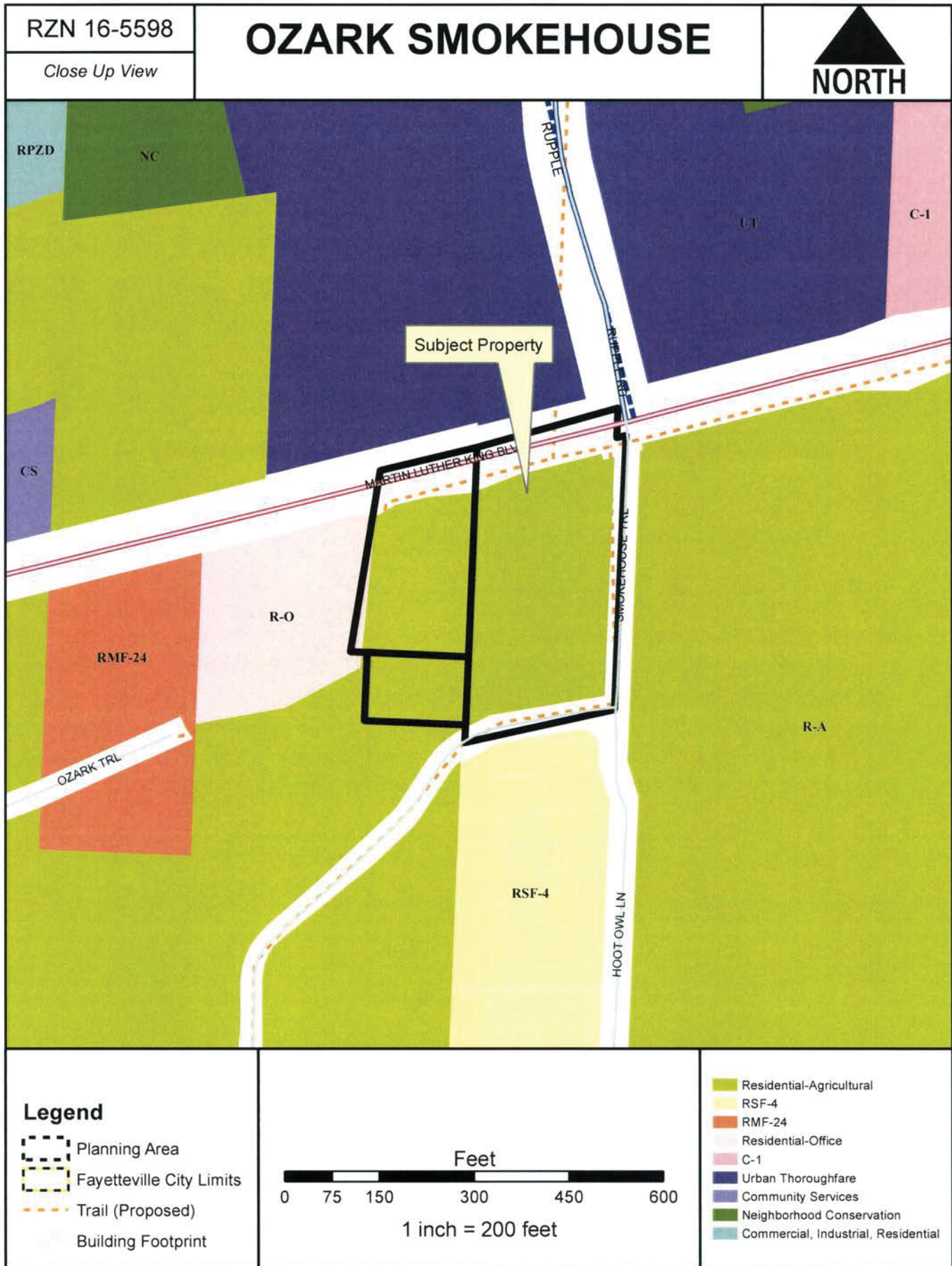
Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

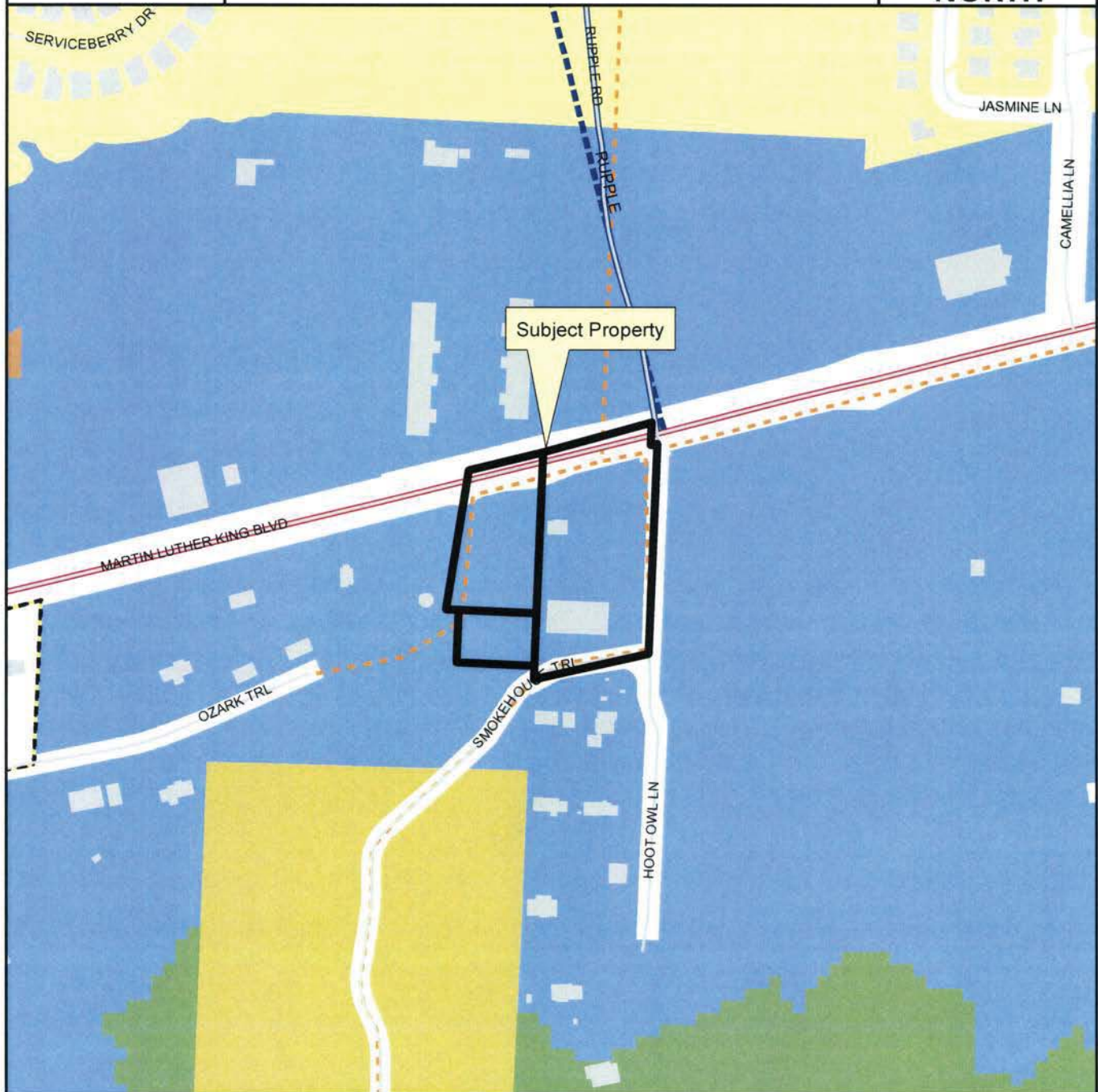
2016 Imagery



RZN 16-5598

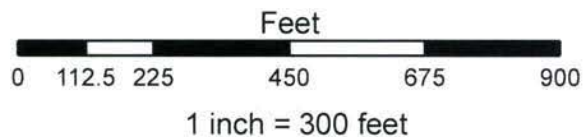
Future Land Use

OZARK SMOKEHOUSE



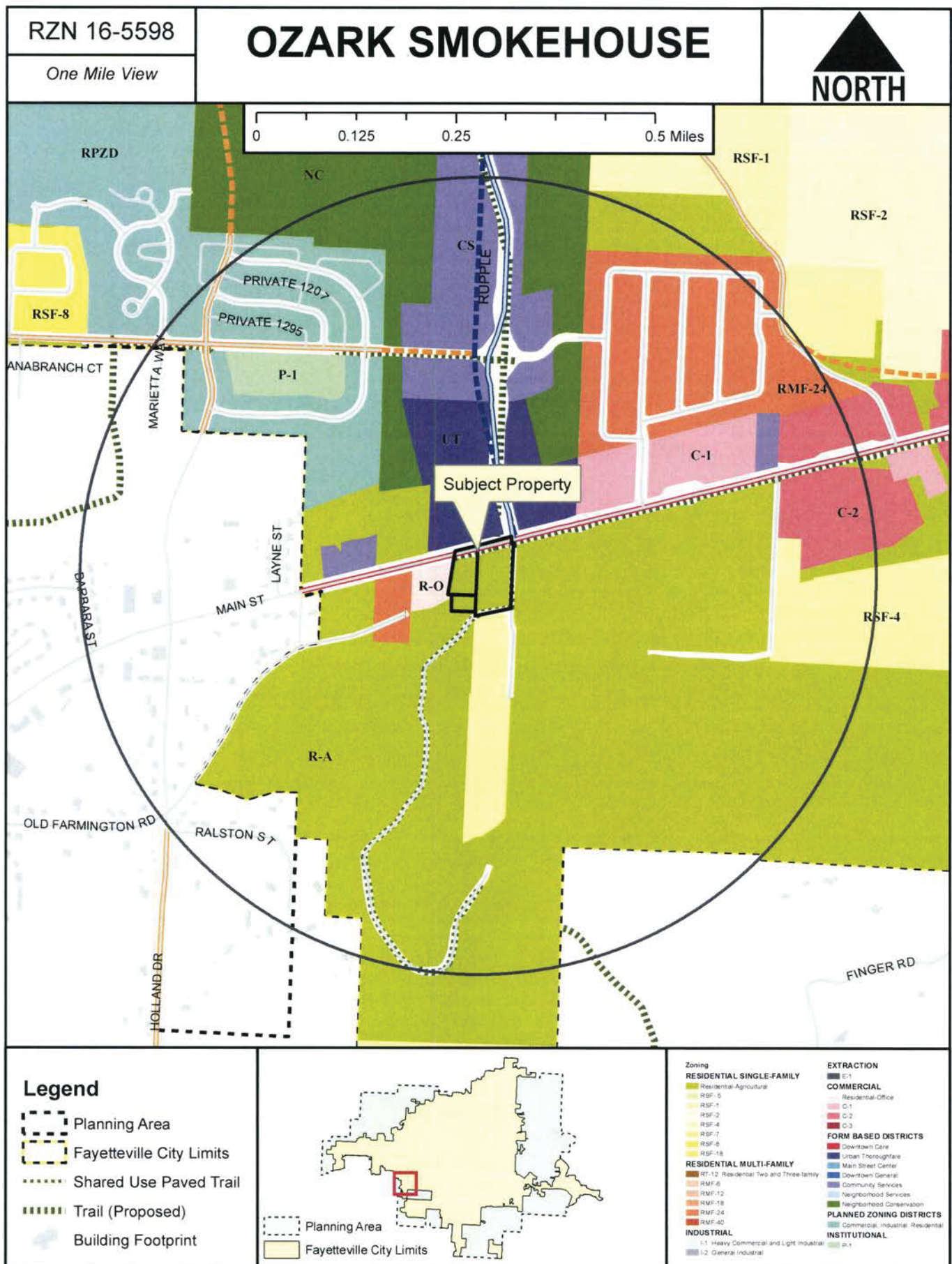
Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0508

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

AMEND § 31.18 DISTRICT JUDGE COMPENSATION:

AN ORDINANCE TO AMEND § 31.18 **DISTRICT JUDGE COMPENSATION** BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

WHEREAS, A.C.A. § 16-17-1112 mandates that on January 1, 2017 Fayetteville and other cities in the Second District (primarily Washington County) will have their current local district courts reorganized as state district courts; and

WHEREAS, A.C.A. § 16-17-1106 (a) mandates that the “state shall pay the salary and benefits of the state district judges created under this subchapter”; and

WHEREAS, Chief District Court Clerk Dena Stockalper has notified the City Administration of this upcoming change including the renaming of the District Court in her memo of October 19, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals in its entirety § 31.18 **District Judge Compensation** and enacts a replacement § 31.18 as shown below:

“§ 31.18 **Washington County District Court, Fayetteville Department.**

Pursuant to state law, the former Fayetteville District Court will be renamed the Washington County District Court, Fayetteville Department effective January 1, 2017. The Washington County State District Judges will become full time state employees on January 1, 2017. The state will pay all of the Washington County State District Judges’ salaries and benefits on and after January 1, 2017.”

Legistar ID No.: 2016-0508

AGENDA REQUEST FORM

FOR: Council Meeting of November 15, 2016

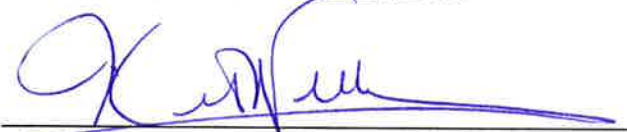
FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 31.18 **DISTRICT JUDGE COMPENSATION** BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

APPROVED FOR AGENDA:



City Attorney Kit Williams

Oct 20, 2016

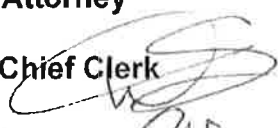
Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DISTRICT COURT

JUDGE WILLIAM A. STOREY
CHIEF CLERK
DENA STOCKALPER

TO: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Paul Becker, Admin. Services
Brenda Reed, Human Resources
Kit Williams, City Attorney

From: Dena Stockalper, Chief Clerk 

Thru: Judge William A. Storey 

Subject: District Court Judge

Date: October 19, 2016

Beginning January 1, 2017 Judge Williams A. Storey will preside over what is currently Fayetteville District Court. The judge will become a full time state employee. His salary and benefits will be paid by a combination of state, city and county contributions to be determined by the Department of Finance and Administration.

The Fayetteville District Court will be renamed Washington County District Court Fayetteville Department.

These changes have all been included in the 2017 budget.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council
Judge Storey

CC: Don Marr, Chief of Staff
Paul Becker, Finance Director
Dena Stockalper, District Court Administrator

FROM: Kit Williams, City Attorney

DATE: October 20, 2016

RE: Reorganization and renaming of the Fayetteville District Court

Pursuant to A.C.A. § 16-17-1112, the current Fayetteville District Court will be reorganized and become part of the Second District of Arkansas which "shall be composed of Washington County and the city limits of Springdale as of January 1, 2011, including that portion of Springdale which extends into Benton County." A.C.A. § 16-17-1112 (b)(1)(A).

"(B) The Second District shall have ten (10) departments as follows:
...(iv) One (1) located in Fayetteville;..."

"(C) The Second District shall be served by four (4) state district court judges;...designated as Division 1;...Division 2;...Division 3; and...Division 4."

"(E) The Second District judges shall be elected districtwide."

"(F) The Second District court shall have districtwide jurisdiction."
A.C.A. § 16-17-1112 (b) (1) (B), (C), (E) and (F).

Because of the change from Fayetteville District Court to state district courts and the assumption of paying all state district judges by the State, we need to amend § 31.18 **District Judge Compensation** to § 31.18 **Washington County District Court, Fayetteville Department** pursuant to state law and in conformity with Chief District Court Clerk Dena Stockalper's memo (attached).

(B) The Fortieth District shall have four (4) departments as follows:

- (i) One (1) located in Arkadelphia;
- (ii) One (1) located in Amity;
- (iii) One (1) located in Caddo Valley; and
- (iv) One (1) located in Gurdon.

(C) The Fortieth District shall be served by one (1) state district court judge.

(D) The Fortieth District judge shall be elected districtwide.

(E) The Fortieth District court shall have districtwide jurisdiction.

History. Acts 2011, No. 1219, § 10.

16-17-1112. Reorganization of local district courts to state district courts as of January 1, 2017.

(a)(1) Beginning January 1, 2017, the following cities and counties that are currently served by local district courts pursuant to § 16-17-901 et seq. shall be reorganized as state district courts and served by a state district court judge.

(2) The new state district court judgeships created by this section shall become effective January 1, 2017, and shall be placed on the ballot to be elected in the 2016 nonpartisan judicial election from the newly constructed judicial district.

(3) The cities and counties which were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2017.

(b)(1)(A) The Second District shall be composed of Washington County and the city limits of Springdale as of January 1, 2011, including that portion of the City of Springdale which extends into Benton County.

(B) The Second District shall have ten (10) departments as follows:

- (i) One (1) located in Springdale;
- (ii) One (1) located in Elm Springs;
- (iii) One (1) located in Johnson;
- (iv) One (1) located in Fayetteville;
- (v) One (1) located in Elkins;
- (vi) One (1) located in West Fork;
- (vii) One (1) located in Greenland;
- (viii) One (1) located in Prairie Grove;
- (ix) One (1) located in Lincoln; and
- (x) One (1) located in Farmington.

(C) The Second District shall be served by four (4) state district court judges;

- (i) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 1;
- (ii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 2;

(iii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 3; and

(iv) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 4.

(D) The presiding judge of the departments under subdivision (b)(3)(B) of this section shall be determined by the mutual agreement of the state district court judges.

(E) The Second District judges shall be elected districtwide.

(F) The Second District court shall have districtwide jurisdiction.

(2)(A) The Third District shall be composed of the counties of Carroll and Madison.

(B) The Third District shall have three (3) departments as follows:

- (i) One (1) located in Berryville;
- (ii) One (1) located in Eureka Springs; and
- (iii) One (1) located in Huntsville.

(C) The Third District shall be served by one (1) state district court judge.

(D) The Third District judge shall be elected districtwide.

(E) The Third District court shall have districtwide jurisdiction.

(3)(A) The Twenty-Seventh District shall be composed of the counties of Desha and Chicot.

(B) The Twenty-Seventh District shall have five (5) departments as follows:

- (i) One (1) located in Dermott;
- (ii) One (1) located in Eudora;
- (iii) One (1) located in Lake Village;
- (iv) One (1) located in Dumas; and
- (v) One (1) located in McGehee.

(C) The Twenty-Seventh District shall be served by one (1) state district court judge.

(D) The Twenty-Seventh District judge shall be elected districtwide.

(E) The Twenty-Seventh District court shall have districtwide jurisdiction.

(4)(A) The Thirty-Third District shall be composed of the counties of Grant and Hot Spring.

(B) The Thirty-Third District shall have five (5) departments as follows:

- (i) One (1) located in Sheridan;
- (ii) One (1) located in Malvern;
- (iii) One (1) located in Donaldson;
- (iv) One (1) located in Friendship; and
- (v) One (1) located in Rockport.

(C) The Thirty-Third District shall be served by one (1) state district court judge.

(D) The Thirty-Third District judge shall be elected districtwide.

(E) The Thirty-Third District court shall have districtwide jurisdiction.

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History. Acts 2013, No. 1489, § 1;

A.C.R.C. Notes.
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Amendments. Th
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**16-17-1113. Reo:
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January 1, 2017;

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district court;

(5)(A) "State district court" means a district court that is created by this subchapter and has:

(i) Criminal jurisdiction, as established by the General Assembly; and

(ii) Civil jurisdiction, as established by the Supreme Court.

(B) "State district court" includes a department of a state district court; and

(6) "State district court judge" means a full-time judge:

(A) Whose salary is paid by the state;

(B) Who is not engaged in the private practice of law; and

(C) Who is available for work in circuit court under rules adopted by the Supreme Court.

History. Acts 2007, No. 663, § 2; 2011, No. 1219, § 2.

Amendments. The 2011 amendment

deleted former (1) through (3) and inserted present (1) through (6).

16-17-1103. [Repealed.]

Publisher's Notes. This section, concerning creation of pilot state district court judgeships, was repealed by Acts

2011, No. 1219, § 3. The section was derived from Acts 2007, No. 663, § 2; 2009, No. 345, § 3.

16-17-1104. State district court judges — Salaries.

(a) The judges who are appointed or elected to serve the courts created under this subchapter are state district court judges.

(b) The salaries of the state district court judges are uniform and shall be paid with moneys appropriated from the Constitutional Officers Fund, § 19-5-205, by the General Assembly.

History. Acts 2007, No. 663, § 2; 2009, No. 345, § 4; 2011, No. 1219, § 4.

Amendments. The 2011 amendment rewrote the section.

16-17-1106. Salary of state district court judges — Cost-sharing.

(a) The state shall pay the salary and benefits of state district court judges created under this subchapter.

(b)(1)(A) Each county and town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half ($\frac{1}{2}$) of the base salary established by law for state fiscal year 2009 for that district's state district court judge.

(B) The proportionate share is calculated as follows:

(i)(a) Determine the sum total of the base salary paid by each county and town or city in a district to that county and town or city's district court judge or city court judge for the calendar year immediately preceding the creation of the state district court judgeship; and

(b) Determine the proportion of the base salary of each county and town or city to the sum total base salary of the district; and



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0520

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION:

AN ORDINANCE TO AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 33.350 **Purpose and Establishment** of Article XXIII **Active Transportation Advisory Committee** and enacts a new § 33.350 as follows:

"There is hereby established (as a continuance of the former Sidewalk and Trails Advisory Board) the Active Transportation Advisory Committee. This committee shall make recommendations to the Transportation Committee on active transportation projects and issues that may arise, including but not limited to:

(A) Yearly trail, sidewalk, and paving overlay construction program plans. Review of overlay plan will be focused on incorporation of active transportation facilities.

(B) 5-year trail construction prioritization plan.

(C) Proposed trail, sidewalk, and bikeway related improvement plans for major projects to be partially or fully funded by the city. Said review will be at the preliminary stage, and will include typical cross sections and preliminary horizontal and vertical alignments. Said projects will be at the discretion of the City Administration, but generally will include major sidewalk projects, trails and the active transportation component of the projects where major changes to existing street cross sections are planned.

(D) Changes, additions, or deletions to the Active Transportation Plan and the Sidewalk Master Plans."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 33.351 **Composition** of Article XXIII **Active Transportation Advisory Committee** by repealing the first sentence after the heading and subsection (A) and replacing them with the following:

"The Active Transportation Advisory Committee shall be comprised of eight (8) voting members, and seven (7) non-voting staff/support members, as listed below. The members shall elect a Chair at its first annual meeting.

(A) One (1) voting members of the committee shall be a member of the City Council. It is recommended that this person also serve on the Transportation Committee;”

AGENDA REQUEST FORM

FOR: Council Meeting of November 15, 2016

FROM:

City Council Member Sarah Marsh

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 33.350 **PURPOSE AND ESTABLISHMENT** AND § 33.351 **COMPOSITION** OF ARTICLE XXIII **ACTIVE TRANSPORTATION ADVISORY COMMITTEE** OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

APPROVED FOR AGENDA:



City Council Member Sarah Marsh

10/21/2016
Date



Assistant City Attorney Blake Pennington
(as to form)

10/27/2016
Date

Pennington, Blake

To: Williams, Kit
Subject: RE: ATAC ordinance language

From: Marsh, Sarah
Sent: Friday, October 07, 2016 4:09 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Fw: ATAC ordinance language

Kit,

I would like to sponsor this ordinance change to the scope of the Active Transportation Committee. Please write it up for placement on the next agenda.

Thanks,

Sarah Marsh, bARCH, LEED AP BD+C
Vice Mayor | City Council Member, Ward 1, Position 2
City of Fayetteville, Arkansas
ward1_pos2@fayetteville-ar.gov | 479.799.0393

From: Mihalevich, Matthew
Sent: Thursday, October 6, 2016 10:49 AM
To: Marsh, Sarah
Subject: ATAC ordinance language

Sarah,
Please find the attached word file of the proposed ordinance language revision.

Thank you for pushing this through,
Matt

Matt Mihalevich
Trails Coordinator
Engineering Division
City of Fayetteville, Arkansas
113 W. Mountain 72701
mmihalevich@fayetteville-ar.gov
T 479.444.3416 | F 479.575.8202
[Trails Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

ARTICLE XXIII - ACTIVE TRANSPORTATION ADVISORY COMMITTEE

33.350 - Purpose And Establishment

There is hereby established (as a continuance of the former Sidewalk and Trails Advisory Board) the Active Transportation Advisory Committee. This committee shall make recommendations to the Transportation Committee on active transportation projects and issues that may arise, including but not limited to: review public comments and advise city staff and City Council on the prioritization and land acquisition/easements for sidewalks and trails within our city. The Active Transportation Advisory Committee is also responsible for recommending the adoption of Sidewalk and Trails Master Plans to the City Council. Recommendations relating to trails shall be forwarded to the Parks and Recreation Advisory Board. Recommendations relating to sidewalks shall be forwarded to the Transportation Division.

- 1.) Yearly trail, sidewalk, and paving overlay construction program plans. Review of overlay plan will be focused on incorporation of active transportation facilities.
- 2.) 5-year trail construction prioritization plan.
- 3.) Proposed trail, sidewalk, and bikeway related improvement plans for major projects to be partially or fully funded by the city. Said review will be at the preliminary stage, and will include typical cross sections and preliminary horizontal and vertical alignments. Said projects will be at the discretion of the City Administration, but generally will include major sidewalk projects, trails and the active transportation component of the projects where major changes to existing street cross sections are planned.
- 1-4.) Changes, additions, or deletions to the Active Transportation Plan and the Sidewalk Master Plans.

(Ord. No. 5343, 8-3-10)

33.351 - Composition

The Active Transportation Advisory Committee shall be comprised of eight (8) voting members, and seven (7) non-voting staff/support members, as follows listed below. : The members shall elect a Chair at its first annual meeting.

- (A) One (1) voting members of the committee shall be a member of the City Council; It is recommended that this person also serves on the Transportation Committee;
- (B) One (1) voting member shall be a member of the Planning Commission;
- (C) One (1) voting member shall be a member of the Parks and Recreation Advisory Board;
- (D) Five (5) voting members shall be private citizens, who are qualified electors residing in the City of Fayetteville, and appointed by the City Council, at least one (1) of whom shall represent a bicycle advocacy organization;
- (E) Five (5) non-voting members shall represent the City of Fayetteville staff, with one (1) member each from the Transportation Division, Parks and Recreation Division, Fayetteville Police Department, Planning Division, and Information Technology Division;
- (F) One (1) non-voting member shall represent the Washington County Planning Staff;
- (G) One (1) non-voting member shall represent the Northwest Arkansas Regional Planning Commission.

(Ord. No. 5343, 8-3-10)

33.352 - Terms Of Office

Private citizen members shall serve two (2) year terms, with no limit to the number of terms they may serve. City Council, Planning Commission, and Parks and Recreation Advisory Board representatives may serve as long as they retain membership on their sponsoring body.

(Ord. No. 5343, 8-3-10)

33.353 - Officers

At the first regularly scheduled committee meeting of each calendar year, the voting members of the committee shall, by a simple majority, elect from among themselves a chair and vice chair.

(Ord. No. 5343, 8-3-10)

33.354 - Meetings

The Active Transportation Advisory Committee shall meet at least once per quarter to conduct regular business, at a time and place that is mutually convenient to the membership. The Active Transportation Advisory Committee may meet more frequently if needed.

(Ord. No. 5343, 8-3-10)

33.355 - Selection Process

The City Council shall appoint the private citizen members through the normal Nominating Committee process. All other members of the Active Transportation Advisory Committee shall be appointed by their respective organizations.

(Ord. No. 5343, 8-3-10)

33.356—33.359 - Reserved



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0505

Agenda Date: 11/15/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 6

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.2.2 WARRANTLESS DETENTION, SEARCH AND SEIZURE; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 1.3.6 OFFICER-INVOLVED SHOOTING; AND 22.3 SECONDARY EMPLOYMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Fayetteville Police Department policies 1.2.1 Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3 Secondary Employment.

City of Fayetteville Staff Review Form

2016-0505

Legistar File ID

11/15/2016

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor, Chief of Police

10/28/2016

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Council approves resolution adopting Fayetteville Police Policies 1.2.1, Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1, Use of Force; 1.3.4, Less-Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3, Secondary Employment.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 15, 2016

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police



DATE: October 28, 2016

SUBJECT: Police Department Policy

RECOMMENDATION:

Council approves resolution adopting Fayetteville Police Policies 1.2.1, Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1, Use of Force; 1.3.4, Less-Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3, Secondary Employment.

BACKGROUND:

The Fayetteville Police Department is currently in the process of reviewing policies and updating as necessary to conform to current practices and to comply with accreditation standards. Policy 1.3.6, Officer-Involved Shooting, is a new policy, and it has already been vetted through the City Attorney's Office. Policy 1.2.1, Limits of Authority, is an existing policy that was approved by the council on March 17, 2015. Policy 1.2.2 Warrantless Detention, Search and Seizure, is an existing policy that was approved by the council on November 8, 2012. Policy 1.3.1, Use of Force, is an existing policy that was approved by the council on March 17, 2015. Policy 1.3.4, Less-Lethal Weapons and Defensive Tactics, is an existing policy that was approved by the council on October 6, 2015. Policy 22.3, Secondary Employment, is an existing policy that was approved by the council on July 7, 2015.

DISCUSSION:

Policy 1.3.6, Officer Involved Shooting, is a new policy that addresses our current practices. The remaining five policies are existing policies that contain changes for clarity and to comply with written directives, state laws, and current practices of the department. All changes are highlighted.

BUDGET/STAFF IMPACT:

These policies will not have any impact on budget or staff.

Attachments:

Fayetteville Police Policy 1.2.1, Limits of Authority
Fayetteville Police Policy 1.2.2, Warrantless Detention, Search and Seizure
Fayetteville Police Policy 1.3.1, Use of Force
Fayetteville Police Policy 1.3.4, Less-Lethal Weapons and Defensive Tactics
Fayetteville Police Policy 1.3.6, Officer Involved Shooting
Fayetteville Police Policy 22.3, Secondary Employment

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.1 Limits of Authority	Effective Date: March 17, 2015
Reference: 41.2.7, 71.1.1	Version: 5
CALEA: 1.1.3, 1.1.4, 1.2.1, 1.2.2, 1.2.4, 1.2.5, 1.2.6, 1.2.7, 1.3.5, 11.3.1, 22.2.7	No. Pages: 8

I. Purpose

The purpose of this policy is to outline the limits of law enforcement authority delegated to officers of the Fayetteville Police Department pertaining to the enforcement of laws, statutes and ordinances within their jurisdiction.

It also defines circumstances and establishes limits involving officer discretion and provides guidelines for exercising such discretion utilizing alternatives to arrest and/or pre-arraignment confinement.

II. Definitions

Arrest: Arrest is the taking of a person into custody, the purpose of which is to restrain the accused until he can be held accountable for the offense at court proceedings.

Probable Cause: Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.

Felony: A felony is a serious offense, which carries a penalty of incarceration usually for one year or more. Persons convicted of felony offenses lose certain rights such as the right to vote, hold an elective office of federal government position or maintain certain licenses.

Misdemeanor: A misdemeanor is a less serious offense punishable by incarceration for not more than one year in a county jail or fine or similar penalty.

Off-Duty: For the purposes of this section, officers are considered to be “off-duty” when not working in furtherance of departmental objectives during regularly scheduled hours or other hours as required by a police supervisor or court order.

III. Policy

A. JURISDICTION AND STATUTORY AUTHORITY

1. Officers of the Fayetteville Police Department shall have within the corporate limits of the City of Fayetteville all the powers invested in law enforcement officers as described under Arkansas Code Annotated 14-52-203 [CALEA 1.2.1, 1.2.2], [CALEA 11.3.1 a.].
2. Officers shall also have the power to serve all civil and criminal process that may be directed to them by any officer of the court and enforce the ordinances and regulations of the city as the city council may direct.
3. In addition to their authority within the corporate limits, officers shall have all the powers invested in law enforcement officers by the Arkansas Constitution, State statutes and the Rules of Criminal Procedure.
4. An officer outside his or her jurisdiction may affect an arrest without a warrant upon having both probable cause and the request or permission of the agency having jurisdiction. Upon doing so, the officer must notify the law enforcement agency having jurisdiction as soon as practicable and relinquish custody of the suspect to that agency as described under Arkansas Code Annotated 16-81-106.
5. An officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all privileges, immunities and benefits to which he would be entitled if acting within the city, including coverage under the worker's compensation laws.
6. Each employee of the department is accountable for the use of delegated authority invested by statute [CALEA 11.3.1 b.].

B. ARREST AUTHORITY

An officer may affect an arrest if there is probable cause to believe a person has committed an offense as it is defined in the Arkansas Criminal Code. Probable cause is the legal requirement for an arrest [CALEA 1.2.5].

1. An arrest occurs when the following conditions exist:
 - a. The officer believes that sufficient legal evidence exists that a crime is being committed, and intends to restrain the suspect;
 - b. The officer deprives the individual of his liberty; and
 - c. The suspect believes he or she is in custody of the police and cannot voluntarily leave.
2. An arrest can be initiated with or without a warrant and must be based on probable cause.
 - a. Arrest Pursuant to Warrant – An arrest warrant issued by the court determines an arrest should be made and directs the police to bring the named person before court.
 - (1) An officer having a warrant in possession may arrest the person named on or described in the warrant at any time and at any place within the jurisdiction of the City of Fayetteville.
 - (2) An officer, who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant in his possession, may arrest the person named in the warrant according to Arkansas State Law.
 - (3) The officer must inform the person arrested of the existing warrant, and
 - (4) The officer must serve the warrant on the person as soon as possible.

- b. Arrest Without a Warrant – According to Rule 4 of the Arkansas Court Rules of Criminal Proceedings, a law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed [CALEA 1.2.5]:
 - (1) a felony;
 - (2) domestic violence; as further detailed in FPD 1.2.4, Domestic Violence
 - (3) a traffic offense involving:
 - a. death or physical injury to a person; or
 - b. damage to property; or
 - c. driving a vehicle while under the influence of intoxicants or narcotics;
 - (4) Any violation of law in the officer's presence.
 - (5) A private person may make an arrest where he has reasonable grounds for believing the person arrested has committed a felony.
 - (6) It is not necessary that an officer or citizen be able to articulate the specific offense at the time of the arrest.
 - (7) A warrant-less arrest by an officer not personally possessed of information sufficient to constitute reasonable cause is valid where the arresting officer is instructed to make the arrest by a police agency, which collectively possesses knowledge sufficient to constitute reasonable cause.
 - (8) In the case of a misdemeanor, probable cause as well as the officer's presence at the time of the offense is required, with the following exceptions:
 - a. The officer believes the suspect may cause physical injury to self or others, or damage to property unless immediately arrested (see ACA 16-81-113) and Domestic Abuse Act as defined by Arkansas State Law.
 - b. The suspect has committed the offense of shoplifting when the officer, merchant or merchant's employee who has observed the person accused of shoplifting shall provide a written statement which shall serve as probable cause to justify the arrest (See ACA 5-36-116).
 - c. The officer has reason to believe the suspect will not be apprehended unless immediately arrested.
- 3. Upon making an arrest, an officer must:
 - a. Identify himself as a law enforcement officer unless his identity is otherwise apparent;
 - b. Inform the arrested person that he is under arrest; and
 - c. As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.
- 4. An arrest is complete when:
 - a. The person submits to the control of the arresting officer who has indicated his intention to arrest, or
 - b. The arresting officer, with intent to make an arrest, takes a person into custody by the use of physical force.
- 5. An officer may enter private premises or vehicles to effect an arrest when:
 - a. The officer has in his possession a warrant or order for arrest of a person or is authorized to arrest a person without a warrant or order having been issued;

- b. The officer has reasonable cause to believe the person to be arrested is present, and
 - c. The officer has given, or made reasonable effort to give notice of his authority and purpose to an occupant thereof, unless there is reasonable cause to believe the giving of such notice would present a clear danger.
- 6. Arrest for Serious Crime – When an officer arrests a person for a serious crime, the officer shall advise the supervisor on duty and a determination will be made if the Criminal Investigation Division shall be notified of the arrest for further interviewing and investigation.
- 7. Arrest of Military Deserter – Officers with probable cause that a person is a military deserter may arrest that person and arrange as soon as possible to release the person to the proper military authority.
- 8. Arrest of Injured Person – Upon arresting a person who has been injured, or is injured during the arrest process, the officer shall conduct an assessment of the injury based on visual and/or verbal clues of the person and/or injury. In doing so, the officer shall [CALEA 1.3.5]:
 - a. Transport the person for normal booking procedures if the injury is apparently non-debilitating and not life threatening.
 - b. Request for Emergency Medical Services to respond to the scene if the injury appears to be life threatening or debilitating.
 - c. Not transport the person to a medical facility if the injury is life threatening or debilitating unless exigent circumstances exist. Further reference may be made to FPD 71.1.1, Detainee Transportation.
- 9. Arrest of Unconscious or Semiconscious Person – Whenever an officer arrests an individual who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition, and who is unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the person arrested is wearing a bracelet or necklace containing the Medic Alert Foundation's emergency alert symbol to indicate that the person suffers from diabetes, epilepsy, cardiac condition or any other form of illness which would cause a loss of consciousness. If such a symbol is found indicating that the person being arrested suffers from one of those conditions, the officer must make a reasonable effort to have appropriate medical care provided.
- 10. Arrest of Foreign Nationals – Whenever a foreign national is arrested or detained in the United States, there are legal requirements contained in the Vienna Convention on Consular Relations to ensure that the foreign national's government can offer him/her appropriate consular assistance. In all cases the foreign national must be told of the right of consular notification and access. According to the Department of State, this requirement applies even if the foreign national is not in the United States legally. A list of contact information for embassies and consulates within the United States is available in the squad room and the Washington County Detention Center.

In some cases, mandatory notification must be made to the nearest consulate or embassy without delay, or within the time specified in a bilateral agreement between the United States and the foreign national's country, regardless of whether the foreign national request such notification. If the foreign national's country is on the list of mandatory notification countries, notify that country's nearest consular official, without delay, of the arrest/detention. A list of the mandatory notification

countries is available in the squad room and the Washington County Detention Center.

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification process should still be honored, but it is possible to take precautions regarding disclosure of information. The State Department should be consulted in these situations. Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.

It is the responsibility of the arresting officer, not the detaining facility, to notify the arrested person's nearest consular official. It is also the arresting officer's responsibility to inform the arrestee notification has been made. A form documenting arrest notification that can be sent via FAX is available in the squadroom and the Washington County Detention Center. A copy of this notification process should be attached to the arrest report [CALEA 1.1.4].

11. Misuse of Arrest Authority – Officers of the Fayetteville Police Department shall not misuse the arrest authority that has been delegated to them.

C. USE OF DISCRETION AND ALTERNATIVES TO ARREST

The Chief of Police shall determine what measures (policies and procedures) shall be enforced to influence officer discretion at the operative level of patrol.

Officers are encouraged to be sensitive to cues as the probability of clearance, witness identification, victim prosecution and other factors when making arrests, issuing citations or other law enforcement activities.

In the instances of lesser violations, the officer may weigh the seriousness of the offense and the surrounding circumstances and choose an alternative to arrest. The proper exercise of discretion does not relieve the officer of his responsibility to conduct a thorough investigation [CALEA 1.2.7].

1. Alternatives to Arrest [CALEA 1.2.6]
 - a. Issuance of a citation or criminal summons (when the district judge determines the offense to be citable) which would allow the arrested person to appear in court on his/her own recognizance.
 - b. Informal resolution; or
 - c. Warnings.
2. At his discretion, an officer may assist, as an alternative to arrest and incarceration, an individual found intoxicated in a public place by taking the following actions [CALEA 1.2.7]:
 - a. The officer may transport the intoxicated individual home;
 - b. The officer may transport the intoxicated individual to the residence of another individual willing to accept him/her;

- c. The officer may transport the intoxicated individual to a public or private shelter facility if the individual is apparently in need of and unable to provide for himself food, clothing or shelter but not in need of medical care;
 - d. The officer may transport the intoxicated individual to a medical facility if it is apparent the individual is in need of but unable to provide for himself immediate medical care.
3. Criminal justice and social services programs are available resources that should be considered and utilized when possible. Officers should carefully weigh the available options in any given situation; supervisory consultation may be necessary. Diversion programs available may include, but are not limited to [CALEA 1.1.3]:
- a. Juvenile offender diversions via the Juvenile Division of the Fourth Judicial Circuit Court
 - b. Fourth Judicial District Victim's Rights Advocate
 - c. The Fayetteville Women's Shelter
 - d. Northwest Arkansas Rape Crisis Center
 - e. Salvation Army
 - f. Local churches and homeless shelters
 - g. Local mental health facilities (See FPD 41.2.7)

D. OFF-DUTY ARREST

Officers of the Fayetteville Police Department have liability protection for on-duty and off-duty performance of official duties. This protection does not extend to willful acts to cause injury, to damage or to those actions that the police officer knew, or reasonably should have known, were in conflict with the established policies of this department.

- 1. When off-duty and within legal jurisdiction of this department, a police officer may make an arrest when:
 - a. There is an immediate need for the prevention of bodily injury or property loss/damage or apprehension of a suspect;
 - b. The arresting officer is in possession of appropriate police identification.
- 2. Off-duty officers shall not enforce minor traffic offenses or utilize personal vehicles to pursue or attempt the apprehension of persons.
 - a. Off-duty officers may cautiously follow suspects to obtain vehicle and suspect descriptions or destinations, but officers must realize there is no authorization under state law or departmental policy to violate traffic laws while operating a private vehicle.
 - b. If an off-duty arrest is made, the off-duty officer shall abide by all departmental policies and procedures and shall notify an on-duty supervisor of the circumstances of the arrest and complete any documentation required by procedure.
 - c. No prisoner or arrestee, under any circumstances, shall be transported in a privately owned vehicle.
- 3. Officers that engage in the duties of a law enforcement officer, as defined by Arkansas Statute 12-9-102, shall be considered on-duty and shall be compensated by the City of Fayetteville.
 - a. It is the responsibility of the sworn employee to reconcile their work time through the City's timekeeping software.

E. POST ARREST PROTOCOL

The Chief of Police, state law requirements, and jail procedures will dictate what protocol will be followed post-arrest pertaining to preparing reports, fingerprinting, and photographing.

1. For probable cause arrests made by officers that do not include warrants issued by a judge, officers will complete a preliminary report as part of the booking process as well as an arrest incident report in the police department's reporting system. If the arrest also includes a criminal offense involving a victim, the officer will complete that part of the report as well as the suspect's arrest report [CALEA 1.2.5 a.].
2. Fayetteville Police Department is responsible for the fingerprinting and photographing of arrested subjects per state law requirements. Per Arkansas 12-12-1006, immediately following an arrest for an offense, a law enforcement official at the receiving criminal detention facility shall take, or cause to be taken, the fingerprints and a photograph of the arrested person if the offense is a felony or a Class A misdemeanor. When the first appearance of a defendant in court is caused by a citation or summons for an offense, a law enforcement official at the receiving facility shall take, or cause to be taken, the fingerprints and a photograph of the arrested person when the offense is a felony or a Class A misdemeanor. While this policy does allow officers to utilize discretion as to whether or not a physical arrest is made or a citation is issued for a Class A misdemeanor, the District Court Judge may provide a list of offenses that will require a physical arrest for certain offenses.
3. Juvenile post arrest requirements are set forth in A.C.A. 9-27-320. For juvenile arrest procedures and protocols, see Juvenile Operations 44.1.1.

F. PERSONNEL IDENTIFICATION MEASURES

The following will govern identification requirements of all police department personnel [CALEA 22.2.7]:

1. All personnel will be issued an identification card with their photograph that is required to be carried and accessible while the employee is on duty [CALEA 22.2.7 b.].
2. All employees shall be able to display their identification card upon a reasonable and safe request. Sworn personnel should display this in the accompaniment of their issued badge. Exceptions to this display are when necessary during the performance of police duties at an incident where the officer's status is obvious or in a required undercover capacity where doing so would jeopardize the mission of the operation or the officer's cover [CALEA 22.2.7 a.].
3. In cases where an officer is unable to show identification during an incident, that officer should make every attempt to show his credentials to the requesting party once the scene is secured [CALEA 22.2.7 a.].
4. All officers including uniformed officers should have access to their full credentials while on duty for cases where additional credential checks may be required. Exceptions to this requirement may occur in undercover assignments [CALEA 22.2.7 a.].
5. In the course of conducting official department business over the telephone, all employees should identify themselves by title, department, and name. Should the

other party question the department employee's credibility, the employee should welcome the other party to verify their identity. The employee should suggest the other party may hang up and call the Fayetteville Police Department for verification through Dispatch. Employees may provide the other party with the telephone number and tell the other party they are welcome to look up the phone number independently [CALEA 22.2.7 c.].

6. The issuance of identification shall be considered a standard procedure. A record will be maintained documenting the date of issuance, the person issuing, and the person issued. Employees will be expected to maintain their identification in a professional manner. Lost or stolen identification cards shall be reported to the immediate supervisor.
7. Upon separation of employment, the employee shall relinquish his or her identification card to police personnel.

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.2 Warrantless Detention, Search & Seizure	Effective Date: November 8, 2012
Reference: 61.4.3	Version: 1
CALEA: 1.2.3, 1.2.4	No. Pages: 5

I. Purpose

The purpose of this policy is to establish guidelines for temporary detention, warrantless search and seizure decisions by officers in order to assure they are made in a manner consistent with constitutional guidelines, federal and state laws.

II. Definitions

Consent: Permission for an officer to search a constitutionally protected area given by a person with standing to grant it. Permission must be given without force, duress or coercion of any kind.

Field Interview: A field interview is a brief interview of a person to determine the person's identity and to resolve the officer's suspicions about possible criminal activity. A field interview is intended to resolve an ambiguous situation. A field interview contrasts with an investigative stop in that an investigative stop must be based upon reasonable suspicion of criminal behavior. A field interview may be conducted only with the voluntary cooperation of the citizen being interviewed and shall be immediately terminated if the citizen does not wish to speak.

Frisk: A frisk is a "pat down" of the outer garments for a weapon or contraband.

Investigative Stop: An investigative stop is the temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring or is about to occur and that the person to be stopped is involved or is a witness.

Probable Cause: Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.

III. Procedure

- A. Field Interview – The fourth amendment allows an officer to approach a person and ask if he/she is willing to answer questions, and to ask questions if the person is willing to listen and respond. The person shall not be detained and may leave at any time without answering questions. No stop or detention of a person or a driver of a vehicle is allowed.

The person's voluntary answers to such questions may be offered into evidence in any subsequent criminal proceedings. [CALEA 1.2.3a]

- B. Investigative Stop – An officer may temporarily detain a person if reasonable suspicion exists that a crime has been committed, is committed or is about to be committed; or the officer reasonably suspects the person is illegally carrying a concealed weapon.
1. Officers may make such stops even if probable cause is insufficient to make an arrest.
 2. The following factors may be considered in determining whether reasonable suspicion exists to justify an investigative stop of a person. These factors must be considered in view of the officer's training, knowledge and experience. All of the factors need not be present in order to establish reasonable suspicion:
 - a. The officer has valid knowledge that a person has a prior felony record.
 - b. The person fits the description of a wanted person.
 - c. The person has exhibited conduct in an attempt to conceal an object from the officer's view.
 - d. The person exhibits unusual behavior.
 - e. The area or time of day is indicative of possible criminal activity.
 - f. Hearsay information or an anonymous tip is acceptable dependent upon the content of the information and the degree of reliability. An officer must corroborate some of the hearsay information when developing reasonable suspicion to conduct the investigative stop.
 3. An investigative stop must be conducted as briefly as possible. The stop must be restricted only to the time necessary to confirm or dispel the officer's reasonable suspicion of criminal activity.
 - a. Upon determining the basis for the stop no longer exists, the person detained will be immediately released.
 - b. The detention period may be lengthened only if the suspicion becomes reinforced with additional supportive information or if the officer develops probable cause.
 4. Field Interview (FI) Cards: Officers are encouraged to conduct field interviews as an investigative tool, crime prevention and information in collecting, preserving and disseminating information on potential suspects or criminal activity. Officers shall document all field interviews on a "Field Interview" form in order to provide other officers and investigators with information concerning suspicious activities or persons. Completed field interview cards will be submitted to the Criminal Investigation Division (CID) for entry in to the department's Records Management System.
- C. Frisk – Although an officer may have reasonable cause to stop an individual, there must be a separate belief, based on articulable facts, that the subject is armed and dangerous in order to justify a frisk. The purpose of the frisk is not to discover a crime, but to allow the officer to continue the investigation without fear of violence. [CALEA 1.2.4]
1. The frisk is limited to a pat down of the outer clothing.
 2. If bulky clothing, such as a heavy overcoat, is worn the officer may require the subject to open or temporarily remove the coat in order to complete the pat down.
- D. Search Incidental to Lawful Arrest – An officer shall search a subject incidental to that subject's lawful arrest for any weapons, contraband or evidence of the crime. The

search shall be confined to the subject arrested and that subject's access area at the time of arrest [CALEA 1.2.5 commentary].

1. The search may extend beyond the arrestee's access area for other persons who the officer has reason to believe may endanger the safety of the officer making the arrest.
 2. The search should be limited to locating and controlling the movements of such persons.
 3. An officer should not make an arrest solely as a pretext to search for evidence.
- E. Search by Consent – An officer may conduct a search of any person, place or thing without probable cause when the person having legal control over that area consents to the search. [CALEA 1.2.4]
1. Consent must be freely and voluntarily given. Consent must be granted by a person who appears to possess the competent mental ability and language skills to fully understand the circumstances.
 2. Burden of proof consent was granted is on the officer.
 3. Consent may be verbal or written. Officers must inform the subject he/she has the right to refuse a consensual search of a residence; such warning is not required for consensual search of a vehicle.
 4. Consent may be withdrawn at any time by the subject.
 5. Scope of the search may be limited in any way the subject wishes.
 6. If the search exceeds the authorized scope, it is unlawful.
- F. Officers may enter and search a constitutionally protected area under lawful exigent circumstances to include medical emergencies, or public safety issues such as violent felony in progress. This exception only extends to the termination of the emergency. [CALEA 1.2.4]
- G. Search of Vehicle under Movable Exception Rule – Due to the inherent mobility of a motor vehicle, the courts have historically held officers to a standard of probable cause for their search. There are conditions under which the officer does not need a search warrant in order to search a motor vehicle [CALEA 1.2.4]
1. The passenger compartment incident to and contemporaneous with the arrest of an occupant ~~or~~ only if it is reasonable to believe the arrestee might access the vehicle at the time of the search or the officer has reason to believe the vehicle contains evidence of the offense of the arrest.
 2. Based on probable cause to believe the vehicle contains evidence of a crime or contraband. This search is only limited by the scope of where those items could be concealed.
 3. In the event of a detention of the driver or occupant, and the officer has a basis for a frisk of that person, the frisk may extend into the vehicle to the areas where the subject might leap or lunge for weapon.
 4. An inventory shall be conducted on all vehicles impounded by this department. Reference should be made to FPD 61.4.3 [CALEA 1.2.4]

H. Search at the Scene of a Crime – If a crime scene includes a constitutionally protected area, and the suspect might have a reasonable expectation of privacy, it will be searched pursuant to a search warrant. Exceptions include [CALEA 1.2.4]

1. Officers may conduct a protective sweep of a crime scene for their protection prior to securing the scene pending a warrant or consent.
2. Upon exigent entry, the scope of any search is limited to provide aid to those believed to be in need of assistance or to secure evidence in plain view. Once aid is provided, a search warrant must be obtained before searching for evidence or contraband.
3. Constitutionally protected areas may be searched with the consent of a person with standing to give it.
4. When the suspect is arrested in the crime scene, an officer may search the area under immediate control of the suspect contemporaneous with the arrest.
5. Officers may enter and search a constitutionally protected area under lawful exigent circumstances to include medical emergencies, or public safety issues such as a violent felony in progress. This exception only extends to the termination of the emergency.

I. Jail Booking Strip and Body Cavity Searches [CALEA 1.2.8]

1. Strip and body cavity searches during jail booking are sometimes necessary for officer safety, as well as the safety of the public, including other detainees. Such searches may be required to detect, secure and seize weapons, contraband or evidence of criminal activity. Body cavity searches are those that are conducted involving the anus or vagina.
2. Such intrusive searches shall be conducted only with proper authority, justification and within the policies and procedures of the detention center where the detainee is to be taken.
3. A strip search shall not be conducted unless there is a reasonable suspicion that such detainees are concealing weapons or contraband on their person [CALEA 1.2.8 a.].
4. A body cavity search shall not be conducted unless there is probable cause to suspect such detainees are concealing weapons or contraband and consent to search or a search warrant has been obtained.
5. For body cavity searches officers will notify county jail supervisors, and only a nurse or physician may conduct body cavity searches [CALEA 1.2.8 a.].
6. Officers involved in a strip search should ensure that the search is conducted by personnel of the same gender as that of the subject being searched and that the search is done out of the public view and with regard for human dignity [CALEA 1.2.8 b.]. If a question arises regarding the gender of the subject to be searched, the subject's gender will be determined based on the policies, procedures and rules of the detention facility.
7. Officers of the department that cause a strip or body cavity search to be conducted or that are involved in a strip search should include the details of the search in a report to include gender of the subject and identification and gender of personnel conducting the search [CALEA 1.2.8 c.].

J. Other Searches authorized by State and Federal Provisions [CALEA 1.2.4]

1. Officers may enter an open field and search it for items subject to seizure when they have reason to believe that the stated items are to be found at that location.
2. Officers may search public places, such as a public park, when they have reason to believe that the items subject to seizure are at that location.
3. Officers may search private locations open to the public, such as the lobby of a bank, when they have reason to believe that items subject to seizure are at that location.
4. Officers may seize items that are immediately apparent as evidence when they come into view and the officers have the right to be in the area at the time.
5. Officers may search abandoned property if it can be established that the owner or person in possession of the property intended to abandon it.

K. Warrantless Search by Law Enforcement Officer of a Supervised Probationer or Parolee.

1. A person who is placed on supervised probation or is released on parole is required to agree to a waiver as a condition of his or her supervised probation or parole that allows any certified law enforcement officer to conduct a warrantless search of his or her person, place of residence, or motor vehicle at any time, day or night, whenever requested by the certified law enforcement officer. A warrantless search that is based on a waiver shall be conducted in a reasonable manner (16-93-106).
2. Though Arkansas Law does not require an articulable suspicion that the person is committing or has committed a criminal offense, this department requires that an officer have some articulable law enforcement concern, however slight, prior to conducting such searches without the direct assistance of a parole or probation officer, or that the parolee/probationer be a party to an otherwise lawful stop based on reasonable suspicion or probable cause.
3. Examples of a law enforcement concern include but are not limited to: Anonymous tips/reports that would otherwise not be sufficient to conduct a search; parolee/probationer found in known crime areas or otherwise under suspicious circumstances less than reasonable suspicion for a terry stop; parolee/probationer is a party to a lawful traffic stop or other detention whereby a search would otherwise be unlawful.
4. Officers are prohibited from using this statute to harass.
5. Prior to a search of a parolee/probationer based on the sole fact that the person is merely a parolee/probationer, a member of this department shall verify the status of the person believed to be on supervised probation or parole and that a waiver exists prior to conducting a seizure and or search.
6. If a waiver does not exist or cannot be confirmed, the officer will need to follow rules of criminal procedures for any warrantless search.
7. Authority granted under this statute does not preclude other restrictions that may be applicable under law including 3rd party rights, co-occupants, etc.
8. In the event a co-occupant or other lawful third party prevents the search of a residence where a parolee or probationer resides based on applicable law, the officer will advise the third party that the parolee/probationer may be in violation of his/her parole based on their lawful objection, and the officer will report the incident to Parole/ Probation for their consideration of enforcement.
9. Officers will document all parole/probation searches or attempts to search in an incident or informational report. The report should document the date, time, location,

parolee/probationer searched, scope of the search, the law enforcement concern that led to the search or an otherwise lawful stop, and the result of any such search.

10. In addition to typical enforcement that may occur, the discovery of any criminal violation will be immediately reported to the appropriate Parole/Probation Officer for further administrative consideration.

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.1 Use of Force	Effective Date: March 17, 2015
Reference: 1.3.4, 41.3.5, General Orders 13, 14, 23, 29, 32	Version: 5
CALEA: 1.3	No. Pages: 8

I. PURPOSE

The purpose of this directive is to state the Fayetteville Police Department policy regarding the use of force, including deadly force, less lethal force and defensive tactics.

II. DISCUSSION

The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must at all times be secondary to the protection of life. The officer's responsibility for protecting life must include his own.

III. DEFINITIONS

Deadly Force – Deadly force is that force which may cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Physical Force – Physical force is any bodily impact, restraint, confinement or the threat thereof.

Reasonable Belief – Reasonable belief is fact or circumstances the officers knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury – Serious physical injury is bodily injury that creates a substantial risk of death; cause serious, permanent disfigurement; or results in a long-term loss or impairment of the functioning of any bodily member or organ.

IV. POLICY

It shall be the policy of the Fayetteville Police Department that its officers shall not use more force in any situation than is reasonably necessary under the circumstances. [CALEA 1.3.1]

Officers of the Fayetteville Police Department shall only carry firearms, less-lethal weapons, and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty assignments that have potential for police action, officers shall only carry firearms, less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 1.3.9].

A. Use of Deadly Force

1. An officer may use deadly force to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury [CALEA 1.3.2].
2. The use of deadly force should be prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.
3. Deadly force shall never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.
4. Officers shall not be permitted to fire at felony suspects when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
5. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another person.
6. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass."
7. An officer may use deadly force to effect the capture or prevent the escape if the officer reasonably believes that the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
8. In order to protect the community's interest when employees may have exceeded the scope of their authority in their actions or in their use of deadly force and to shield employees who have not exceeded the scope of their authority from possible confrontations with the community, employees whose actions or use of force in an official capacity results in death or serious physical injury shall be relieved from line-duty assignment pending administrative review. This shall include all employees, is not limited to shootings, and will include incidents such as fatal or serious physical injury motor vehicle collisions involving employees [CALEA 1.3.8].
9. The killing of an animal is justified by the following conditions:
 - a. For self-defense, to prevent injury to an officer or another, or when the animal is so badly injured that humanity requires its relief from further suffering.
 - b. The destruction of vicious animals should be guided by the same rules set forth for self-defense and safety of others.

- c. A Use of Force Report and memorandum to the officer's direct supervisor shall be completed when an animal is killed for the self-defense of officers or safety of others.
- d. A seriously wounded or injured animal may be destroyed upon approval from a supervisor, and only a Use of Force Report is required.

B. Use of Physical Force and Less-Lethal Weapons

All police officers of the Fayetteville Police Department are directed to obtain defensive tactics training and certification to carry and use the departmental authorized less-lethal weapons. Officers will be issued copies of 1.3.1 and will be instructed in this policy [CALEA 1.3.12]. Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with guidelines set forth in ~~section 1.3.4~~ the Less-Lethal Weapons and Defensive Tactics policy (1.3.4), and in accordance with guidelines established in this policy and the applicable general orders.

All departmentally approved less-lethal devices are deployed as additional police tools and are not intended to replace firearms or self-defense techniques. Officers choosing to use these devices should not compromise their safety.

C. Firearms

1. Issuance of "Use of Force" policy: All officers of the Fayetteville Police Department shall be issued individual copies of and receive instruction on the department's policy regarding use of deadly force prior to being issued a firearm [CALEA 1.3.12]. Officers will receive in-service training on the department's use of force policy on an annual basis [CALEA 1.3.11].
2. Proficiency in Use of Agency-Authorized Firearms: Qualification with the issued handgun is an essential job function of a Fayetteville Police Officer. Failure to qualify may result in the imposition of discipline, up to and including termination of employment. Additionally, failure to qualify with any other department-approved weapon would prohibit that officer from being allowed to carry that particular weapon [CALEA 1.3.10]. An Arkansas Commission on Law Enforcement Standards and Training (CLEST) certified weapons instructor shall conduct training and qualification [CALEA 1.3.11 a].
 - a. Officers shall qualify with the issued handgun four times each year, at least one of which will meet a CLEST approved Standard Qualification Course of Fire for one target [CALEA 1.3.11 b].
 - b. On all other qualification relays, officers shall qualify with a score equal to or better than the established standard set by the Chief of Police in consultation with the Firearms Instructor.
 - c. Officers certified on the department approved shotgun or rifle shall qualify annually on a CLEST approved course.

- d. All firearms training and qualification scores, including remedial training if necessary, will be documented and maintained by the Firearms Division until an officer separates from the department [CALEA 1.3.11 b].
 - (1) An officer who fails to qualify with his/her issued handgun, shotgun, or rifle after two consecutive attempts shall be referred for immediate refresher remedial training by a certified firearms instructor.
 - (2) The firearms instructor providing the remedial training shall notify the officer's immediate supervisor and the Chief of Police in the event the officer is still unable to qualify at the conclusion of the extra training session.
 - a) Upon notification an officer has failed to qualify with their issued handgun, the supervisor shall immediately relieve the unqualified officer of the issued handgun and patrol duty, with pay. The unqualified officer will be directed to report to the Training Division the next working day for additional remedial training. The officer's authority to carry a firearm shall remain revoked until such time as the officer qualifies or the determination is made the officer is not responding to further training [CALEA 1.3.11 c].
 - b) Upon notification an officer has failed to qualify with a shotgun or rifle, the officer's authority to carry the firearm shall remain revoked until such time the officer qualifies. It shall be the responsibility of the officer to schedule additional remedial training and qualifications.
- e. Any officer who fails to qualify with their issued handgun, and receives remedial training more than once during a calendar year, shall be subject to disciplinary action. If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing.
- f. Officers shall attain and demonstrate knowledge of the laws concerning the use of firearms and be familiar with and recognize safe-handling procedures for the use of these weapons.
- g. Any officer returning to duty after an absence exceeding three months shall report to the Training Division for remedial refresher training and a CLEST approved qualification prior to being permitted to return to full duty.
- 3. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- 4. Warning Shots: Officers are not justified in using a firearm to fire a warning shot for any purpose. Warning shots endanger the lives of innocent bystanders and may also prompt a suspect to return fire [CALEA 1.3.3].
- 5. Off-Duty Possession of Weapons: It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed weapon while off-duty within the corporate limits of Fayetteville. Officers should also be aware that Federal Law, known as the Law Enforcement Officers Safety Act of 2004, provides certified law enforcement officers with the right to carry a concealed firearm in any jurisdiction of the United States.
 - a. Officers are not required to carry a weapon while off-duty, but may do so at their option.
 - b. Officers exercising the option to carry a weapon while off-duty are authorized to carry their issued primary and/or secondary handgun(s) weapon.

- c. Authorization for officers to carry weapons while off-duty shall be subject to the following conditions:
 - (1) Officers will be required to have in their possession the department-issued badge and official identification card.
 - (2) Officers in plain clothes wearing their firearms exposed to the public view shall display their department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.
 - (3) Officers who choose to carry a weapon other than one issued by the police department shall qualify to demonstrate proficiency in the use of that weapon on an annual basis at their own expense.
- 6. Department-Issued Weapons and Ammunition: Reference may be made to section 41.3.5 for specifications of department-issued weapons and ammunition.
 - a. All department-issued firearms will be inspected on an annual basis by a certified armorer and must be approved by the armorer before being issued and/or carried [CALEA 1.3.9 c,d,e].
 - (1) The Firearms Division will maintain weapons inspections reports.
 - (2) Firearms determined to be unsafe or irreparable by certified weapons instructors or armorers shall immediately be removed from service with a report indicating such status [CALEA 1.3.9 d.].
 - (3) For weapons in need of repair, a certified armorer will make the decision to repair the weapon or to send the weapon to the factory's certified repair center [CALEA 1.3.9 d.].
 - (4) The Firearms Division will maintain a record on all weapons in service to include inspection date(s) and maintenance [CALEA 1.3.9 e.].
 - b. Officer Responsibility for Department-Issued Firearm:
 - (1) Officers must take reasonable and adequate care of any firearm issued to them.
 - (2) In the event a firearm is lost, damaged, destroyed or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes negligence or willful destruction or damage of the firearm by the officer.
 - (3) Officers shall be responsible for reporting damaged or unsafe firearms to the on-duty supervisor who will ensure unsafe firearms are removed from service and the certified armorer is notified. Officers shall complete a memorandum documenting the damaged or unsafe firearm to his immediate supervisor to be forwarded through the chain of command, as well as to the certified armorer [CALEA 1.3.9 d.].
 - (4) In the event of the loss of department-issued firearm, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities of the firearm loss and ensure that the loss is reported through the department's ACIC/NCIC terminal.
 - (5) Officers may choose to leave their issued handgun(s) in their locked lockers at the department. If officers choose to remove their issued handgun(s) from the department while off duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 1.3.9 f.].
- 7. Discharge of Weapon: If an officer, on or off duty, fires a department-issued weapon while acting in his official capacity (except for training purposes such as range

qualifications) or in the event of an accidental discharge, the officer shall comply with the following:

- a. The officer who fired the weapon shall notify the shift supervisor as soon as practicable after the firing has taken place.
 - b. The supervisor shall make a preliminary investigation each time an officer under his command fires a weapon.
 - c. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel [CALEA 1.3.6 a.].
 - d. If during the performance of duty or on any occasion an officer fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the following procedure is to be followed immediately:
 - (1) Medical aid, to the extent possible, should be given to anyone injured [CALEA 1.3.5].
 - (2) The shift supervisor is to be notified immediately.
 - (3) The shift supervisor will notify the Chief of Police through the chain of command immediately.
 - (4) A shooting team, the members of which will be designated by the Chief of Police, will be called to the scene.
 - (5) The shooting team will be responsible for conducting a thorough investigation into the circumstances surrounding the shooting. The shooting team will, at the conclusion of the investigation, submit a report to the Chief of Police including relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge violates departmental policy.
 - (6) The shooting team will be functioning with the full authority of the Chief of Police. The team will be in complete control of the internal investigation. All officers, including shift supervisors, shall give the team their full cooperation. No one shall interfere with such an investigation.
 - (7) If the facts of the incident support a conclusion that the shot was the result of negligence, the officer shall be required to undergo firearms certification training again.
8. Firearms - The Fayetteville Police Department authorizes the following weapons and will govern proficiency requirements as follows for each weapon. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons [CALEA 1.3.10]:
- a. Each officer will be assigned and issued a primary handgun that will be either the Glock model 35 .40 caliber semi-automatic pistol or the Glock model 23-C .40 caliber semi-automatic pistol [CALEA 1.3.9 a.]:
 - (1) Officers must meet the qualification standards for their issued handgun as previously stated in this policy [CALEA 1.3.11 b.].
 - b. Officers are authorized to carry an issued Glock model 27 .40 caliber semi-automatic pistol as a secondary weapon [CALEA 1.3.9 a.].
 - (1) Officers issued this weapon will qualify annually on an approved qualification course [CALEA 1.3.11 b.].
 - c. The rifle will be an AR 15 type short barrel rifle (SBR 11.5 inch barrel) or carbine (16 inch barrel) capable of semi-automatic fire in caliber 5.56 mm (.223 caliber) magazine fed. This rifle will be either of the A2 type with fixed carry handle with iron sights only, or the A3 flat top equipped with a reflex sight approved by the Chief

of Police an ~~Eo Tee~~ holographic sight and co-witness flip up iron sights [CALEA 1.3.9 a.]:

- (1) The AR15 rifle will be authorized for Emergency Response Team (ERT) members and for other selected sworn members of the department.
 - (2) AR15 operators must successfully complete a patrol rifle certification course approved by CLEST [CALEA 1.3.11 b.].
 - (3) AR15 operators must pass a CLEST approved patrol rifle qualification course using both types of sights annually [CALEA 1.3.11 b.].
- d. Shotguns will be Remington 11-87 gas operated semi-automatic 12 gauge shotguns. They will be either 14 inch barreled or 20 inch barreled. The Remington 870 12 gauge pump action shotgun used by ERT may be deployed using specialized ammunition as determined by the ERT Team Commander [CALEA 1.3.9 a.]:
- (1) Shotguns will be authorized for ERT members and for sworn officers.
 - (2) Shotgun operators will have completed a shotgun certification course approved by CLEST.
 - (3) Shotgun operators must pass a CLEST approved shotgun qualification course annually [CALEA 1.3.11 b.].
- e. Precision rifles will be either the Remington model 700 LTR bolt action .308 caliber or the Larue PredatOBR semi-automatic, gas operated, magazine fed .308 caliber rifle [CALEA 1.3.9 a.]:
- (1) Precision rifles will be authorized for selected ERT members.
 - (2) Precision rifle operators must successfully complete a Sniper certification course approved by CLEST.
 - (3) Precision rifle operators must pass a CLEST approved precision rifle qualification course annually [CALEA 1.3.11 b.].
- f. Officers assigned to the 4th Judicial District Drug Task Force (DTF) will be authorized to carry the Glock model 27 .40 caliber semi-automatic pistol [CALEA 1.3.9 a.].
- (1) DTF officers issued this weapon will qualify annually on an approved qualification course [CALEA 1.3.11 b.].
- g. The aforementioned weapons when not in operation, other than department issued handguns, must be locked and stored in approved department arsenals or safes. While on duty, rifles and shotguns in marked patrol vehicles shall be carried in approved locking mechanisms. Officers will follow storage guidelines in this policy that apply to issued handguns [CALEA 1.3.9 f.].

D. Use of Force Reports: The purpose of this section is to establish specific guidelines that define the situation when a Use of Force Report must be completed. Not every touching by an officer requires a report; circumstances that require a report are outlined in this section [CALEA 1.3.6].

1. All officers are directed to complete a Use of Force Report when the following criteria are met and turn it in to his supervisor before the end of his shift:
2. Situations that require supervisor notification and completion of the Use of Force Report [CALEA 1.3.6 b, c, d]:

- a. An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that he or she was injured;
 - b. An officer exercising police authority uses any object including but not limited to a hand, fist, foot or intermediate weapon to strike a blow to a subject;
 - c. An officer exercising police authority bodily removes or drags a struggling subject from one place to another, or forcibly places or keeps a person in a prone position;
 - d. An officer exercising police authority uses force during or after which a subject loses consciousness;
 - e. An officer uses any intermediate weapon or less lethal weapon;
 - f. An officer discharges a firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exception: range activity and other lawful and safe target practice) [CALEA 1.3.6 a.];
 - g. An officer points a firearm at anyone.
3. Officers should photograph and document any injury, or reported injury, on the Use of Force Report.
 4. Use of Force Reports will be reviewed and submitted by the shift supervisor to the department's administration [CALEA 1.3.7]:
 - a. A supervisor will conduct a documented review of camera captured data in all uses of force incidents that involve the use of less lethal weapons and/or weaponless uses of force which result in a subject receiving medical treatment.
 - b. Each Use of Force Report will be reviewed by the division's respective captain and by the Chief's designated head of Office of Professional Standards (OPS) [CALEA 1.3.7].
 - c. The designated head of OPS will conduct an annual analysis of all Use of Force Reports, activities, policies, and practices and submit a report to the Chief of Police [CALEA 1.3.13].

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.4 Less-Lethal Weapons and Defensive Tactics	Effective Date: October 6, 2015
Reference: 1.3.1, General Orders 13, 14, 23, 29, 32	Version: 6
CALEA: 1.3.4, 1.3.5, 1.3.6, 1.3.9, 1.3.11, 1.3.12	No. Pages: 4

I. PURPOSE

The purpose of this directive is to establish specific guidelines for the use of authorized less-lethal weapons and defensive tactics [CALEA 1.3.4].

II. DISCUSSION

Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

III. POLICY

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in a manner consistent with this agency's use of force policy and in accordance with guidelines established in this policy and in the applicable general orders.

~~in accordance this agency's use of force policy and with the guidelines established in this policy~~

A. Defensive Tactics

The *Use of Force Continuum* is included as a guide in the appropriate use of force. It is recognized that it cannot be rigidly applied in rapidly unfolding and fluid situations. Officers should generally use the level of force that can reasonably be expected to succeed in controlling the situation. Officers are not required to move in a hierarchical fashion through all the levels of control, but instead, should use that level of force that is appropriate and reasonable under existing circumstances [CALEA 1.3.1].

The force continuum contains areas of control, which will be used by an officer, and the levels of resistance, which are used by the offender.

1. Levels of Control:

The department will instruct various defensive tactics techniques, which include pressure point and ground fighting techniques to officers. Officers shall only use authorized techniques they have been trained to use:

- a. Officer Presence: The professional appearance and uniform of a police officer.
- b. Verbal Direction: The appropriate verbal response and commands used to attempt to direct the action of a suspect.
- c. Empty Hand: Soft empty hand techniques are designed to control passive or defensive resistance. They are used when verbal direction/commands are not effective and there is non-compliance with lawful orders. Soft empty hand control techniques include strength techniques, joint locks, pressure points or distraction techniques, which are hand and leg strikes to specific motor nerve points.
- d. Hard Empty Hand Control techniques are designed to control active aggression, but can be used to control defensive resistance when lower forms of control have failed or when the officer believes lower forms of control will fail.
- e. Intermediate Weapons: An intermediate weapon is any tool used when empty hand control has been, or will likely be, ineffective or dangerous for the officers to attempt, and deadly force is not justified.

Usage criteria for intermediate weapons is as follows:

- (1) The use of any intermediate weapon is considered a use of force and shall be deployed in a manner consistent with this agency's use of force policy and in accordance with guidelines established in this policy and in the applicable general orders.
 - (2) An intermediate weapon may be used when:
 - (a) verbal dialogue has failed to bring about the subject's compliance, and
 - (b) the subject has signaled an intention to actively resist the officer's efforts to make the arrest, and
 - (c) the use of empty hand techniques has been, or will likely be, ineffective or not reasonable under the circumstances.
 - (d) confronted with an aggressive animal.
 - (3) Whenever practical and reasonable, officers should issue a verbal warning prior to the use of an intermediate weapon.
 - (4) An officer may use deadly force to protect himself or others from the use, or threatened use, of an intermediate weapon when the officer reasonably believes that deadly force will be used against him if he becomes incapacitated.
 - (5) An intermediate weapon is not designed, nor expected, to be used in place of deadly force when deadly force is justified. The intermediate weapon is another tool in the use of force continuum to assist in preventing injury to officers or others.
 - (6) Once a suspect is compliant, the use of an intermediate weapon is no longer justified.
 - (7) If an intermediate weapon has been deployed, officers shall seek appropriate medical aid and/or assistance if necessary. Reference may be made to general orders specific to the less-lethal weapon [CALEA 1.3.5].
- f. Deadly/lethal force: Force likely to cause death or serious physical injury. Officers are authorized to use deadly force only when it is reasonable and

necessary to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury.

2. Levels of Resistance:

- a. Psychological Intimidation: The suspect attempts to intimidate the officers psychologically. These are non-verbal cues such as suspect attitude or physical appearance or physical readiness.
- b. Passive Resistance: The suspect makes no attempt to fight the officer or even pull away. He simply forces the officer to do all the work. An example would be the protestor who causes the officer to pick him up and carry him from the scene or the drunk driver who will not step from the car but must be physically pulled out.
- c. Verbal Non-Compliance: This includes verbal threats from the suspect towards the officers. A suspect may not be resisting just by threatening the officer but may simply refuse to comply with orders, be unwilling to comply or ignore the officer completely.
- d. Defensive Resistance: The suspect performs actions that attempt to prevent officers from controlling him, such as pulling away when handcuffing is attempted. He may simply move away from the officer or push the officer's hands away. The suspect makes no attempt to harm the officer, just tries to defeat the arrest.
- e. Active Aggression: The suspect attempts to harm the officer by physical actions such as striking or kicking him.
- f. Aggravated Aggression: The suspect is attempting to harm the officer by use of a weapon or empty handed at a deadly force level.

3. De-escalation of Force:

- a. Officers must immediately de-escalate down to empty hands or verbal commands after gaining compliance through the use of an intermediate weapon.
- b. Officers, for their own protection, should understand and comply with the force continuum.

4. Training:

- a. Officers are only authorized to use intermediate weapons, pressure points and defensive tactics after they have received training and certification.
- b. Officers are required to attend refresher training on handgun retention and defensive tactics as scheduled by the Training Division.

B. Less-lethal Weapons

Less-lethal weapons provide officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty. It is the policy of this department that officers use less-lethal weapons when warranted, but only ~~in accordance with the guidelines established in this policy~~ in a manner consistent with this agency's use of force policy and in accordance with guidelines established in this policy and in the applicable general orders.

Less-lethal weapons are not designed to be used in place of deadly force when deadly force is justified. Less-lethal weapons are other tools in the use-of-force continuum to assist in preventing injury to officers and others. Officers of the Fayetteville Police Department shall only carry less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty assignments that have the potential for police action, officers shall only carry less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 1.3.9]. The types and specifications of approved less-lethal weapons and any corresponding ammunition will be governed by the department's Approved Weapons and Ammunition List as maintained by the Administrative Lieutenant [CALEA 1.3.9 a., b.].

All less-lethal weapons shall be reviewed and inspected on an annual basis by a qualified weapons instructor or armorer. All less-lethal weapons must be deemed safe and operational by the qualified weapons instructor or armorer before being issued and/or carried [CALEA 1.3.9 c.]. Less-lethal weapons determined to be unsafe by qualified weapons instructors or armorers shall immediately be removed from service [CALEA 1.3.9 d.].

The police department will maintain a record on all less-lethal weapons in service to include inspection date(s) and maintenance [CALEA 1.3.9 e.]. The department's Duty Assignment List will document personnel responsible for maintenance and inspection of less-lethal weapons.

Officers shall be responsible for reporting damaged or unsafe less-lethal weapons to the on-duty supervisor who will ensure unsafe less-lethal weapons are removed from service. Officers shall complete a memorandum documenting the damaged or unsafe less-lethal weapon to his or her immediate supervisor. The supervisor shall forward the memorandum through the chain of command and also send a copy of the memorandum to the qualified weapons instructor or an armorer listed on the department's Duty Assignment List. Before the repaired less-lethal weapon is put back into service, it will be inspected by a qualified weapons instructor or armorer and deemed safe and operational [CALEA 1.3.9 d.].

All agency personnel authorized to carry less-lethal weapons will be issued copies of and be instructed in the policies FPD 1.3.1, 1.3.4, and applicable Less-lethal General Orders before being authorized to carry the weapon. The issuance and instruction shall be documented [CALEA 1.3.12]. Officers shall receive in-service refresher training, to include a review of FPD 1.3.1 and 1.3.4, on an annual basis [CALEA 1.3.11]. A certified weapons or tactics instructor will conduct refresher training. Proficiency training must be monitored by a certified weapons or tactics instructor [CALEA 1.3.11]. All agency personnel authorized to carry electronic controlled weapons shall annually demonstrate proficiency. In service training for other less-lethal weapons and weaponless control techniques shall occur at least biennially [CALEA 1.3.11]. The training division will maintain documentation of refresher training and proficiency training on all weapons [CALEA 1.3.11 b.]. Remedial training, if necessary, will be given to any officer who is

unable to demonstrate knowledge and proficiency of less-lethal weapons prior to resuming official duties [CALEA 1.3.11].

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.6 Officer-involved Shooting	Effective Date:
Reference: FPD 1.3.1, GO 21	Version: 1
CALEA:	No. Pages: 9

I. PURPOSE

The intent of this policy is to establish procedures for the response and investigation of officer-involved shootings, on duty or off duty, and to ensure that such incidents be investigated in a thorough, fair and impartial manner.

II. DISCUSSION

It is important employees know what to expect before a shooting occurs. This policy will outline the steps to be taken when:

- An officer fires his/her weapon at any person; or
- An officer fires his/her weapon and strikes any person.

An officer firing his/her weapon in training, practice, or for the humane termination of a critically wounded animal is not applicable to this policy.

III. DEFINITIONS

Deadly Force: Deadly force is force which may cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Reasonable Belief: Reasonable belief is fact or circumstances an officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Officer-Involved Shooting: For the purpose of this policy, an officer-involved shooting is defined as any shooting where an officer fires his/her weapon at any person, or an officer fires his/her weapon and strikes any person. This includes officer-involved shootings on-duty, off-duty, and the unintentional discharge of a firearm resulting in injury to another person.

Internal/Office of Professional Standards (OPS) Investigation: An investigation conducted to evaluate adherence to department policies, procedures, and rules.

Shooting team: Investigators assigned by the Chief of Police or his designee to conduct an internal investigation into the events of an officer-involved shooting.

Criminal Investigation: A criminal investigation is an investigation conducted by Fayetteville Police Department investigators and/or investigators from an outside agency. The purpose of the criminal investigation is to determine if any laws were violated by employees and/or other involved subjects.

Critical Stress Debriefing: Critical stress debriefing is a benefit provided to Fayetteville Police Department employees who are directly involved in critical incidents that may lead to stress beyond the scope of daily calls for service.

Employee Assistance Program: The City of Fayetteville Employee Assistance Program is a benefit provided to City of Fayetteville employees that allows employees and/or their family members to receive counseling sessions.

IV. POLICY

1. The Fayetteville Police Department recognizes officer-involved shootings involve serious decisions and actions, and shooting incidents deserve immediate and objective review. Incidents shall be critically examined in order to protect both the interests of the public and involved employees. The Fayetteville Police Department is responsible for the completion of criminal and internal investigations related to officer-involved shootings within their jurisdiction; however, this responsibility will be relinquished in criminal investigations to another agency in most situations involving injury or death.

V. PROCEDURE

A. Crime Scene

For the purpose of this policy, the below listed steps shall be taken after the crime scene has been secured and there is no longer an immediate threat to officer safety. The Fayetteville Police Department recognizes that an officer who has been involved in a shooting may have memory loss and other physiological reactions caused by the shooting incident. For that reason, the following listed procedures shall be followed:

1. Digital Mobile Video Recorders (DMVR) and/or body worn cameras shall not be turned off by any officer until he/she has been instructed to do so by a supervisor, or until the officer leaves the scene(s) of the incident. Supervisors

should make exceptions for officers having private conversations with their legal representatives and/or family members.

2. Immediately after the scene has been determined to be safe, officers shall provide first aid to the extent possible to any person who has been injured [CALEA 1.3.5].
3. Officers shall advise Central Dispatch Center (CDC) to request an ambulance to treat anyone who is in need of medical care.
4. The officer(s) shall request an on-duty supervisor respond to officer-involved shooting scenes.
5. The officer(s) on the scene of a shooting shall secure the crime scene to the extent possible so as not to destroy any evidence that may be of importance to the investigation.
6. An on-duty supervisor shall immediately respond to the scene of the shooting and ensure:
 - a. All medical needs have been addressed;
 - b. The crime scene has been adequately secured;
 - c. The Chief of Police shall be notified through the chain of command immediately;
 - d. Additional personnel or resources have been requested through CDC, and;
 - e. CDC has contacted the Public Information Officer to respond to the scene to manage media inquiries.
7. The first responding on-duty supervisor shall maintain control of the shooting scene until he/she is relieved of that duty by appropriate personnel. The supervisor in charge of the scene shall cause a shooting scene log to be kept documenting any and all individuals entering the scene.
8. The on-duty supervisor shall specifically ask each officer at the scene of a shooting if they have been injured. Any injuries shall be documented and photographed, and the supervisor shall ensure injured officers receive medical treatment. The on-duty supervisor shall ensure appropriate worker's compensation paperwork is completed.
9. The officer(s) involved in the shooting who fires his/her weapon shall give a brief account to the first responding supervisor of the sequence of events. This shall include the nature of the initial call or encounter, the number of subjects and/or witnesses who were involved, and any information the officer feels is critical for the initial report, investigation, or public safety.

10. The officer's supervisor at the time of the incident will be responsible for ensuring that personnel involved in the shooting file reports in a timely manner [CALEA 1.3.6a].

11. All officers involved in the incident, regardless if they fired their weapon, shall return to the police department as soon as released by a supervisor. When necessary, officers will be driven from the scene to the police department.

B. Upon Return to the Police Department

1. Officers who were involved in the shooting shall be given time to contact family members, legal representatives, pastors, peers, and/or other support personnel the officer deems necessary.

2. The involved officer(s) who fired his/her weapon shall not be isolated. A neutral peer or supervisor shall be assigned to accompany and support the officer until the officer has been released to leave the department. The support officer shall not question the involved officer about the shooting.

3. In a private setting at the police department, a supervisor shall retrieve the involved officer's fired weapon for investigation and immediately exchange it with a replacement handgun. If a long gun was fired, it shall be at the discretion of the Chief of Police, or his designee, if the long gun is to be replaced, dependent on the availability of weapons.

4. The immediate supervisor shall collect discharged firearms and maintain strict custody of the firearms until released to the criminal investigation team or submitted to the Property and Evidence Division. Appropriate paperwork will be completed to document the exchange.

5. All officers who were present at the scene of a shooting shall have their weapons inspected, photographed and documented to verify shots were or were not fired. This shall be done in a private setting at the police department by a supervisor or the criminal investigators.

6. As soon as possible following a shooting, the shooting team shall inform the involved officer(s) of the administrative and investigative process that will follow. The officer shall be given a point of contact at the police department so that any questions or concerns the officer has can be addressed.

7. When the involved officer is released by the shooting team to go home, he/she will be provided transportation as needed.

8. The officer(s) shall be kept informed of the status of the internal and criminal investigations as is practicable.

C. Internal Investigation

1. The Chief of Police or his designee will select members for a shooting team immediately following an officer-involved shooting. The shooting team shall answer directly to the Chief of Police.
2. The shooting team's internal investigation shall focus on Fayetteville Police Department policies, procedures and rules. This investigation will be separate from the independent criminal investigation.
3. All internal shooting team investigations shall be conducted in a thorough and efficient manner. Shooting team investigations shall take priority over other assignments and shall be completed as timely as possible.
4. All employees shall cooperate with the shooting team, and no employee shall interfere in any way with the investigation.
5. The officer involved in the shooting will be given a chance to recover from the traumatic event before he / she will be required to give a formal interview with the shooting team.
 - a. The involved officer(s) shall be afforded the opportunity to have legal representation present during internal interviews conducted by the shooting team.
 - b. Prior to an internal investigation interview, the officer/s shall be afforded the review of his/her Garrity Warning.
 - c. All interviews shall be audio recorded.
 - d. The involved officer(s) will be compensated for time spent participating in the internal and criminal investigation.
 - e. If an officer refuses to answer questions during an internal investigation, he/she will be given a direct order to answer the questions. If the officer refuses, he/she will face discipline up to and including termination.
6. An employee's compelled statements made during an internal investigation shall not be used against that employee in any criminal investigation.
7. Once the internal investigation is complete, it shall be submitted to and reviewed by the head of the Office of Professional Standards (OPS). The investigation findings shall then be delivered to the Chief of Police. The Chief of Police shall determine what actions are to be taken.

D. Criminal Investigation

1. When an officer fires his/her weapon, the Chief of Police may request an independent criminal investigation by an outside police agency to determine if any law was broken by the officer(s) and/or the other involved subject(s). It shall be the Chief of Police or his designee's discretion as to which, if any, outside agency shall be utilized.
2. The Chief of Police or his designee shall notify the Washington County Prosecuting Attorney about the shooting as soon as possible to allow the prosecutor the opportunity to visit and examine the crime scene.
3. The criminal investigators shall have priority to the crime scene, and they will allow the shooting team access once critical evidence has been identified and preserved.
4. During criminal investigation interviews of police department personnel, all constitutional guarantees shall be afforded to personnel as would be afforded to any citizen.
5. When circumstances dictate the criminal investigation is to be conducted by the Fayetteville Police Department Criminal Investigation Division, the supervisor in charge of the investigation shall keep the Chief of Police or his designee informed of the progress of the investigation.
 - a. When the investigation has concluded, the Chief of Police shall review the findings.
 - b. After a review of the findings, the Chief of Police shall direct the supervisor in charge of the investigation to forward the case file to the Washington County Prosecuting Attorney's Office for review.
 - c. The criminal investigation shall not be considered complete and/or closed until the investigation and findings have been reviewed by the prosecutor.
 - d. It is recognized the prosecutor may request additional interviews or investigation, and therefore the criminal investigation shall not be released to anyone other than the prosecutor and/or Fayetteville City Attorney, until the investigation has been reviewed and is officially completed and closed.

E. Administrative Leave

1. It shall be the policy of the Fayetteville Police Department that any officer who fires his/her weapon at any person, or who fires his/her weapon and strikes any person, shall be removed from line-duty assignment [CALEA 1.3.8] and placed on paid administrative leave. The Chief of Police is the ultimate authority and may deem it necessary to place other employees on paid administrative leave.

2. Paid administrative leave is a matter of policy, and should not be interpreted to imply or indicate the officer(s) has acted properly or improperly. Administrative leave is not a disciplinary action.
3. At all times while on administrative leave, the officer(s) shall remain available to investigators.
4. The Chief of Police is the ultimate authority who shall decide when an officer is to return to work and in what capacity.
5. An officer who has been on leave pursuant to this policy shall qualify with his/her duty weapon(s) prior to returning to his/her regular duty assignment.

F. Return of Weapons

1. The examination and testing of firearms may take several weeks and/or months to complete. When an officer's weapon is returned to the police department, and it is no longer needed by the Washington County or Fayetteville City Prosecutor, the firearm shall be inspected by a certified armorer to determine if the weapon is safe to reissue.

G. Employee Assistance

1. When an officer is involved in a shooting, it shall be the policy of the Fayetteville Police Department to provide services to the officer, including but not limited to, critical stress debriefing involving a professionally recognized counselor, chaplain, medical doctor, and/or peer group. The Chief of Police shall be responsible for selecting who is to be used for the critical stress debriefing. Critical stress debriefing should normally be held within the first seventy-two hours following the incident.
2. It shall be mandatory for officers who discharge their weapon at any person, or who has been shot, to attend the Employee Assistance Program and follow the treatment plan given.
3. The Chief of Police may choose to refer employees to an alternate mental healthcare professional who specializes in counseling for law enforcement personnel in place of the Employee Assistance Program.
4. An employee who was present during a shooting, but did not fire his/her weapon, or at whom a weapon was fired, shall be offered the option of the Employee Assistance Program.

5. An officer(s) involved in a shooting shall be given adequate time from work deemed necessary by the employee and the Chief of Police.
6. The Chief of Police has the discretion to require an employee to participate in an independent fitness for duty evaluation. If the Chief of Police determines there is a question about an employee's fitness for duty, the evaluation will not be conducted by any healthcare professional that provided post-shooting intervention and/or counseling.

H. Employee Injury

1. All police department employees shall complete a Line of Duty Death/Serious Injury Personal Information Sheet (LODD form) annually.
2. The Administrative Captain will distribute LODD forms for completion and revision annually.
3. Completed LODD forms shall be maintained in each employee's administrative file at the police department.
4. In most cases, notification shall be made by a member of the department's administration with assistance of the department's chaplain anytime there is an on-duty employee death, serious injury or serious illness. Depending on the situation, a member of the department's administration may assign or allow another sworn member of the department to make the notification or accompany during the notification (FPD GO 21). Every effort will be made to honor the employee's wishes, based on his/her completed LODD form.
5. Fayetteville Police Department employees are absolutely forbidden to release information concerning an employee's line of duty injury or death, unless given express permission to do so by the Chief of Police.

I. Social Media

1. Social media postings by police department employees of any kind concerning Fayetteville police officer involved shootings are absolutely forbidden, unless given express permission to do so by the Chief of Police.

POLICIES, PROCEDURES, AND RULES

Subject: 22.3 Secondary Employment	Effective Date: July 7, 2015
Reference: Arkansas Statute 12-9-102	Version: 2
CALEA: 22.3.4, 22.3.5	No. Pages: 3

I. Purpose

To establish guidelines for secondary employment by members of the Fayetteville Police Department.

II. Policy

It is the policy of the Fayetteville Police Department to allow agency personnel to engage in approved secondary employment opportunities within the guidelines of this policy [CALEA 22.3.4].

III. Definitions

- A. Extra-Duty Employment – secondary employment wherein the actual or potential use of law enforcement powers is anticipated.
- B. Off-Duty Employment – secondary employment wherein the actual or potential use of law enforcement powers is not anticipated.

IV. Departmental Limitations

- A. Employees may not engage in employment that is a threat to the status and dignity of law enforcement as a professional occupation. Employment representing such a threat includes, but is not limited to: [CALEA 22.3.4]
 - 1. Employment at establishments that promote obscenity or pornography as defined by the Arkansas Criminal Code.
 - 2. Any employment where the dispensing or consumption of alcoholic beverages is the primary function of the business. This prohibition does not include approval obtained by the Chief of Police for working special events where alcoholic beverage permits have been granted.
 - 3. Any employment where gambling occurs as the main source of activity. (This does not include civic fund raising events where the proceeds are used to support legitimate charities or other nonprofit agencies).
 - 4. Any employment where the employer is involved in a labor or civil rights dispute.

5. Any employment with individuals or companies of questionable business interest where there could be a decrease in trust and confidence from the public.
 6. Any employment whereby the nature of such employment would interfere with the performance of official duties, jeopardize in any manner the impartial position of the Department or create a liability concern that might involve the employee violating any procedure, ordinance or law.
 7. Any employment that might present potential conflicts of interest for employees between the Departmental duties and their duties for a secondary employer.
 8. Any employment that creates a decrease in trust and confidence from the public.
- B. To be eligible for secondary employment, employees must be in good standing with the department. The employee's history of past disciplinary actions shall be taken into consideration by the Chief of Police when determining eligibility.
 - C. Employees must have completed the Field Training Program before being eligible to work extra-duty employment.
 - D. Employees absent from duty, due to sickness, may not engage in secondary employment during the hours in which they were regularly scheduled to work.
 - E. Employees on light duty status, extended sick leave (more than three consecutive days), worker's compensation, FMLA, administrative leave or suspension are not authorized to work any extra-duty employment without the written consent of the Chief of Police.
 - F. Employees will not engage in any secondary employment that might affect the objectivity and independence of their judgment or conduct in performing their official duties and responsibilities.
 - G. Work hours for all secondary employment must be scheduled in a way that does not conflict nor interfere with the employee's official performance of duty. Special consideration will not be given to scheduling of the employee's duty hours to accommodate secondary employment.
 - H. All employees of the Department engaged in secondary employment are subject to call out in case of emergency and will be expected to leave any other employment in such situations.
 - I. Employees will not report to duty physically or mentally exhausted to the point where their performance is affected because of any secondary employment.
 - J. Extra-duty employment is limited to within the corporate limits of the City of Fayetteville. Off-duty employment may be authorized outside the city limits.

V. Guidelines

- A. Employees must complete a Request for Approval of Extra Employment Outside Department Form Request For Approval Of Secondary Employment Outside Department form prior to seeking secondary employment. This form must be routed through the employee's chain of command [CALEA 22.3.5 a.].
- B. Additionally, all non-sworn employees are required to submit an Outside Employment Request form through their chain of command to the Chief of Police and the City Attorney, in compliance with City of Fayetteville Policy and Procedure HR-15.

- C. The Chief of Police, or his designee, will have final approval or disapproval authority for requests of secondary employment, and no employee shall work such employment until authorization has been obtained [CALEA 22.3.5 c.].
- D. ~~The Request for Approval of Extra Employment~~ The Request For Approval Of Secondary Employment Outside Department form shall contain the significant aspects of the secondary employment job the employee is seeking [CALEA 22.3.5 e.].
- E. A copy of all approved secondary employment forms shall be routed to the Administrative Captain for filing and review for adherence of this policy [CALEA 22.3.5 d.].
- F. Once on-going secondary employment has been approved, the employee must resubmit a “new” request for approval form at the beginning of each year.
- G. Once granted, approval for secondary employment can be revoked or annual renewal denied when, in the judgment of the employee’s chain of command, the secondary employment becomes incompatible with departmental employment or adversely affects the employee’s job performance or efficiency [CALEA 22.3.5 c.].

VI. Accountability

- A. All employees engaged in extra-duty employment, uniformed or plain clothes, shall abide by the Policies, Procedures and Rules of the Fayetteville Police Department [CALEA 22.3.5 b.].
- B. Officers wearing his/her uniform off-duty are a representative of the Department. As such, the member shall avoid non-police related job duties that would tend to detract from the professional image of the Fayetteville Police Department. Officers must conduct themselves at all times in a manner consistent with public respect for the uniform of the Department [CALEA 22.3.5 b.].
- C. Arrests made while engaging in secondary employment, will be turned over to the on-duty patrol shift for transport. The extra-duty or off-duty officer shall complete all necessary and required reports detailing the facts of the case.
- D. All sworn personnel working secondary employment are required to take enforcement action, within the jurisdiction of the Department, in an emergency. Under no circumstances shall an officer refuse a request due to being “off-duty” [CALEA 22.3.5 b.].
- E. All sworn personnel who are working an approved secondary employment job and engage in the duties of a law enforcement officer, as defined by Arkansas Statute 12-9-102, shall be considered “on-duty” and shall be compensated by the City of Fayetteville.
- F. The secondary employer will not be allowed to compensate sworn personnel for any time the employee was paid by the City of Fayetteville. It is the responsibility of the sworn employee to reconcile their work time through the City’s timekeeping software and their secondary employer.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
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Text File

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File Type: Presentation

Agenda Number: D. 1

**AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY
PRESENTATION - CHAMBER OF COMMERCE**

Agenda Session 11/10/16

City of Fayetteville, Arkansas

*113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323*



Meeting Agenda - Tentative Agenda

Thursday, November 10, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

1. 2016-0515

**CITY COUNCIL PRESENTATION OF THE 2015 ANNUAL AUDIT REPORT
PRESENTED BY PAUL BECKER**

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions

A. Consent:

A. 1 2015-0659

APPROVAL OF THE NOVEMBER 1, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 2016-0496

JOHN DEERE COMPANY:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE 310L BACKHOE FROM JOHN DEERE COMPANY OF MOLINE, ILLINOIS IN THE AMOUNT OF \$90,316.56, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments: JOHN DEERE COMPANY

A. 32016-0495

Move

BID NO. 16-59 TRUCK CENTERS OF ARKANSAS:to
NB
#1

A RESOLUTION TO AWARD BID NO. 16-59 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$404,865.00 FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments:BID #16-59 TRUCK CENTERS OF ARKANSASA. 42016-0526Move
to**BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.:**NB
#2

A RESOLUTION TO AWARD BID NO. 16-62 AND AUTHORIZE THE PURCHASE OF A MOBILE FIRE TRAINING SIMULATOR FROM AMERICAN FIRE TRAINING CENTERS, INC. OF LOCKPORT, ILLINOIS IN THE AMOUNT OF \$609,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments:BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.A. 52016-0504**UA PROPERTIES, LLC COST SHARE AGREEMENT:**

A RESOLUTION TO APPROVE A 50/50 COST SHARE AGREEMENT WITH UA PROPERTIES, LLC FOR CONSTRUCTION OF A WATER MAIN ALONG A PORTION OF SMITH AVENUE BETWEEN WEST MARKHAM ROAD AND NORTH THOMAS AVENUE AT A TOTAL COST OF \$13,912.68

Attachments:UA PROPERTIES, LLC COST SHARE AGREEMENT

✓A.6 2016-0507

2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$10,000.00 TO CONTINUE THE E-WASTE COUPON REDEMPTION PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT BA 2016
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT

✓A.7 2016-0513

DESTRUCTION OF CERTAIN RECORDS:

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS

Attachments: DESTRUCTION OF CERTAIN RECORDS

✓A.8 2016-0514

JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$17,455.00 FOR SITE DRAINAGE IMPROVEMENTS RELATED TO THE FAYETTEVILLE SENIOR CENTER KITCHEN EXPANSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROJECT IN THE AMOUNT OF \$95,000.00

Attachments: JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2
BA JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2

A.9 2016-0512**2016 BULLETPROOF VEST PARTNERSHIP PROGRAM:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$13,237.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM
 BA 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM

B. Unfinished Business:**B.1** 2016-0432**RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

(LEFT ON THE SECOND READING)

Attachments: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading. At the October 18, 2016 City Council Meeting this ordinance was left on the second reading. At the November 1, 2016 City Council Meeting this ordinance was tabled to November 15, 2016.

B.2 2016-0467**VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):**

AN ORDINANCE TO APPROVE VAC 16-5571 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. TO VACATE A PORTION OF JUPITER DRIVE FROM MCGUIRE STREET TO THE AEP SUBSTATION

(LEFT ON THE SECOND READING)

Attachments: VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE)

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading. At the November 1, 2016 City Council Meeting this ordinance was left on the second reading.

B.32016-0445**APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:**

A RESOLUTION TO GRANT THE APPEAL OF TIM BRISIEL OF LEGACY VENTURES AND TO APPROVE LARGE SCALE DEVELOPMENT 16-5488 MACEY DRIVE TOWNHOMES

Attachments: APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES

At the October 18, 2016 City Council Meeting this resolution was tables to November 1, 2016. At the November 1, 2016 City Council Meeting this resolution was tabled to November 15, 2016.

B.42016-0488**UARK CREDIT UNION REZONING APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

(LEFT ON THE FIRST READING)

Attachments: UARK CREDIT UNION REZONING APPEAL

At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.

B.52016-0490**WG LAND COMPANY APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

(LEFT ON THE FIRST READING)

Attachments: WG LAND COMPANY APPEAL

At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.

C. New Business:

~~C.1~~ 2016-0521

RZN 16-5609 (1764 N. STARR RD./HAYS):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5609 FOR APPROXIMATELY 26.83 ACRES LOCATED AT 1764 NORTH STARR ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE

Attachments: RZN 16-5609 (1764 N. STARR RD./HAYS)

~~C.2~~ 2016-0517

RZN 16-5633 (2350 W. WEDINGTON DR./UPTON):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5633 FOR APPROXIMATELY 0.80 ACRES LOCATED AT 2350 WEST WEDINGTON DRIVE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS, NEIGHBORHOOD SERVICES

Attachments: RZN 16-5633 (2350 W. WEDINGTON DR./UPTON)

~~C.3~~ 2016-0523

RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5598 FOR APPROXIMATELY 3.74 ACRES LOCATED AT 1777 SOUTH SMOKEHOUSE TRAIL FROM R-A, RESIDENTIAL AGRICULTURAL TO UT, URBAN THOROUGHFARE

Attachments: RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE)

~~C.4~~ 2016-0508**AMEND § 31.18 DISTRICT JUDGE COMPENSATION:**

AN ORDINANCE TO AMEND § 31.18 DISTRICT JUDGE COMPENSATION BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

Attachments: AMEND § 31.18 DISTRICT JUDGE COMPENSATION

~~C.5~~ 2016-0520**AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION:**

AN ORDINANCE TO AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION

~~C.6~~ 2016-0505**FAYETTEVILLE POLICE DEPARTMENT POLICIES:**

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.2.2 WARRANTLESS DETENTION, SEARCH AND SEIZURE; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 1.3.6 OFFICER-INVOLVED SHOOTING; AND 22.3 SECONDARY EMPLOYMENT

Attachments: FAYETTEVILLE POLICE DEPARTMENT POLICIES

D. City Council Agenda Session Presentations:~~D.1~~ 2016-0497

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY PRESENTATION - CHAMBER OF COMMERCE

E. City Council Tour:**F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

1. When an officer fires his/her weapon, the Chief of Police may request an independent criminal investigation by an outside police agency to determine if any law was broken by the officer(s) and/or the other involved subject(s). If an officer fires his/her weapon and causes injury or death of another person, the Chief of Police shall request an independent criminal investigation by an outside police agency to determine if any law was broken by the officer(s) and/or the other involved subject(s). It shall be the Chief of Police or his designee's discretion as to which, if any, outside agency shall be utilized.
2. The Chief of Police or his designee shall notify the Washington County Prosecuting Attorney about the shooting as soon as possible to allow the prosecutor the opportunity to visit and examine the crime scene.
3. The criminal investigators shall have priority to the crime scene, and they will allow the shooting team access once critical evidence has been identified and preserved.
4. During criminal investigation interviews of police department personnel, all constitutional guarantees shall be afforded to personnel as would be afforded to any citizen.
5. When circumstances dictate the criminal investigation is to be conducted by the Fayetteville Police Department Criminal Investigation Division, the supervisor in charge of the investigation shall keep the Chief of Police or his designee informed of the progress of the investigation.
 - a. When the investigation has concluded, the Chief of Police shall review the findings.
 - b. After a review of the findings, the Chief of Police shall direct the supervisor in charge of the investigation to forward the case file to the Washington County Prosecuting Attorney's Office for review.
 - c. The criminal investigation shall not be considered complete and/or closed until the investigation and findings have been reviewed by the prosecutor.
 - d. It is recognized the prosecutor may request additional interviews or investigation, and therefore the criminal investigation shall not be released to anyone other than the prosecutor and/or Fayetteville City Attorney, until the investigation has been reviewed and is officially completed and closed.

E. Administrative Leave

1. It shall be the policy of the Fayetteville Police Department that any officer who fires his/her weapon at any person, or who fires his/her

Pre Agenda Meeting 11/2/16

City of Fayetteville, Arkansas

*113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323*



Meeting Agenda - Tentative Agenda

Thursday, November 10, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:

*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

Agenda
Session
1. 2016-0497

ECONOMIC DEVELOPMENT QUARTERLY PRESENTATION - CHAMBER OF
COMMERCE

2. 2016-0515

CITY COUNCIL PRESENTATION OF THE 2015 ANNUAL AUDIT REPORT
PRESENTED BY PAUL BECKER

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions

A. Consent:

A.1 2015-0659

APPROVAL OF THE NOVEMBER 1, 2016 CITY COUNCIL MEETING MINUTES.

A.2 2016-0496

JOHN DEERE COMPANY:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE 310L
BACKHOE FROM JOHN DEERE COMPANY OF MOLINE, ILLINOIS IN THE AMOUNT
OF \$90,316.56, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE
COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE RECYCLING AND
TRASH COLLECTION DIVISION

Attachments: JOHN DEERE COMPANY

AV3 2016-0495

BID NO. 16-59 TRUCK CENTERS OF ARKANSAS:

A RESOLUTION TO AWARD BID NO. 16-59 AND AUTHORIZE THE PURCHASE OF THREE (3) FREIGHTLINER DUMP TRUCKS FROM TRUCK CENTERS OF ARKANSAS IN THE TOTAL AMOUNT OF \$404,865.00 FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT

Attachments: BID #16-59 TRUCK CENTERS OF ARKANSAS

AV4 2016-0526

BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.:

A RESOLUTION TO AWARD BID NO. 16-62 AND AUTHORIZE THE PURCHASE OF A MOBILE FIRE TRAINING SIMULATOR FROM AMERICAN FIRE TRAINING CENTERS, INC. OF LOCKPORT, ILLINOIS IN THE AMOUNT OF \$609,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE FIRE DEPARTMENT

Attachments: BID NO. 16-62 AMERICAN FIRE TRAINING CENTERS, INC.

A.V5 2016-0504

UA PROPERTIES, LLC COST SHARE AGREEMENT:

A RESOLUTION TO APPROVE A 50/50 COST SHARE AGREEMENT WITH UA PROPERTIES, LLC FOR CONSTRUCTION OF A WATER MAIN ALONG A PORTION OF SMITH AVENUE BETWEEN WEST MARKHAM ROAD AND NORTH THOMAS AVAENUE AT A TOTAL COST OF \$13,912.68

Attachments: UA PROPERTIES, LLC COST SHARE AGREEMENT

A.6 2016-0507

2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$10,000.00 TO CONTINUE THE E-WASTE COUPON REDEMPTION PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT
BA 2016 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT

A.7 2016-0513

DESTRUCTION OF CERTAIN RECORDS:

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT CODE SECTIONS OF THE ARKANSAS CODE ANNOTATED RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS

Attachments: DESTRUCTION OF CERTAIN RECORDS

A.8 2016-0514

JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$17,455.00 FOR SITE DRAINAGE IMPROVEMENTS RELATED TO THE FAYETTEVILLE SENIOR CENTER KITCHEN EXPANSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROJECT IN THE AMOUNT OF \$95,000.00

Attachments: JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2
BA JBZ, INC. D/B/A ELLINGSON CONTRACTING CHANGE ORDER NO. 2

✓
A. 9 2016-0512

2016 BULLETPROOF VEST PARTNERSHIP PROGRAM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$13,237.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM
 BA 2016 BULLETPROOF VEST PARTNERSHIP PROGRAM

(A. 10) **2016-0505**

last new business
FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.2.2 WARRANTLESS DETENTION, SEARCH AND SEIZURE; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 1.3.6 OFFICER-INVOLVED SHOOTING; AND 22.3 SECONDARY EMPLOYMENT

Attachments: FAYETTEVILLE POLICE DEPARTMENT POLICIES

B. Unfinished Business:

✓
B. 1 2016-0432

RZN 16-5550 (2155 N. RUPPLE RD./HAZEN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5550 FOR APPROXIMATELY 70 ACRES LOCATED EAST AND WEST OF RUPPLE ROAD AND SOUTH OF MOUNT COMFORT ROAD FROM RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

(LEFT ON THE SECOND READING)

Attachments: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)
 ADDITIONAL: RZN 16-5550 (2155 N. RUPPLE RD./HAZEN)

At the October 4, 2016 City Council Meeting this ordinance was left on the first reading. At the October 18, 2016 City Council Meeting this ordinance was left on the second reading. At the November 1, 2016 City Council Meeting this ordinance was tabled to November 15, 2016.

B✓2

2016-0467**VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE):**

AN ORDINANCE TO APPROVE VAC 16-5571 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. TO VACATE A PORTION OF JUPITER DRIVE FROM MCGUIRE STREET TO THE AEP SUBSTATION

(LEFT ON THE SECOND READING)

Attachments: VAC 16-5571 (WEST JUPITER DR./JUPITER DRIVE)

At the October 18, 2016 City Council Meeting this ordinance was left on the first reading. At the November 1, 2016 City Council Meeting this ordinance was left on the second reading.

B✓3

2016-0445**APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES:**

A RESOLUTION TO GRANT THE APPEAL OF TIM BRISIEL OF LEGACY VENTURES AND TO APPROVE LARGE SCALE DEVELOPMENT 16-5488 MACEY DRIVE TOWNHOMES

Attachments: APPEAL OF LSD 16-5488 THE MACEY DRIVE TOWNHOMES

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B✓

2016-0488**UARK CREDIT UNION REZONING APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5589 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 714 WEST MARTIN LUTHER KING BOULEVARD AND 511 HILL AVENUE FROM RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL

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Attachments: UARK CREDIT UNION REZONING APPEAL

At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.

B/5 2016-0490

WG LAND COMPANY APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 16-5590 FOR APPROXIMATELY 23 ACRES LOCATED NORTHEAST OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL TO C-3, CENTRAL COMMERCIAL

(LEFT ON THE FIRST READING)Attachments: WG LAND COMPANY APPEAL*At the November 1, 2016 City Council Meeting this ordinance was left on the first reading.***C. New Business:**

CM1 2016-0521

RZN 16-5609 (1764 N. STARR RD./HAYS):

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Attachments: RZN 16-5609 (1764 N. STARR RD./HAYS)

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Attachments: RZN 16-5633 (2350 W. WEDINGTON DR./UPTON)

Cv3 2016-0523

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Attachments: RZN 16-5598 (1777 S. SMOKEHOUSE TRAIL/OZARK MOUNTAIN SMOKEHOUSE)

Cv4 2016-0508

AMEND § 31.18 DISTRICT JUDGE COMPENSATION:

AN ORDINANCE TO AMEND § 31.18 DISTRICT JUDGE COMPENSATION BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

Attachments: AMEND § 31.18 DISTRICT JUDGE COMPENSATION

Cv5 2016-0520

AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION:

AN ORDINANCE TO AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION OF ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE OF THE FAYETTEVILLE CITY CODE TO EXPAND THE SCOPE OF THE COMMITTEE'S DUTIES, TO RECOMMEND THAT THE CITY COUNCIL APPOINTEE SHOULD ALSO SERVE ON THE TRANSPORTATION COMMITTEE, AND TO ESTABLISH A TIME FOR THE ELECTION OF THE COMMITTEE CHAIR

Attachments: AMEND § 33.350 PURPOSE AND ESTABLISHMENT AND § 33.351 COMPOSITION

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

G. Adjournment**NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.